

Appendix AI Administrative Instructions Under the PCT

(as in force from April 1, 2007)

TABLE OF CONTENTS¹

| | | | |
|------------------------|---|------------------------|---|
| PART 1: | INSTRUCTIONS RELATING TO GENERAL MATTERS | Section 207 | Arrangement of Elements and Numbering of Sheets of the International Application |
| | | Section 208 | Sequence Listings |
| Section 101 | Abbreviated Expressions and Interpretation | Section 209 | Indications as to Deposited Biological Material on a Separate Sheet |
| Section 102 | Use of the Forms | Section 210 | <i>[Deleted]</i> |
| Section 102 <i>bis</i> | Filing of PCT-EASY Request Together with PCT-EASY Physical Medium Containing Request Data and Abstract | Section 211 | Declaration as to the Identity of the Inventor |
| Section 103 | Languages of the Forms Used by International Authorities | Section 212 | Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent |
| Section 104 | Language of Correspondence in Cases Not Covered by Rule 92.2 | Section 213 | Declaration as to the Applicant's Entitlement to Claim Priority of Earlier Application |
| Section 105 | Identification of International Application with Two or More Applicants | Section 214 | Declaration of Inventorship |
| Section 106 | Change of Common Representative | Section 215 | Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty |
| Section 107 | Identification of International Authorities and of Designated and Elected Offices | Section 216 | Notice of Correction or Addition of a Declaration under Rule 26 <i>ter</i> |
| Section 108 | Correspondence Intended for the Applicant | | |
| Section 109 | File Reference | | |
| Section 110 | Dates | PART 3: | INSTRUCTIONS RELATING TO THE RECEIVING OFFICE |
| Section 111 | <i>[Deleted]</i> | | |
| 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) | Section 301 | Notification of Receipt of Purported International Application |
| Section 113 | Special Fees Payable to the International Bureau | Section 302 | Priority Claim Considered Not to Have Been Made |
| Section 114 | <i>[Deleted]</i> | Section 303 | Deletion of Additional Matter in the Request |
| Section 115 | Indications of States, Territories and Intergovernmental Organizations | Section 304 | Invitation to Pay Fees before Date on Which They Are Due |
| PART 2: | INSTRUCTIONS RELATING TO THE INTERNATIONAL APPLICATION | Section 305 | Identifying the Copies of the International Application |
| | | Section 305 <i>bis</i> | Preparation, Identification and Transmittal of the Copies of the Translation of the International Application |
| Section 201 | Language of the International Application | Section 305 <i>ter</i> | Identification and Transmittal of the Translation of an Earlier Application Furnished under Rule 20.6(a)(iii) |
| Section 202 | <i>[Deleted]</i> | Section 306 | Delayed Transmittal of Search Copy |
| Section 203 | Different Applicants for Different Designated States | Section 307 | System of Numbering International Applications |
| Section 204 | Headings of the Parts of the Description | Section 308 | Marking of the Sheets of the International Application and of the Translation Thereof |
| Section 205 | Numbering and Identification of Claims upon Amendment | Section 308 <i>bis</i> | Marking of Later Submitted Sheets |
| Section 206 | Unity of Invention | | |

¹ Table of Contents added for the convenience of the reader; it is not part of the Administrative Instructions.

MANUAL OF PATENT EXAMINING PROCEDURE

| | | | |
|------------------------|---|------------------------|---|
| Section 309 | Procedure in the Case of Later Submitted Sheets Furnished for the Purposes of Incorporation by Reference | Section 326 | Withdrawal by Applicant under Rule 90 <i>bis</i> .1, 90 <i>bis</i> .2, or 90 <i>bis</i> .3 |
| Section 310 | Procedure in the Case of Later Submitted Sheets Not Furnished for the Purposes of Incorporation by Reference | Section 327 | <i>Ex Officio</i> Correction of Request by the Receiving Office |
| Section 310 <i>bis</i> | Procedure in the Case of Later Submitted Sheets Resulting in the Correction of the International Filing Date under Rule 20.5(c) | Section 328 | Notifications Concerning Representation |
| Section 310 <i>ter</i> | Procedure in the Case of Later Submitted Sheets Furnished after the Expiration of the Applicable Time Limit Referred to in Rule 20.7 | Section 329 | Correction of Indications Concerning the Applicant's Residence or Nationality |
| Section 311 | Renumbering in the Case of Deletion, Substitution or Addition of Sheets of the International Application and of the Translation Thereof | Section 330 | Transmittal of Record Copy Prevented or Delayed by National Security Prescriptions |
| Section 312 | Notification of Decision Not to Issue Declaration that the International Application Is Considered Withdrawn | Section 331 | Receipt of Confirmation Copy |
| Section 313 | Documents Filed with the International Application; Manner of Marking the Necessary Annotations in the Check List | Section 332 | Notification of Languages Accepted by the Receiving Office under Rules 12.1(a) and (c) and 12.4(a) |
| Section 314 | Correction or Addition of a Priority Claim under Rule 26 <i>bis</i> | Section 333 | Transmittal of International Application to the International Bureau as Receiving Office |
| Section 315 | [<i>Deleted</i>] | Section 334 | Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date |
| Section 316 | Procedure in the Case Where the International Application Lacks the Prescribed Signature | Section 335 | Transmittal of PCT-EASY Request Data and Abstract |
| Section 317 | Transmittal of a Notice of Correction or Addition of a Declaration under Rule 26 <i>ter</i> .1 | Section 336 | Waivers under Rules 90.4(d) and 90.5(c) |
| Section 318 | Cancellation of Designations of Non-Contracting States | PART 4: | INSTRUCTIONS RELATING TO THE INTERNATIONAL BUREAU |
| Section 319 | Procedure under Rule 4.9(b) | Section 401 | Marking of the Sheets of the Record Copy |
| Section 320 | Invitation to Pay Fees under Rule 16 <i>bis</i> .1(a) | Section 402 | Correction or Addition of a Priority Claim under Rule 26 <i>bis</i> |
| Section 321 | Application of Moneys Received by the Receiving Office in Certain Cases | Section 403 | Transmittal of Protest Against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention |
| Section 322 | Invitation to Submit a Request for Refund of the Search Fee | Section 404 | International Publication Number of International Application |
| Section 323 | Transmittal of Priority Documents to International Bureau | Section 405 | Publication of Notifications of Languages Accepted by the Receiving Office under Rules 12.1(a) and (c) and 12.4(a) |
| Section 324 | Copy of Notification of the International Application Number and the International Filing Date under Rule 20.2(c) | Section 406 | Publication of International Applications |
| Section 325 | Corrections of Defects Under Rule 26.4, Rectifications of Obvious Mistakes under Rule 91, and Corrections under Rule 9.2 | Section 407 | The Gazette |
| | | Section 408 | Priority Application Number |
| | | Section 409 | Priority Claim Considered Not to Have Been Made |
| | | Section 410 | Numbering of Sheets for the Purposes of International Publication; Procedure in Case of Missing Sheets |
| | | Section 411 | Receipt of Priority Document |
| | | Section 411 <i>bis</i> | Receipt of Translation of Earlier Application under Rule 20.6(a)(iii) |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| | | | |
|------------------------|---|----------------|---|
| Section 412 | Notification of Lack of Transmittal of Search Copy | Section 435 | Communication of Publications and Documents |
| Section 413 | Incorporations by Reference under Rule 20, Corrections of Defects under Rule 26.4, Rectifications of Obvious Mistakes under Rule 91, and Corrections under Rule 9.2 | PART 5: | INSTRUCTIONS RELATING TO THE INTERNATIONAL SEARCHING AUTHORITY |
| Section 413 <i>bis</i> | Rectifications of Obvious Mistakes under Rule 91 | Section 501 | Corrections Submitted to the International Searching Authority Concerning Expressions, Etc., Not to Be Used in the International Application |
| Section 414 | Notification to the International Preliminary Examining Authority Where the International Application is Considered Withdrawn | Section 502 | Transmittal of Protest against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention |
| Section 415 | Notification of Withdrawal under Rule 90 <i>bis</i> .1, 90 <i>bis</i> .2, 90 <i>bis</i> .3 or 90 <i>bis</i> .4 | Section 503 | Method of Identifying Documents Cited in the International Search Report and the Written Opinion of the International Searching Authority |
| Section 416 | Correction of Request in Record Copy | Section 504 | Classification of the Subject Matter of the International Application |
| Section 417 | Processing of Amendments under Article 19 | Section 505 | Indication of Citations of Particular Relevance in the International Search Report |
| Section 418 | Notifications to Elected Offices Where the Demand Is Considered Not to Have Been Submitted or Made | Section 506 | [Deleted] |
| Section 419 | Processing of a Declaration under Rule 26 <i>ter</i> | Section 507 | Manner of Indicating Certain Special Categories of Documents Cited in the International Search Report |
| Section 420 | Copy of International Application and International Search Report for the International Preliminary Examining Authority | Section 508 | Manner of Indicating the Claims to Which the Documents Cited in the International Search Report Are Relevant |
| Section 421 | Invitation to Furnish a Copy of the Priority Document | Section 509 | International Search and Written Opinion of the International Searching Authority on the Basis of a Translation of the International Application |
| Section 422 | Notifications Concerning Changes Recorded under Rule 92 <i>bis</i> .1 | Section 510 | Refund of Search Fee in Case of Withdrawal of International Application |
| Section 422 <i>bis</i> | Objections Concerning Changes in the Person of the Applicant Recorded under Rule 92 <i>bis</i> .1(a) | Section 511 | Rectifications of Obvious Mistakes under Rule 91 |
| Section 423 | Cancellation of Designations and Elections | Section 512 | Notifications Concerning Representation |
| Section 424 | Procedure under Rule 4.9(b) | Section 513 | Sequence Listings |
| Section 425 | Notifications Concerning Representation | Section 514 | Authorized Officer |
| Section 426 | [Deleted] | Section 515 | Amendment of Established Abstract in Response to Applicant's Comments |
| Section 427 | [Deleted] | Section 516 | Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date |
| Section 428 | [Deleted] | Section 517 | Waivers under Rules 90.4(d) and 90.5(c) |
| Section 429 | [Deleted] | | |
| Section 430 | Notification of Designations under Rule 32 | | |
| Section 431 | Publication of Notice of Submission of Demand | | |
| Section 432 | Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date | | |
| Section 433 | Waivers under Rule 90.4(d) | | |
| Section 434 | Publication of Information Concerning Waivers under Rules 90.4(d) and 90.5(c) | | |

MANUAL OF PATENT EXAMINING PROCEDURE

| | | | |
|----------------|---|----------------|---|
| Section 518 | Guidelines for Explanations Contained in the Written Opinion of the International Searching Authority | Section 702 | Filing, Processing and Communication in Electronic Form of International Applications |
| PART 6: | INSTRUCTIONS RELATING TO THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY | Section 703 | Filing Requirements; Basic Common Standard |
| Section 601 | Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date | Section 704 | Receipt; International Filing Date; Signature; Physical Requirements |
| Section 602 | Processing of Amendments by the International Preliminary Examining Authority | Section 705 | Home Copy, Record Copy and Search Copy Where International Application Is Filed in Electronic Form |
| Section 603 | Transmittal of Protest against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention | Section 705bis | Processing in Electronic Form of International Applications Filed on Paper; Home Copy, Record Copy and Search Copy |
| Section 604 | Guidelines for Explanations Contained in the International Preliminary Examination Report | Section 706 | Backup Copies |
| Section 605 | File to Be Used for International Preliminary Examination | Section 707 | Calculation of International Filing Fee and Fee Reduction |
| Section 606 | Cancellation of Elections | Section 708 | Special Provisions Concerning Legibility, Completeness, Infection by Viruses, Etc. |
| Section 607 | Rectifications of Obvious Mistakes under Rule 91 | Section 709 | Means of Communication with the Receiving Office |
| Section 608 | Notifications Concerning Representation | Section 710 | Notification and Publication of Receiving Offices' Requirements and Practices |
| Section 609 | Withdrawal by Applicant under Rules 90bis.1, 90bis. 2, or 90bis.3 | Section 711 | Electronic Records Management |
| Section 610 | [Deleted] | Section 712 | Access to Electronic Records |
| Section 611 | Method of Identification of Documents in the International Preliminary Examination Report | Section 713 | Application of Provisions to International Authorities and the International Bureau, and to Notifications, Communications, Correspondence and Other Documents |
| Section 612 | Authorized Officer | Section 714 | Furnishing by the International Bureau of Copies of Documents Kept in Electronic Form; Designated Offices' Signature Requirements |
| Section 613 | Invitation to Submit a Request for Refund of Fees under Rule 57.6 or 58.3 | PART 8: | INSTRUCTIONS RELATING TO INTERNATIONAL APPLICATIONS CONTAINING LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS AND/OR TABLES RELATING THERETO |
| Section 614 | Evidence of Right to File Demand | Section 801 | Filing of International Applications Containing Sequence Listings and/or Tables |
| Section 615 | Invitation to Pay Fees before Date on Which They Are Due | Section 802 | Format and Identification Requirements Relating to International Applications Containing Sequence Listings and/or Tables |
| Section 616 | International Preliminary Examination on the Basis of a Translation of the International Application | Section 803 | Calculation of International Filing Fee for International Applications Containing Sequence Listings and/or Tables |
| Section 617 | Waivers under Rules 90.4(d) and 90.5(c) | | |
| PART 7: | INSTRUCTIONS RELATING TO THE FILING AND PROCESSING IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS | | |
| Section 701 | Abbreviated Expressions | | |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| | | | |
|-------------|--|--------------------|---|
| Section 804 | Preparation, Identification and Transmittal of Copies of International Applications Containing Sequence Listings and/or Tables | ANNEX C | STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT |
| Section 805 | Publication and Communication of International Applications Containing Sequence Listings and/or Tables; Copies; Priority Documents | ANNEX C-bis | TECHNICAL REQUIREMENTS FOR THE PROSECUTION OF TABLES RELATED TO NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT |
| Section 806 | Sequence Listings and/or Tables for Designated Office | | |

ANNEXES

| | | | |
|----------------|---|----------------|--|
| ANNEX A | FORMS | ANNEX D | INFORMATION FROM FRONT PAGE OF PUBLISHED INTERNATIONAL APPLICATION TO BE INCLUDED IN THE GAZETTE UNDER RULE 86.1(i) |
| Part I: | Forms Relating to the Receiving Office | | |
| Part II: | Forms Relating to the International Searching Authority | | |
| Part III: | Forms Relating to the International Bureau | ANNEX E | INFORMATION TO BE PUBLISHED IN THE GAZETTE UNDER RULE 86.1(v) |
| Part IV: | Forms Relating to the International Preliminary Examining Authority | | |
| Part V: | Request and Demand Forms | ANNEX F | STANDARD FOR THE ELECTRONIC FILING AND PROCESSING OF INTERNATIONAL APPLICATIONS |
| ANNEX B | UNITY OF INVENTION | | |

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 Section 103, 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/152 |
| PCT/RO/104 | PCT/RO/117 | PCT/RO/153 |
| PCT/RO/105 | PCT/RO/118 | PCT/RO/154 |
| PCT/RO/106 | PCT/RO/123 | PCT/RO/155 |
| PCT/RO/107 | PCT/RO/126 | PCT/RO/156 |
| PCT/RO/109 | PCT/RO/133 | PCT/RO/157 |
| PCT/RO/110 | PCT/RO/136 | PCT/RO/158 |
| PCT/RO/111 | PCT/RO/143 | PCT/RO/159 |
| PCT/RO/112 | PCT/RO/147 | |
| PCT/RO/113 | PCT/RO/150 | |
| PCT/RO/114 | PCT/RO/151 | |

- (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:

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

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| | | |
|------------|------------|------------|
| PCT/IB/301 | PCT/IB/325 | PCT/IB/357 |
| PCT/IB/304 | PCT/IB/326 | PCT/IB/358 |
| 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 |
| PCT/IPEA/405 | PCT/IPEA/416 | PCT/IPEA/441 |
| 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 particular 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 102bis

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

[Deleted]

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 91.3(d) 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 prior to the expiration of the time limit under Rule 91.3(d), the request for rectification, the reasons for refusal by the authority and any further brief comments submitted by the applicant shall not be published. Where the last sentence of Rule 91.3(d) 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(e) shall be payable to the International Bureau

and shall be 50 Swiss francs plus 12 Swiss francs for each sheet in excess of one.

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 contained 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 designated Offices, which have so notified the International Bureau under Rule 13*bis*.7(a), paragraph (a) applies only if 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/...], ... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application”

(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 51bis.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*)”

(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 51bis.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51bis.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 51bis.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 ...

(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*)”

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 international 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/...],

MANUAL OF PATENT EXAMINING PROCEDURE

... (*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*): ...”

Section 216

Notice of Correction or Addition of a Declaration under Rule 26ter

Any notice referred to in Rule 26ter.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.

PART 3

INSTRUCTIONS RELATING TO THE RECEIVING OFFICE

Section 301

Notification of Receipt of Purported International Application

Before the determination under Article 11(1), the receiving Office may notify the applicant of the receipt of the purported international application. The notification should indicate the date of actual receipt and the international application number of the purported international application referred to in Section 307 as well as, where useful for purposes of identification, the title of the invention.

Section 302

Priority Claim Considered Not to Have Been Made

Where the receiving Office declares, under Rule 26*bis*.2(b), that a priority claim is considered not to have been made, that Office shall enclose the priority claim concerned within square brackets, draw a line between the square brackets, while still leaving legible the indications concerned, and enter, in the margin, the words “NOT TO BE CONSIDERED FOR PCT PROCEDURE (RO)” or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify that Bureau and that Authority.

Section 303

Deletion of Additional Matter in the Request

(a) Where, under Rule 4.19(b), the receiving Office deletes *ex officio* any matter contained in the request, it shall do so by enclosing such matter within square brackets and entering, in the margin, the words “DELETED BY RO” or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Search-

ing Authority, the receiving Office shall also notify that Bureau and that Authority.

(b) The receiving Office shall not delete *ex officio* any indication made in declarations referred to in Rule 4.17 which are contained in the request.

Section 304

Invitation to Pay Fees Before Date on Which They Are Due

If the receiving Office finds, before the date on which they are due, that the transmittal fee, the international filing fee (including any supplement per sheet over 30) or the search fee are lacking in whole or in part, it may invite the applicant to pay the missing amounts within one month from the date of receipt of the international application.

Section 305

Identifying the Copies of the International Application

(a) Where, under Rule 11.1(a), the international application has been filed in one copy, the receiving Office shall, after preparing under Rule 21.1(a) the additional copies required under Article 12(1), mark,

(i) the words “RECORD COPY” in the upper left-hand corner of the first page of the original copy,

(ii) in the same space on one additional copy, the words “SEARCH COPY”, and

(iii) in the same space on the other such copy, the words “HOME COPY,” or their equivalent in the language of publication of the international application.

(b) Where, under Rule 11.1(b), the international application has been filed in more than one copy, the receiving Office shall choose the copy most suitable for reproduction purposes, and mark the words “RECORD COPY,” or their equivalent in the language of publication of the international application, in the upper left-hand corner of its first page. After verifying the identity of any additional copies and, if applicable, preparing under Rule 21.1(b) the home copy, it shall mark, in the upper left-hand corner of the

first page of one such copy, the words “SEARCH COPY,” and, in the same space on the other such copy, the words “HOME COPY,” or their equivalent in the language of publication of the international application.

Section 305bis

Preparation, Identification and Transmittal of the Copies of the Translation of the International Application

(a) Where a translation of the international application is furnished under Rule 12.3, the receiving Office shall:

(i) be responsible for the prompt preparation of any additional copies required where the translation is furnished in less than the number of copies required for the purposes of this paragraph, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant;

(ii) mark the words “RECORD COPY-TRANSLATION (RULE 12.3)” in the upper left-hand corner of the first page of the original copy of the translation and transmit that copy to the International Bureau;

(iii) mark the words “SEARCH COPY-TRANSLATION (RULE 12.3)” in the same space on one additional copy of the translation which, together with a copy of the request marked “SEARCH COPY” under Section 305(a)(ii), is considered pursuant to Rule 23.1(b) to be the search copy, and transmit such search copy to the International Searching Authority; and

(iv) mark the words “HOME COPY-TRANSLATION (RULE 12.3)” in the same space on the other such copy of the translation, and keep that copy in its files.

(b) The receiving Office may, when marking the copies of the translation under paragraph (a), use, instead of the words referred to in that paragraph, the equivalent of those words in the language of publication of the international application.

(c) Where a translation of the international application is furnished under Rule 12.4, the receiving Office shall:

(i) be responsible for the prompt preparation of any additional copies required where the translation is furnished in less than the number of copies required for the purposes of this paragraph, and shall have the

right to fix a fee for performing that task and to collect such fee from the applicant;

(ii) mark the words “RECORD COPY – TRANSLATION (RULE 12.4)” in the upper left-hand corner of the first page of the original copy of the translation and transmit that copy to the International Bureau; and

(iii) mark the words “HOME COPY – TRANSLATION (RULE 12.4)” in the same space on the other such copy of the translation, and keep that copy in its files.

Section 305ter

Identification and Transmittal of the Translation of an Earlier Application Furnished under Rule 20.6(a)(iii)

Where a translation of an earlier application is furnished under Rule 20.6(a)(iii), the receiving Office shall mark the words “TRANSLATION OF EARLIER APPLICATION (RULE 20.6(a)(iii))” in the upper left-hand corner of the first page of the translation and, after having made a finding under Rule 20.6(b) or (c), transmit the translation to the International Bureau.

Section 306

Delayed Transmittal of Search Copy

Where the search copy will be transmitted to the International Searching Authority after the date on which the record copy is transmitted to the International Bureau, the receiving Office shall notify the International Bureau. The notification may be made by marking a check-box provided for this purpose on the request.

Section 307

System of Numbering International Applications

Papers purporting to be an international application under Rule 20.1(a) shall be allocated an international application number, consisting of the letters “PCT,” a slant, the two-letter code referred to in Section 115, indicating the receiving Office, a four-digit indication of the year in which such papers were first received, a slant and a six-digit number, allotted in sequential order corresponding to the order in which the international applications are received (e.g., “PCT/SE2004/000001”). Where the International

Bureau acts as receiving Office, the two-letter code “IB” shall be used.

Section 308

Marking of the Sheets of the International Application and of the Translation Thereof

(a) Upon receipt of papers purporting to be an international application, the receiving Office shall indelibly mark the date of actual receipt on the request of each copy received.

(b) The receiving Office shall indelibly mark the international application number referred to in Section 307 in the upper right-hand corner of each sheet of each copy of the purported international application and of any translation of the international application furnished under Rule 12.3 or 12.4.

(c) If a positive determination is made under Rule 20.2, the receiving Office shall mark on the request the name of the receiving Office and the words “PCT International Application” or “Demande internationale PCT”. If the official language of the receiving Office is neither English nor French, the words “International Application” or “Demande internationale” may be accompanied by a translation of these words in the official language of the receiving Office.

(d) If a negative determination is made under Rule 20.4 or a declaration is made under Article 14(4), the letters “PCT” shall be deleted by the receiving Office from the indication of the international application number on any papers marked previously with that number, and the said number shall be used without such letters in any future correspondence relating to the purported international application.

Section 308bis

Marking of Later Submitted Sheets

The receiving Office shall indelibly mark any sheet containing an element referred to in Article 11(1)(iii)(d) or (e), or a part referred to in Rule 20.5(a), received on a date later than the date on which sheets were first received (“later submitted sheet”), in the upper right-hand corner of each sheet, with the international application number referred to in Section 307 and the date of actual receipt of that sheet.

Section 309

Procedure in the Case of Later Submitted Sheets Furnished for the Purposes of Incorporation by Reference

(a) This Section applies, subject to paragraph (f), to later submitted sheets which accompany a notice confirming under Rule 20.6 that an element or part embodied in those sheets was incorporated by reference.

(b) Where later submitted sheets as referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and the receiving Office makes a finding under Rule 20.6(b), the receiving Office shall:

(i) indelibly mark, in the middle of the bottom margin of each later submitted sheet, the words “INCORPORATED BY REFERENCE (RULE 20.6)”, or their equivalent in the language of publication of the international application;

(ii) notify the applicant that the element or part contained in the later submitted sheets is considered to have been contained in the international application or purported international application on the date when sheets were first received and that that date has been accorded or retained, as the case may be, as the international filing date;

(iii) keep in its files a copy of the later submitted sheets marked under item (i) and of the notice under Rule 20.6(a);

(iv) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly, and transmit the later submitted sheets marked under item (i) to the said Bureau and a copy thereof to the said Authority;

(v) where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets marked under item (i) and the notice under Rule 20.6(a) to the record copy and a copy thereof to the search copy.

(c) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and the receiving Office makes a finding under Rule 20.6(c), the receiving Office shall, subject to Section 310bis:

(i) effect the required correction of the international filing date or accord as the international fil-

ing date the date of receipt of the later submitted sheets;

(ii) notify the applicant that the content of the later submitted sheets is not considered to have been contained in the international application or purported international application on the date when sheets were first received and that the international filing date has been accorded as, or corrected to, as the case may be, the date on which the new sheets were received;

(iii) keep in its files a copy of the later submitted sheets and of the notice under Rule 20.6(a);

(iv) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly and transmit a copy of the corrected first and last sheets of the request, the later submitted sheets and the notice under Rule 20.6(a) to the said Bureau and a copy thereof to the said Authority;

(v) where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets and the notice under Rule 20.6(a) to the record copy and a copy thereof to the search copy.

(d) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 but the purported international application still does not fulfill the requirements of Article 11(1), the receiving Office shall proceed as provided in Rule 20.4, but not before the expiration of the time limit under Rule 20.7.

(e) Where later submitted sheets referred to in paragraph (a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall proceed as provided in Section 310*ter*.

(f) Where later submitted sheets referred to in paragraph (a) are received but a missing element or part contained in those sheets cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of Rule 20.8(a), the receiving Office shall:

(i) inform the applicant that the notice under Rule 20.6(a) confirming the incorporation by reference of the missing element or part has been disregarded;

(ii) proceed in accordance with Section 310(b), which shall apply *mutatis mutandis*, as if the notice under Rule 20.6(a) were a correction furnished

under Rule 20.3(b)(i), or a missing part furnished under Rules 20.5(b) or (c), as the case may be; and

(iii) proceed in accordance with Section 310*bis*(b) where the applicant requests, within the time limit under Rule 20.5(e), that the missing part concerned be disregarded.

Section 310

Procedure in the Case of Later Submitted Sheets Not Furnished for the Purposes of Incorporation by Reference

(a) This Section applies to later submitted sheets which do not accompany a notice confirming under Rule 20.6 that an element or part embodied in those sheets was incorporated by reference.

(b) Where later submitted sheets as referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and where the international filing date is to be accorded under Rules 20.3(b)(i) or 20.5(b), or corrected under Rule 20.5(c), the receiving Office shall, subject to Section 310*bis*:

(i) accord the international filing date in accordance with Rules 20.3(b)(i) or 20.5(b), or effect the required correction of the international filing date in accordance with Rule 20.5(c), as the case may be;

(ii) notify the applicant of the correction or the according of the international filing date effected under item (i);

(iii) keep in its files a copy of the later submitted sheets;

(iv) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly and transmit a copy of the corrected first and last sheets of the request and the later submitted sheets to the said Bureau and a copy thereof to the said Authority;

(v) where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets to the record copy and a copy thereof to the search copy.

(c) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 but the purported international application still does not fulfill the requirements of Article 11(1), the receiving Office shall proceed as provided in Rule 20.4.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(d) Where later submitted sheets referred to in paragraph (a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall proceed as provided in Section 310*ter*.

Section 310*bis*

Procedure in the Case of Later Submitted Sheets Resulting in the Correction of the International Filing Date under Rule 20.5(c)

(a) Where, following the receipt of later submitted sheets referred to in Sections 309(a) or 310(a) within the applicable time limit referred to in Rule 20.7, the international filing date has been corrected under Rule 20.5(c), the receiving Office shall, in addition to proceeding under Sections 309(c)(i) to (iii), or 310(b)(i) to (iii), as the case may be:

(i) draw the attention of the applicant to the procedure available under Rule 20.5(e);

(ii) proceed under Sections 309(c)(iv) or (v), or 310(b)(iv) or (v), as the case may be, but only after the expiration of the time limit under Rule 20.5(e) and only where the applicant has not made a request under that Rule.

(b) Where the applicant requests within the time limit under Rule 20.5(e) that the missing part concerned be disregarded, the receiving Office shall:

(i) restore the international filing date to that which had applied prior to its correction under Rule 20.5(c);

(ii) indelibly mark, in the middle of the bottom margin of each sheet containing the missing part concerned, the words “NOT TO BE CONSIDERED (RULE 20.5(e))”, or their equivalent in the language of publication of the international application;

(iii) notify the applicant that the missing part is considered not to have been furnished and that the international filing date has been restored to that which had applied prior to its correction under Rule 20.5(c);

(iv) keep in its files a copy of the later submitted sheets marked under item (ii) and of the request made under Rule 20.5(e);

(v) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly, and transmit a copy of the corrected first and last sheets of the request, the later submitted

sheets marked under item (ii) and the request made under Rule 20.5(e) to the said Bureau and a copy thereof to the said Authority;

(vi) where transmittals under Article 12(1) have not yet been made, notify the International Bureau accordingly and attach the later submitted sheets marked under item (ii), the notice under Rule 20.6(a) and the request under Rule 20.5(e) to the record copy.

Section 310*ter*

Procedure in the Case of Later Submitted Sheets Furnished after the Expiration of the Applicable Time Limit Referred to in Rule 20.7

Where later submitted sheets referred to in Sections 309(a) or 310(a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall:

(i) notify the applicant of the fact and of the date of receipt of the later submitted sheets, and of the fact that they will not be considered for the PCT procedure;

(ii) indelibly mark, in the middle of the bottom margin of each sheet containing the missing element or part concerned, the words “NOT TO BE CONSIDERED (RULE 20.7)”, or their equivalent in the language of publication of the international application;

(iii) keep in its files a copy of the later submitted sheets marked under item (ii) and, where applicable, of the notice under Rule 20.6(a);

(iv) where transmittals under Article 12(1) have already been made, notify the International Bureau accordingly, and transmit the later submitted sheets marked under item (ii) and, where applicable, the notice under Rule 20.6(a) to the said Bureau;

(v) where transmittals under Article 12(1) have not yet been made, notify the International Bureau accordingly, and attach the later submitted sheets marked under item (ii) and, where applicable, the notice under Rule 20.6(a) to the record copy.

Section 311

Renumbering in the Case of Deletion, Substitution or Addition of Sheets of the International Application and of the Translation Thereof

(a) The receiving Office shall, subject to Section 207, sequentially renumber the sheets of the

international application when necessitated by the addition of any new sheet, the deletion of entire sheets, a change in the order of the sheets or any other reason.

(b) The sheets of the international application shall be provisionally renumbered in the following manner:

(i) when a sheet is deleted, the receiving Office shall either include a blank sheet with the same number and with the word “DELETED,” or its equivalent in the language of publication of the international application, below the number, or insert, in brackets, below the number of the following sheet, the number of the deleted sheet with the word “DELETED” or its equivalent in the language of publication of the international application;

(ii) when one or more sheets are added, each sheet shall be identified by the number of the preceding sheet followed by a slant and then by another Arabic numeral such that the additional sheets are numbered consecutively, starting always with number one for the first sheet added after an unchanged sheet (e.g., 10/1, 15/1, 15/2, 15/3, etc.); when later additions of sheets to an existing series of added sheets are necessary, an extra numeral shall be used for identifying the further additions (e.g., 15/1, 15/1/1, 15/1/2, 15/2, etc.).

(c) In the cases mentioned in paragraph (b), it is recommended that the receiving Office should write, below the number of the last sheet, the total number of the sheets of the international application followed by the words “TOTAL OF SHEETS” or their equivalent in the language of publication of the international application. It is further recommended that, at the bottom of any last sheet added, the words “LAST ADDED SHEET” or their equivalent in the language of publication of the international application should be inserted.

(d) Paragraphs (a) to (c) shall apply *mutatis mutandis* to any translation of the international application furnished under Rule 12.3 or 12.4.

Section 312

Notification of Decision Not to Issue Declaration that the International Application Is Considered Withdrawn

Where the receiving Office, after having notified the applicant under Rule 29.4 of its intent to issue a

declaration under Article 14(4), decides not to issue such a declaration, it shall notify the applicant accordingly.

Section 313

Documents Filed with the International Application; Manner of Marking the Necessary Annotations in the Check List

(a) Any power of attorney, any priority document, any fee calculation sheet and any separate sheet referred to in Section 209(a) containing indications as to deposited biological material, filed with the international application shall accompany the record copy; any other document referred to in Rule 3.3(a)(ii) shall be sent only at the specific request of the International Bureau. If any document which is indicated in the check list as accompanying the international application is not, in fact, filed at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

(b) Where, under Rule 3.3(b), the receiving Office itself completes the check list, that Office shall enter, in the margin, the words “COMPLETED BY RO” or their equivalent in the language of publication of the international application. Where only some of the indications are completed by the receiving Office, the said words and each indication completed by that Office shall be identified by an asterisk.

(c) Any sequence listing not forming part of the international application, whether on paper or in electronic form, that is furnished for the purposes of the international search to the receiving Office together with the international application or subsequent to the filing of the international application, shall be transmitted to the International Searching Authority together with the search copy. Where such a sequence listing is received by the receiving Office after the transmittal of the search copy, that sequence listing shall be promptly transmitted to the International Searching Authority.

Section 314

Correction or Addition of a Priority Claim Under Rule 26bis

(a) Where the applicant, in a notice submitted to the receiving Office, corrects or adds a priority

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

claim under Rule 26*bis*, that Office shall enter the correction or addition in the request, draw a line through, while still leaving legible, any indication deleted as a result of the correction, and enter, in the margin, the letters “RO.”

(b) The applicant and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority shall be promptly notified by the receiving Office of any correction or addition of a priority claim under Rule 26*bis* and of the date on which it received such correction or addition.

Section 315

[Deleted]

Section 316

Procedure in the Case Where the International Application Lacks the Prescribed Signature

Where, under Article 14(1)(a)(i), the receiving Office finds that the international application is defective in that it lacks the prescribed signature, that Office shall send to the applicant, together with the invitation to correct under Article 14(1)(b), a copy of the relevant sheet of the request part of the international application. The applicant shall, within the prescribed time limit, return said copy after affixing thereto the prescribed signature.

Section 317

Transmittal of a Notice of Correction or Addition of a Declaration under Rule 26*ter*.1

If a notice under Rule 26*ter*.1 is submitted by the applicant to the receiving Office, that Office shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been received by the International Bureau on the date marked.

Section 318

Cancellation of Designations of Non-Contracting States

The receiving Office shall cancel *ex officio* the designation of any State which is not a Contracting State, shall enclose that designation within square brackets,

shall draw a line between the square brackets while still leaving the designation legible, shall enter, in the margin, the words “CANCELLED EX OFFICIO BY RO” or their equivalent in the language of publication of the international application, and shall promptly notify the applicant accordingly. If the record copy has already been sent to the International Bureau, the receiving Office shall also notify that Bureau.

Section 319

Procedure under Rule 4.9(b)

(a) Where the receiving Office finds that the request contains an indication under Rule 4.9(b) that the designation of a State is not made but the request does not contain a priority claim to an earlier national application filed in that State, the receiving Office shall promptly notify the applicant accordingly and shall draw the applicant’s attention to Rule 26*bis*.

(b) If the receiving Office does not, before the expiration of the time limit under Rule 26*bis*.1(a), receive a notice correcting or adding a priority claim to an earlier national application filed in the State, the designation of which is not made, it shall cancel *ex officio* the indication under Rule 4.9(b), shall enclose that indication in square brackets, draw a line between the square brackets while still leaving the indication legible, enter, in the margins, the words “CANCELLED EX OFFICIO BY RO” or their equivalent in the language of publication of the international application, and promptly notify the applicant accordingly. If the record copy has already been sent to the International Bureau, the receiving Office shall also notify that Bureau.

Section 320

Invitation to Pay Fees under Rule 16*bis*.1(a)

When issuing an invitation under Rule 16*bis*.1(a), the receiving Office shall, if it received moneys from the applicant before the due date, inform the applicant of the fees to which those moneys have been applied.

Section 321

Application of Moneys Received by the Receiving Office in Certain Cases

(a) The receiving Office shall, to the extent that it has received instructions from the applicant as to

the fees to which it shall apply moneys received by it from the applicant, apply those moneys accordingly.

(b) Where the receiving Office receives moneys from the applicant which, together with any other moneys so received, are not sufficient to cover in full the transmittal fee (if any), the international filing fee and the search fee (if any), the receiving Office shall, to the extent that it has not received instructions from the applicant as to the fees to which it shall apply the moneys which are available for the purpose, apply those moneys in payment, successively, of the fees set out below to the extent that they are due and unpaid and in the order in which they appear below:

- (i) the transmittal fee;
- (ii) the international filing fee;
- (iii) the search fee.

Section 322

Invitation to Submit a Request for Refund of the Search Fee

The receiving Office may, before making a refund of the search fee under Rule 16.2, first invite the applicant to submit a request for the refund.

Section 323

Transmittal of Priority Documents to International Bureau

(a) Any priority document which is submitted to the receiving Office under Rule 17.1(a) shall be transmitted by that Office to the International Bureau together with the record copy or, if received after the record copy has been sent to the International Bureau, promptly after having been received by that Office.

(b) Where the priority document is issued by the receiving Office and the applicant has, not later than 16 months after the priority date, requested the receiving Office under Rule 17.1(b) to prepare and transmit it to the International Bureau, the receiving Office shall, promptly after receipt of such request (“request for priority document”) and, where applicable, the payment of the fee referred to in that Rule, transmit the priority document to the International Bureau. Where such request for priority document has been made but the required fee has not been paid, the receiving Office shall promptly notify the applicant that the request for priority document will be considered not to have been made unless the fee is paid not

later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination of the international application is requested.

(c) When transmitting a priority document, the receiving Office shall notify the International Bureau of the date on which it received the priority document or the request for priority document.

(d) Where a request for priority document has, under paragraph (b), been considered not to have been made, the receiving Office shall promptly notify the International Bureau. Where the receiving Office fails to notify the International Bureau accordingly within 17 months from the priority date, the receiving Office shall prepare and transmit the priority document to the International Bureau even though the required fee has not been paid by the applicant.

(e) Where a request for priority document has been received by the receiving Office later than 16 months after the priority date, or where such request has, under paragraph (b), been considered not to have been made, the receiving Office shall promptly notify the applicant accordingly, directing attention to the requirements of Rule 17.1(a).

Section 324

Copy of Notification of the International Application Number and the International Filing Date under Rule 20.2(c)

The copy, sent to the International Bureau, of the notification of the international application number and the international filing date under Rule 20.2(c) shall also include, if the priority of an earlier application is claimed in the international application, the date of filing – as indicated in the international application – of that earlier application. If the priority of several earlier applications is claimed, the earliest filing date shall be indicated.

Section 325

Corrections of Defects under Rule 26.4, Rectifications of Obvious Mistakes under Rule 91, and Corrections under Rule 9.2

(a) Where the receiving Office receives a correction of defects under Rule 26.4 or authorizes a rectification of an obvious mistake under Rule 91, it shall:

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “SUBSTITUTE SHEET (RULE 26)” (where the replacement sheet contains a correction of defects under Rule 26) or “RECTIFIED SHEET (RULE 91)” (where the replacement sheet contains the rectification of an obvious mistake under Rule 91) or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the correction or rectification, or accompanying any replacement sheet, the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the correction or rectification or, when the correction or rectification is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet;

(v) subject to item (vi), promptly transmit any letter and any replacement sheet to the International Bureau, and a copy thereof to the International Searching Authority;

(vi) where transmittals under Article 12(1) have not yet been made, transmit any letter and any replacement sheet to the International Bureau together with the record copy and, except where the international application is considered withdrawn and Rule 29.1(iii) applies, a copy of the said letter or replacement sheet to the International Searching Authority together with the search copy. The record copy and the search copy shall contain any replaced sheet.

(b) Where the receiving Office refuses to authorize the rectification of an obvious mistake under Rule 91, it shall proceed as indicated under paragraph (a)(i), (iii) and (iv) and promptly transmit any letter and any proposed replacement sheet to the International Bureau. If the record copy has not yet been sent to the International Bureau, any letter and any proposed replacement sheet shall be transmitted together with the record copy.

(c) Where the receiving Office receives corrections aimed at complying with Rule 9.1, paragraphs (a) and (b) shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in paragraph (a)(ii), the words “SUBSTITUTE SHEET (RULE 9.2)” shall be used.

Section 326

Withdrawal by Applicant under Rule 90*bis*.1, 90*bis*.2 or 90*bis*.3

(a) The receiving Office shall promptly transmit to the International Bureau any notice from the applicant effecting withdrawal of the international application under Rule 90*bis*.1, of a designation under Rule 90*bis*.2 or of a priority claim under Rule 90*bis*.3 which has been filed with it together with an indication of the date of receipt of the notice. If the record copy has not yet been sent to the International Bureau, the receiving Office shall transmit the said notice together with the record copy.

(b) If the search copy has already been sent to the International Searching Authority and the international application is withdrawn under Rule 90*bis*.1 or a priority claim is withdrawn under Rule 90*bis*.3, the receiving Office shall promptly transmit a copy of the notice effecting withdrawal to the International Searching Authority.

(c) If the search copy has not yet been sent to the International Searching Authority and the international application is withdrawn under Rule 90*bis*.1, the receiving Office shall not send the search copy to the International Searching Authority and shall, subject to Section 322, refund the search fee to the applicant unless it has already been transferred to the International Searching Authority. If the search fee has already been transferred to the International Searching Authority, the receiving Office shall send a copy of the request and of the notice effecting withdrawal to that Authority.

(d) If the search copy has not yet been sent to the International Searching Authority and a priority claim is withdrawn under Rule 90*bis*.3, the receiving Office shall transmit a copy of the notice effecting withdrawal to the International Searching Authority together with the search copy.

Section 327

***Ex Officio* Correction of Request by the Receiving Office**

(a) Subject to paragraph (d), where the record copy has not yet been sent to the International Bureau and the request requires correction because it contains an inconsistency or a minor defect such as non-compliance with the requirement for indications under Section 115, the receiving Office may correct the request *ex officio*. If the receiving Office does so, it shall notify the applicant accordingly.

(b) When making a correction under paragraph (a), the receiving Office shall enter, in the margin, the letters "RO." Where any matter is to be deleted, the receiving Office shall enclose such matter within square brackets and shall draw a line between the square brackets while still leaving the deleted matter legible. Where any matter is to be replaced, both the first and second sentences of this paragraph shall apply.

(c) The receiving Office shall check the number of characters of the file reference, if any, and shall delete any characters beyond the number permitted by Section 109.

(d) The receiving Office shall not make any *ex officio* correction to declarations referred to in Rule 4.17 which are contained in the request.

Section 328

Notifications Concerning Representation

(a) Where a power of attorney or a document containing the revocation or renunciation of an appointment is submitted to the receiving Office and the record and search copies have already been transmitted, the receiving Office shall immediately notify the International Bureau and the International Searching Authority by sending them a copy of the power of attorney or document and request the International Bureau to record a change in the indications concerning the agent or common representative under Rule 92*bis*.1(a)(ii).

(b) If the record copy and/or search copy have not yet been transmitted by the receiving Office, a copy of the power of attorney or document containing the revocation or renunciation of an appointment shall be transmitted by the receiving Office with the record copy and/or search copy.

Section 329

Correction of Indications Concerning the Applicant's Residence or Nationality

Where, in response to an invitation to correct a defect under Article 11 (1)(i), evidence is submitted indicating to the satisfaction of the receiving Office that, in fact, the applicant had, on the date on which the international application was actually received, the right to file an international application with that receiving Office, the invitation shall be considered to be an invitation to correct a defect under Article 14 (1)(a)(ii) and Rule 4.5 in the prescribed indications concerning the applicant's residence and/or nationality, and the applicant may correct those indications accordingly. If such correction is made, no defect shall be considered to exist under Article 11 (1)(i).

Section 330

Transmittal of Record Copy Prevented or Delayed by National Security Prescriptions

(a) Where prescriptions concerning national security prevent the transmittal of the record copy by the receiving Office to the International Bureau under Rule 22.1(a), the receiving Office shall notify the applicant and the International Bureau accordingly.

(b) The notifications under paragraph (a) shall be sent before the expiration of 13 months from the priority date. Where the receiving Office believes that national security clearance is imminent, it may postpone the sending of the notifications, but shall send them before the expiration of 17 months from the priority date if no clearance has been given by that time.

Section 331

Receipt of Confirmation Copy

Where, subject to Rule 92.4, the receiving Office receives an international application by facsimile machine transmission and subsequently receives the original of that international application, it shall mark such original with the words "CONFIRMATION COPY" or their equivalent in the language of publication of the international application on the bottom of the first page of the request and on the first page of the description. The marking under Section 325 is not required in such a case. The international application as received by facsimile machine transmission shall

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

constitute the record copy. The confirmation copy shall be transmitted to the International Bureau in addition to the record copy.

Section 332

Notification of Languages Accepted by the Receiving Office under Rules 12.1(a) and (c) and 12.4(a)

(a) Each receiving Office shall notify the International Bureau of the language or languages which, having regard to Rule 12.1(b), it is prepared to accept under Rule 12.1(a) for the filing of international applications.

(b) Each receiving Office shall notify the International Bureau of any change to the information notified under paragraphs (a), (d) and (e). If the change means that

(i) the receiving Office is no longer prepared to accept the filing of international applications in a language that it had previously notified the International Bureau that it was prepared to accept; or

(ii) the receiving Office is no longer prepared to accept the translation of international applications into a language of publication that it had previously notified the International Bureau that it was prepared to accept; or

(iii) the receiving Office is no longer prepared to accept the filing of requests in a language that it had previously notified the International Bureau that it was prepared to accept,

the effective date of such change shall be two months after the date of publication of the notification of the change in the Gazette pursuant to Section 405 or such later date as may be determined by the receiving Office.

(c) Nothing in paragraph (a), (b), (d) or (e) prevents any receiving Office from accepting, in a particular case,

(i) the filing of an international application in a language that it has not notified the International Bureau that it is prepared to accept; or

(ii) the translation of an international application into a language of publication that it has not notified the International Bureau that it is prepared to accept; or

(iii) the filing of a request in a language that it has not notified the International Bureau that it is prepared to accept.

(d) Each receiving Office concerned shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.4(a) for the translation of international applications into a language of publication.

(e) Each receiving Office shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.1(c) for the filing of requests.

Section 333

Transmittal of International Application to the International Bureau as Receiving Office

(a) Where a national Office intends to proceed under Rule 19.4(b) having regard to Rule 19.4(a)(i) or (ii), it shall, if it requires payment of the fee referred to in Rule 19.4(b) and that fee has not already been paid, promptly invite the applicant to pay that fee within a time limit of 15 days from the date of the invitation.

(b) Where a national Office intends to proceed under Rule 19.4(b) having regard to Rule 19.4(a)(iii), it shall promptly request the International Bureau as receiving Office to agree to the transmittal of the international application. The International Bureau as receiving Office shall promptly respond to that request. If the International Bureau as receiving Office agrees to the transmittal, the national Office shall promptly invite the applicant:

(i) if the transmittal has not already been authorized by the applicant, to submit to that Office, within a time limit of 15 days from the date of the invitation, an authorization of the transmittal, and,

(ii) if the Office requires payment of the fee referred to in Rule 19.4(b) and that fee has not already been paid, to pay that fee within the time limit referred to in item (i).

(c) The national Office:

(i) need not proceed under Rule 19.4(b) having regard to Rule 19.4(a)(i) to (iii) if the Office requires payment of the fee referred to in Rule 19.4(b) and the applicant does not pay that fee;

(ii) shall not proceed under Rule 19.4(b) having regard to Rule 19.4(a)(iii) if the International Bureau as receiving Office does not agree to, or if the applicant does not authorize, the transmittal of the international application under Rule 19.4(a)(iii).

Section 334

Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date

Where the demand is submitted after the expiration of 19 months from the priority date to a receiving Office and the time limit under Article 22 (1), as in force from April 1 2002, does not apply in respect of all designated Offices, the receiving Office shall:

- (i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office, and
- (ii) proceed under Rule 59.3.

Section 335

Transmittal of PCT-EASY Request Data and Abstract

The request data and abstract contained on a PCT-EASY physical medium furnished to the receiving Office in accordance with Section 102*bis* shall be transmitted by that Office to the International Bureau,

in a form and manner agreed upon by that Office and that Bureau, at the same time as the record copy.

Section 336

Waivers under Rules 90.4(d) and 90.5(c)

(a) Where, in accordance with Rule 90.4(d), a receiving Office waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the receiving Office shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), a receiving Office waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the request or any separate notice, the receiving Office shall notify the International Bureau accordingly.

(c) A receiving Office may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the receiving Office has waived the requirement in general.

(d) A receiving Office which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

PART 4

INSTRUCTIONS RELATING TO THE INTERNATIONAL BUREAU

Section 401

Marking of the Sheets of the Record Copy

(a) The International Bureau shall, upon receipt of the record copy, mark the date of receipt of the record copy in the appropriate space on the request.

(b) If the receiving Office has failed to mark any sheet as provided in Sections 311 and 325, the marking which has not been made may be inserted by the International Bureau.

Section 402

Correction or Addition of a Priority Claim under Rule 26bis

(a) Where the applicant, in a notice submitted to the International Bureau, corrects or adds a priority claim under Rule 26bis, that Bureau shall enter the correction or addition in the request, draw a line through, while still leaving legible, any indication deleted as a result of the correction, and enter, in the margin, the letters "IB".

(b) [Deleted]

(c) The applicant, the receiving Office and the International Searching Authority shall be promptly notified by the International Bureau of any correction or addition of a priority claim under Rule 26bis and of the date on which it received such correction or addition.

(d) [Deleted]

Section 403

Transmittal of Protest Against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention

Where, under Rules 40.2(c) or 68.3(c), the International Bureau receives a request from the applicant to forward to any designated or elected Office the texts of both the protest against payment of additional fees as provided for in Articles 17(3)(a) and 34(3)(a) where the international application is considered to

lack unity of invention and the decision thereon by the International Searching Authority or the International Preliminary Examining Authority, as the case may be, it shall proceed according to such request.

Section 404

International Publication Number of International Application

The International Bureau shall assign to each published international application an international publication number which shall be different from the international application number. The international publication number shall be used on the published international application and in the Gazette entry. It shall consist of the two-letter code "WO" followed by a four-digit indication of the year of publication, a slant, and a serial number consisting of six digits (e.g., "WO 2004/123456").

Section 405

Publication of Notifications of Languages Accepted by the receiving Office under Rules 12.1(a) and (c) and 12.4(a)

The International Bureau shall promptly publish in the Gazette any notification under Section 332(a), (b), (d), or (e).

Section 406

Publication of International Applications

(a) International applications shall be published on a given day of the week.

(b) International applications may be published, for the purposes of Article 21, on paper or wholly or partly in electronic form.

(c) Details concerning the publication of international applications, and the form and particulars of the front page of each published international application, shall be decided by the Director General, after consultation with the Offices or Authorities which have a direct interest in those details.

Section 407

The Gazette

(a) The Gazette referred to in Rule 86.1 shall be published in electronic form on the Internet. It may be made available by any other electronic means as determined by the Director General after consultation with the Offices or Authorities which have a direct interest in the means by which the Gazette is published.

(b) In addition to the contents specified in Rule 86.1, the Gazette shall contain, in respect of each published international application, the data indicated in Annex D.

(c) The information referred to in Rule 86.1(a)(v) shall be that which is indicated in Annex E.

(d) Details concerning the form and further particular content of the Gazette shall be decided by the Director General after consultation with Offices and Authorities which have a direct interest in those details.

Section 408

Priority Application Number

(a) [Deleted]

(b) If the number of the earlier application referred to in Rule 4.10(a)(ii) (“priority application number”) is furnished after the expiration of the prescribed time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished. It shall indicate the said date in the international publication by including on the front page of the published international application next to the priority application number the words “FURNISHED LATE ON... (date),” and the equivalent of such words in the language in which the international application is published if that language is other than English.

(c) If the priority application number has not been furnished at the time of the completion of the technical preparations for international publication, the International Bureau shall indicate that fact by including on the front page of the published international application in the space provided for the priority application number the words “NOT FURNISHED” and the equivalent of such words in the language in which the international application is published if that language is other than English.

Section 409

Priority Claim Considered Not to Have Been Made

Where the International Bureau declares, under Rule 26*bis*.2(b), that a priority claim is considered not to have been made, that Bureau shall enclose the priority claim concerned within square brackets, draw a line between the square brackets, while still leaving legible the indications concerned, and enter, in the margin, the words “NOT TO BE CONSIDERED FOR PCT PROCEDURE (IB)” or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly. The International Bureau shall also notify the receiving Office and the International Searching Authority.

Section 410

Numbering of Sheets for the Purposes of International Publication; Procedure in Case of Missing Sheets

(a) In the course of preparing the international application for international publication, the International Bureau shall sequentially renumber the sheets to be published only when necessitated by the addition of any new sheet, the deletion of entire sheets or a change in the order of the sheets. Otherwise, the numbering provided under Section 207 shall be maintained.

(b) Where a sheet has not been filed or is not to be taken into consideration for the purposes of international processing under Section 310*bis* or 310*ter*, the International Bureau shall include an indication to that effect in the published international application.

Section 411

Receipt of Priority Document

(a) The International Bureau shall, in respect of any priority document received by it, record the date on which the priority document has been received by it, and notify the applicant and the designated Offices accordingly. The notification should indicate whether the priority document was or was not submitted or transmitted in compliance with Rule 17.1(a) or (b), and with respect to the designated Offices, should preferably be made together with the notification under Rule 47.1(a-*bis*).

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(b) Where the priority document has been submitted or transmitted but not in compliance with Rule 17.1(a) or (b), the International Bureau shall, in the notification under paragraph (a) of this Section, direct the attention of the applicant and the designated Offices to the provisions of Rule 17.1(c).

Section 411bis

Receipt of Translation of Earlier Application under Rule 20.6(a)(iii)

The International Bureau shall indicate the words “TRANSLATION (RULE 20.6(a)(iii))”, or their equivalent in French, on any translation received under Rule 20.6(a)(iii).

Section 412

Notification of Lack of Transmittal of Search Copy

If the International Bureau does not receive from the International Searching Authority a notification under Rule 25.1 within two months from the date of receipt of the record copy, the International Bureau shall remind the receiving Office to transmit the search copy to the International Searching Authority. A copy of the reminder shall be sent to the International Searching Authority.

Section 413

Incorporations by Reference under Rule 20, Corrections of Defects under Rule 26.4, Rectifications of Obvious Mistakes under Rule 91, and Corrections under Rule 9.2

(a) Where the International Bureau receives from the receiving Office a letter containing a correction of any defects under Rule 26.4, or a replacement sheet and the letter accompanying it, the International Bureau shall transfer the correction to the record copy, together with the indication of the date on which the receiving Office received the letter, or shall insert the replacement sheet in the record copy. Any letter and any replaced sheet shall be kept in the file of the international application.

(b) Paragraph (a) shall apply *mutatis mutandis* to rectifications of obvious mistakes under Rule 91 authorized by the receiving Office, by the International Searching Authority or, where a demand has been made, by the International Preliminary Examining Authority and to corrections submitted by the

applicant to the receiving Office or the International Searching Authority aimed at complying with the prescription of Rule 9.1 concerning certain expressions, drawings, statements or other matter.

(b-bis) Where the International Bureau receives from the receiving Office, under Sections 309(c)(iv), 310(b)(iv), or 310bis(b)(v), corrected sheets of the request or later submitted sheets, the International Bureau shall transfer any correction to the record copy and insert any later submitted sheets in the record copy.

(c) Where the International Bureau is notified by the International Searching Authority under Rule 43.6bis(b) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international search, the International Bureau shall notify the applicant, the designated Offices and, where a demand has been made, the International Preliminary Examining Authority accordingly.

(d) Where the International Bureau is notified by the International Preliminary Examining Authority under Rule 70.2(e) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international preliminary examination, the International Bureau shall notify the applicant and the elected Offices accordingly.

Section 413bis

Rectifications of Obvious Mistakes under Rule 91

(a) Where the International Bureau authorizes a rectification under Rule 91, it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “RECTIFIED SHEET (RULE 91)” or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the rectification or accompanying any replacement sheet the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the rectification or, when the rectification is

contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(b) Where the International Bureau refuses to authorize a rectification under Rule 91, it shall proceed as indicated under paragraph (a)(i), (iii) and (iv).

(c) Where the International Bureau authorizes or refuses to authorize the rectification of an obvious mistake under Rule 91, it shall notify the applicant, the International Searching Authority, where a demand has been made, the International Preliminary Examining Authority, as well as the designated or elected Offices accordingly and, where the International Bureau refuses to authorize a rectification, the notification shall also include the reasons for the refusal.

Section 414

Notification to the International Preliminary Examining Authority Where the International Application is Considered Withdrawn

If a demand has been submitted and the international application is considered withdrawn under Article 14(1), (3) or (4), the International Bureau shall promptly notify the International Preliminary Examining Authority, unless the international preliminary examination report has already issued.

Section 415

Notification of Withdrawal Under Rule 90bis.1, 90bis.2, 90bis.3 or 90bis.4

(a) The fact of withdrawal by the applicant of the international application under Rule 90bis.1, of designations under Rule 90bis.2, or of a priority claim under Rule 90bis.3, together with the date on which the notice effecting withdrawal reached the International Bureau, the International Preliminary Examining Authority or the receiving Office, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal and, where the withdrawal concerns the international application or a priority claim and where the international search report, or the declaration referred to in Article 17(2)(a), and the written opinion of the International Searching Authority have not yet issued, the International Searching Authority. However, where

the withdrawal concerns the international application and where the notice effecting withdrawal was filed with the receiving Office before the sending of the record copy to the International Bureau, that Bureau shall send the notifications referred to in the preceding sentence and in Rule 24.2(a) to the receiving Office and the applicant only.

(b) If, at the time of the withdrawal of the international application under Rule 90bis.1, or of a priority claim under Rule 90bis.3, a demand has already been submitted and the international preliminary examination report has not yet issued, the International Bureau shall, unless the notice effecting withdrawal was submitted to the International Preliminary Examining Authority, promptly notify the fact of withdrawal to that Authority, together with the date on which the notice effecting withdrawal has reached the International Bureau or the receiving Office.

(c) The fact of withdrawal by the applicant of the demand or of one or more elections under Rule 90bis.4, together with the date on which the notice effecting withdrawal was, or was considered to have been, submitted to the International Bureau, shall be promptly notified by that Bureau:

- (i) to the applicant,
- (ii) to each elected Office affected by the withdrawal, except where it has not yet been notified of its election, and
- (iii) in the case of withdrawal of the demand or of all elections, to the International Preliminary Examining Authority, unless the notice effecting withdrawal was submitted to that Authority.

Section 416

Correction of Request in Record Copy

(a) Where the request requires correction as a consequence of the withdrawal of a designation or of a change made under Rule 92bis, the International Bureau shall make the necessary correction in the record copy and shall notify the applicant and the receiving Office accordingly.

(b) When making a correction under paragraph (a), the International Bureau shall enter, in the margin, the letters "IB." Where the correction involves the deletion or replacement of some matter, the International Bureau shall enclose such matter within square brackets and shall draw a line between the square

brackets while still leaving the deleted or replaced matter legible.

Section 417

Processing of Amendments Under Article 19

(a) The International Bureau shall record the date on which, under Rule 46.1, any amendment made under Article 19 was received, shall notify the applicant of that date and indicate it in any publication or copy issued by it.

(b) The International Bureau shall mark, in the upper right-hand corner of each replacement sheet submitted under Rule 46.5(a), the international application number, the date on which that sheet was received under Rule 46.1 and, in the middle of the bottom margin, the words "AMENDED SHEET (ARTICLE 19)." It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of Rule 46.5(a).

(c) The International Bureau shall insert any replacement sheet in the record copy and, in the case referred to in the last sentence of Rule 46.5(a), shall indicate the cancellations in the record copy.

(d) If, at the time when the demand is received by the International Bureau, the international search report and the written opinion of the International Searching Authority have been established and no amendments under Article 19 have been made, the International Bureau shall inform the International Preliminary Examining Authority accordingly, unless the Authority has informed the International Bureau that it wishes not to be so notified.

Section 418

Notifications to Elected Offices Where the Demand Is Considered Not to Have Been Submitted or Made

Where, after any elected Office has been notified of its election under Article 31(7), the demand is considered not to have been submitted or made, the International Bureau shall notify the said Office accordingly.

Section 419

Processing of a Declaration under Rule 26ter

(a) Where any declaration referred to in Rule 4.17, or any correction thereof under Rule 26ter.1, is submitted to the International Bureau within the time limit under Rule 26ter.1, the International Bureau shall indicate the date on which it received the declaration or correction and insert the additional sheet or replacement sheet in the record copy.

(b) The International Bureau shall promptly notify the applicant, the receiving Office and the International Searching Authority of any declaration corrected or added under Rule 26ter.1.

(c) The International Bureau shall not make any *ex officio* correction to declarations referred to in Rule 4.17 which are contained in the request.

(d) Where any declaration referred to in Rule 4.17, or any correction thereof under Rule 26ter.1, is submitted to the International Bureau after the expiration of the time limit under Rule 26ter.1, the International Bureau shall notify the applicant accordingly and inform the applicant that such a declaration or correction should be submitted directly to the designated Office or Offices concerned. Any declaration referred to in Rule 4.17(iv), signed as prescribed in Section 214, which is submitted to the International Bureau after the expiration of the time limit under Rule 26ter.1 shall be returned to the applicant.

Section 420

Copy of International Application and International Search Report for the International Preliminary Examining Authority

Where the International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the International Searching Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the International Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2)(a) was issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

Section 421

Invitation to Furnish a Copy of the Priority Document

Where a request for a copy of the application whose priority is claimed in the international application is made under Rule 43*bis*.1(b) by the International Searching Authority or, under Rule 66.7(a), by either the International Searching Authority, or the International Preliminary Examining Authority before the International Bureau has received the priority document under Rule 17.1, the International Bureau shall, unless the applicable time limit referred to in Rule 17.1(a) has already expired, inform the applicant of such request and remind him of the requirements of Rule 17.1.

Section 422

Notifications Concerning Changes Recorded Under Rule 92*bis*.1

(a) The International Bureau shall give notifications concerning changes recorded by it under Rule 92*bis*.1(a), except changes which are the subject of notifications under Section 425:

- (i) to the receiving Office;
- (ii) as long as the international search report, or the declaration referred to in Article 17(2)(a), and the written opinion of the International Searching Authority have not been established, to the International Searching Authority;
- (iii) to the designated Offices unless the change can be duly reflected in the published international application used for the purposes of the communication under Article 20;
- (iv) as long as the international preliminary examination report has not been established, to the International Preliminary Examining Authority;
- (v) to the elected Offices, unless the change can be duly reflected in the published international application used for the purposes of the communication under Article 20;
- (vi) to the applicant; where the change consists of a change in the person of the applicant, the notification shall be sent to the earlier applicant and the new applicant, provided that, where the earlier applicant and the new applicant are represented by the same agent, one notification only shall be sent to the said agent.

(b) Where Rule 92*bis*.1(b) applies, the International Bureau shall notify the applicant accordingly and, if the change was requested by the receiving Office, that Office.

Section 422*bis*

Objections Concerning Changes in the Person of the Applicant Recorded under Rule 92*bis*.1(a)

(a) Where a change recorded by the International Bureau under Rule 92*bis*.1(a):

- (i) consists of a change in the person of the applicant, and
 - (ii) the request under Rule 92*bis*.1(a) was not signed by or on behalf of both the earlier and the new applicant, and
 - (iii) the earlier applicant objects to the change in writing,
- the change under Rule 92*bis*.1(a) shall be considered as if it had not been recorded.

(b) Where paragraph (a) applies, the International Bureau shall notify all those who received a notification under Section 422(a) accordingly.

Section 423

Cancellation of Designations and Elections

(a) The International Bureau shall, if the receiving Office has failed to do so, cancel *ex officio* the designation of any State which is not a Contracting State, shall enclose that designation within square brackets, draw a line between the square brackets while still leaving the designation legible, enter, in the margin, the words "CANCELLED EX OFFICIO BY IB" or their equivalent in French, and notify the applicant and the receiving Office accordingly.

(b) The International Bureau shall cancel *ex officio*:

- (i) the election of any State which is not a designated State;
- (ii) the election of any State not bound by Chapter II of the Treaty, if the International Preliminary Examining Authority has failed to do so.

(c) The International Bureau shall enclose the cancelled election within square brackets, draw a line between the square brackets while still leaving the election legible, enter, in the margin, the words "CANCELLED EX OFFICIO BY IB" or their equivalent in French, and notify the applicant and, if the

election is in the demand, the International Preliminary Examining Authority accordingly.

Section 424

Procedure under Rule 4.9(b)

(a) Where the International Bureau finds, if the Receiving Office has failed to do so, that the request contains an indication under Rule 4.9(b) that the designation of a State is not made but the request does not contain a priority claim to an earlier national application filed in that State, the International Bureau shall promptly notify the applicant accordingly and shall draw the applicant's attention to Rule 26bis.

(b) If the International Bureau does not, before the expiration of the time limit under Rule 26bis.1(a), receive a notice correcting or adding a priority claim to an earlier national application filed in the State, the designation of which is not made, it shall cancel *ex officio* the indication under Rule 4.9(b), shall enclose that indication in square brackets, draw a line between the square brackets while still leaving the indication legible, enter, in the margins, the words "CANCELLED EX OFFICIO BY IB" or their equivalent in French, and notify the applicant and the receiving Office accordingly.

Section 425

Notifications Concerning Representation

Where a power of attorney or a document containing the revocation or renunciation of an appointment is submitted to the International Bureau, the International Bureau shall immediately notify the receiving Office, the International Searching Authority and the International Preliminary Examining Authority by sending them a copy of the power of attorney or document and shall record a change in the indications concerning the agent or common representative under Rule 92bis. In the case of a renunciation of an appointment, the International Bureau shall also notify the applicant. Where the International Bureau receives a notification concerning representation under Section 328, it shall immediately notify the International Preliminary Examining Authority accordingly.

Section 426

[Deleted]

Section 427

[Deleted]

Section 428

[Deleted]

Section 429

[Deleted]

Section 430

Notification of Designations under Rule 32

Where the effects of any international application are extended to a successor State under Rule 32.1(a), the International Bureau shall promptly, but not before the international publication of the international application, effect the communication under Article 20 to the designated Office concerned, and notify that Office under Rule 47.1(a-bis)

Section 431

Publication of Notice of Submission of Demand

(a) For international applications in respect of which a demand is filed before January 1, 2004, the publication in the Gazette of information on the demand and the elected States concerned, as referred to in Rule 61.4, as in force until December 31, 2003, shall consist of a notice indicating that a demand has been submitted prior to the expiration of 19 months from the priority date and, as applicable, indicating that all eligible States have been elected or, where not all eligible States have been elected, indicating those eligible States which have not been elected.

(b) For international applications in respect of which a demand is filed on or after January 1, 2004, the publication in the Gazette of information on the demand and the elected States concerned, as referred to in Rule 61.4, as in force from January 1, 2004, shall consist of a notice indicating that a demand has been submitted prior to the expiration of the applicable time limit under Rule 54bis.1(a) and that all Contracting States which were designated and were bound by Chapter II of the Treaty have been elected. Where the

demand is made subsequent to the expiration of 19 months from the priority date and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the notice shall also indicate that fact.

Section 432

Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date

Where the demand is submitted after the expiration of 19 months from the priority date and subsequently transmitted to the International Bureau under Rule 59.3(a), or is submitted after the expiration of 19 months from the priority date to the International Bureau, and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the International Bureau shall, together with the notification sent to the applicant under Rule 59.3(c)(i) or the invitation sent to the applicant under Rule 59.3(c)(ii), as the case may be:

(i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,

(ii) proceed under Rule 59.3.

Section 433

Waivers under Rule 90.4(d)

(a) Where, in accordance with Rule 90.4(d), the International Bureau waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Bureau shall publish a notice of this fact in the Gazette.

(b) The International Bureau may require a separate power of attorney in particular instances even if the International Bureau has waived the requirement in general.

Section 434

Publication of Information Concerning Waivers under 90.4(d) and 90.5(c)

(a) Any waivers of the requirement under Rule 90.4(b) that a separate power of attorney be submit-

ted, or any changes to the information, notified to the International Bureau under Sections 336(a), 517(a), or 617(a) shall be promptly published in the Gazette. The effective date of any change shall be two months after the date of publication of the change in the Gazette, or such later date as may be determined by the International Bureau.

(b) Any waivers of the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the request, the demand or any separate notice, or any changes to the information, notified to the International Bureau under Sections 336(b), 517(b), or 617(b) shall be promptly published in the Gazette. The effective date of any change shall be two months after the date of publication of the change in the Gazette, or such later date as may be determined by the International Bureau.

Section 435

Communication of Publications and Documents

(a) Subject to paragraph (b), publications under Rule 87.1 and documents under Rule 93*bis*.1 shall be communicated in electronic form via the International Bureau's electronic data exchange services.

(b) Where so agreed between the International Bureau and the Authority or Office concerned, publications under Rule 87.1 and documents under Rule 93*bis*.1 may be communicated in other forms and by other means.

(c) Pursuant to Rule 93*bis*.1(b), where so agreed between the International Bureau and the Office concerned, the communication of documents under Rule 93*bis*.1 shall be considered to be effected at the time when the International Bureau makes the document available to that Office in electronic form via the International Bureau's electronic data exchange services.

(d) Technical details concerning the communication of publications under Rule 87.1 and of documents under Rule 93*bis*.1 shall be agreed between the International Bureau and the Authority or Office concerned.

PART 5

INSTRUCTIONS RELATING TO THE INTERNATIONAL SEARCHING AUTHORITY

Section 501

Corrections Submitted to the International Searching Authority Concerning Expressions, Etc., Not to Be Used in the International Application

Where the International Searching Authority receives corrections aimed at complying with Rule 9.1, Section 511 shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in Section 511(a)(ii), the words “SUBSTITUTE SHEET (RULE 9.2)” shall be used.

Section 502

Transmittal of Protest against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention

The International Searching Authority shall transmit to the applicant, preferably at the latest together with the international search report, any decision which it has taken under Rule 40.2(c) on the protest of the applicant against payment of additional fees where the international application is considered to lack unity of invention. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to the designated Offices.

Section 503

Method of Identifying Documents Cited in the International Search Report and the Written Opinion of the International Searching Authority

Identification of any document cited in the international search report shall be as provided in WIPO Standard ST.14 (Recommendation for the Inclusion of References Cited in Patent Documents).⁴ Any docu-

ment cited in the international search report may be referred to in a shortened form in the written opinion of the International Searching Authority, provided that the reference to the document is unambiguous.

Section 504

Classification of the Subject Matter of the International Application

(a) Where the subject matter of the international application is such that classification thereof requires more than one classification symbol according to the principles to be followed in the application of the International Patent Classification to any given patent document, the international search report shall indicate all such symbols.

(b) Where any national classification system is used, the international search report may indicate all the applicable classification symbols also according to that system.

(c) Where the subject matter of the international application is classified both according to the International Patent Classification and to any national classification system, the international search report shall, wherever possible, indicate the corresponding symbols of both classifications opposite each other.

(d) The version of the International Patent Classification applicable at the time the international application is published under Article 21 shall be used whenever feasible.

Section 505

Indication of Citations of Particular Relevance in the International Search Report

(a) Where any document cited in the international search report is of particular relevance, the special indication required by Rule 43.5(c) shall consist of the letter(s) “X” and/or “Y” placed next to the citation of the said document.

⁴Editor’s Note: Published in the *WIPO Handbook on Industrial Property Information and Documentation*.

(b) Category “X” is applicable where a document is such that when taken alone, a claimed invention cannot be considered novel or cannot be considered to involve an inventive step.

(c) Category “Y” is applicable where a document is such that a claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Section 506

[Deleted]

Section 507

Manner of Indicating Certain Special Categories of Documents Cited in the International Search Report

(a) Where any document cited in the international search report refers to an oral disclosure, use, exhibition, or other means referred to in Rule 33.1(b), the separate indication required by that Rule shall consist of the letter “O” placed next to the citation of the said document.

(b) Where any document cited in the international search report is a published application or patent as defined in Rule 33.1(c), the special mention required by that Rule shall consist of the letter “E” placed next to the citation of the said document.

(c) Where any document cited in the international search report is not considered to be of particular relevance requiring the use of categories “X” and/or “Y” as provided in Section 505 but defines the general state of the art, it shall be indicated by the letter “A” placed next to the citation of the said document.

(d) Where any document cited in the international search report is a document whose publication date occurred earlier than the international filing date of the international application, but later than the priority date claimed in that application, it shall be indicated by the letter “P” next to the citation of the said document.

(e) Where any document cited in the international search report is a document whose publication date occurred after the filing date or the priority date of the international application and is not in conflict with the said application, but is cited for the principle

or theory underlying the invention, which may be useful for a better understanding of the invention, or is cited to show that the reasoning or the facts underlying the invention are incorrect, it shall be indicated by the letter “T” next to the citation of the document.

(f) Where in the international search report any document is cited for reasons other than those referred to in paragraphs (a) to (e), for example:

— a document which may throw doubt on a priority claim,

— a document cited to establish the publication date of another citation,

such document shall be indicated by the letter “L” next to the citation of the document and the reason for citing the document shall be given.

(g) Where a document is a member of a patent family, it shall, whenever feasible, be mentioned in the international search report in addition to the one cited belonging as well to this family and should be preceded by the sign ampersand (&). Members of a patent family may also be mentioned on a separate sheet, provided that the family to which they belong shall be clearly identified and that any text matter on that sheet, if not in the English language, shall also be furnished to the International Bureau in English translation.

(h) A document whose contents have not been verified by the search examiner but are believed to be substantially identical with those of another document which the search examiner has inspected, may be cited in the international search report in the manner indicated for patent family members in the first sentence of paragraph (g).

Section 508

Manner of Indicating the Claims to Which the Documents Cited in the International Search Report Are Relevant

(a) The claims to which cited documents are relevant shall be indicated by placing in the appropriate column of the international search report:

(i) where the cited document is relevant to one claim, the number of that claim; for example, “2” or “17”;

(ii) where the cited document is relevant to two or more claims numbered in consecutive order, the number of the first and last claims of the series connected by a hyphen; for example, “1-15” or “2-3”;

(iii) where the cited document is relevant to two or more claims that are not numbered in consecutive order, the number of each claim placed in ascending order and separated by a comma or commas; for example, “1, 6” or “1, 7, 10”;

(iv) where the cited document is relevant to more than one series of claims under (ii), above, or to claims of both categories (ii) and (iii), above, the series or individual claim numbers and series placed in ascending order using commas to separate the several series, or to separate the numbers of individual claims and each series of claims; for example, “1-6, 9-10, 12-15” or “1, 3-4, 6, 9-11.”

(b) Where different categories apply to the same document cited in an international search report in respect of different claims or groups of claims, each relevant claim or group of claims shall be listed separately opposite each indicated category of relevance. Each category and each relevant claim or group of claims may be separated by a line.

The following example illustrates the situation where a document is of particular relevance under Section 505(b) as to claims 1 to 3 and under Section 505(c) as to claim 4, and indicates the general state of the art under Section 507(c) as to claims 11 and 12:

| <i>Category</i> | <i>Citation</i> | <i>Relevant to claim No.</i> |
|-----------------|---|------------------------------|
| | GB, A 392,415 (JONES) 18 May 1933 (18.05.33) | |
| X | Fig.1 | 1-3 |
| Y | page 3, lines 5-7 | 4 |
| A | Fig.5, support 36 | 11-12 |

Section 509

International Search and Written Opinion of the International Searching Authority on the Basis of a Translation of the International Application

Where the International Searching Authority has carried out the international search and established the written opinion on the basis of a translation of the international application transmitted to that Authority under Rule 23.1(b), the international search report and the written opinion of the International Searching Authority shall so indicate.

Section 510

Refund of Search Fee in Case of Withdrawal of International Application

(a) Where the international application is withdrawn or is considered withdrawn before the International Searching Authority has started the international search, that Authority shall, subject to paragraphs (b) and (c), refund the search fee to the applicant.

(b) If the refund referred to in paragraph (a) is not compatible with the national law of the national Office acting as International Searching Authority and as long as it continues to be not compatible with that law, the International Searching Authority may abstain from refunding the search fee.

(c) The International Searching Authority may, before making a refund under paragraph (a), first invite the applicant to submit a request for the refund.

Section 511

Rectifications of Obvious Errors under Rule 91

(a) Where the International Searching Authority authorizes a rectification under Rule 91, it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “RECTIFIED SHEET (RULE 91)” or their equivalent in the language of publication of the international application as well as an indication of the International Searching Authority as provided for in Section 107(b);

(iii) indelibly mark on the letter containing the rectification or accompanying any replacement sheet the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the rectification or, when the rectification is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet;

(v) promptly transmit any letter and any replacement sheet to the International Bureau and a copy thereof to the receiving Office.

(b) Where the International Searching Authority refuses to authorize a rectification under Rule 91,

it shall proceed as indicated under paragraph (a)(i), (iii), and (iv) and promptly transmit any letter and any proposed replacement sheet to the International Bureau.

Section 512

Notifications Concerning Representation

Where a power of attorney or a document containing the revocation or renunciation of an appointment is submitted to the International Searching Authority, that Authority shall immediately notify the International Bureau by sending it a copy of the power of attorney or document and request the International Bureau to record a change in the indications concerning the agent or common representative under Rule 92*bis*.1(a)(ii).

Section 513

Sequence Listings

(a) Where the International Searching Authority receives a correction of a defect under Rule 13*ter*.1(f), it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “SUBSTITUTE SHEET (RULE 13*ter*.1(f))” or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the correction, or accompanying any replacement sheet, the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet;

(v) promptly transmit any letter and any replacement sheet to the International Bureau, and a copy thereof to the receiving Office.

(b) Where the international search report and the written opinion of the International Searching Authority are based on a sequence listing that was not contained in the international application as filed but was furnished subsequently to the International

Searching Authority, the international search report and the written opinion of the International Searching Authority shall so indicate.

(c) Where a meaningful international search cannot be carried out and a meaningful written opinion, as to whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious) and to be industrially applicable, cannot be established because a sequence listing is not available to the International Searching Authority in the required form, that Authority shall so state in the international search report or declaration referred to in Article 17(2)(a), and in the written opinion.

(d) The International Searching Authority shall indelibly mark, in the upper right-hand corner of the first sheet of any sequence listing on paper which was not contained in the international application as filed but was furnished subsequently to that Authority, the words “SUBSEQUENTLY FURNISHED SEQUENCE LISTING” or their equivalent in the language of publication of the international application.

(e) The International Searching Authority shall keep in its files:

(i) any sequence listing on paper which was not contained in the international application as filed but was furnished subsequently to that Authority; and

(ii) any sequence listing in electronic form furnished for the purposes of the international search.

Section 514

Authorized Officer

The officer of the International Searching Authority responsible for the international search report, as referred to in Rule 43.8, and for the written opinion of the International Searching Authority, as referred to in Rule 43*bis*.1(b), means the person who actually performed the search work and prepared the search report and the written opinion of the International Searching Authority, or another person who was responsible for supervising the search and the establishment of the written opinion.

Section 515

Amendment of Established Abstract in Response to Applicant’s Comments

The International Searching Authority shall inform the applicant and the International Bureau of any

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

amendments made under Rule 38.2(b) to an abstract established by it under Rule 38.2(a).

Section 516

Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date

Where the demand is submitted after the expiration of 19 months from the priority date to an International Searching Authority and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, that Authority shall:

- (i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,
- (ii) proceed under Rule 59.3.

Section 517

Waivers under Rule 90.4(d) and Rule 90.5(c)

(a) Where, in accordance with Rule 90.4(d), an International Searching Authority waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Search-

ing Authority shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), an International Searching Authority waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to any separate notice, it shall notify the International Bureau accordingly.

(c) An International Searching Authority may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the International Searching Authority has waived the requirement in general.

(d) An International Searching Authority which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

Section 518

Guidelines for Explanations Contained in the Written opinion of the International Searching Authority

For the purposes of establishing the written opinion of the International Searching Authority, Section 604 shall apply *mutatis mutandis*.

PART 6

INSTRUCTIONS RELATING TO THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Section 601

Notification to Applicant of Submission of Demand after the Expiration of 19 Months from the Priority Date

(a) Where the demand is submitted after the expiration of 19 months from the priority date and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the International Preliminary Examining Authority shall promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office.

(b) Where the demand is submitted after the expiration of 19 months from the priority date to an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, that Authority shall:

- (i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,
- (ii) proceed under Rule 59.3.

Section 602

Processing of Amendments by the International Preliminary Examining Authority

(a) The International Preliminary Examining Authority shall:

- (i) indelibly mark, in the upper right-hand corner of each replacement sheet submitted under Rule 66.8, the international application number and the date on which that sheet was received;
- (ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “AMENDED SHEET” or their equivalent in the lan-

guage of the demand as well as an indication of the International Preliminary Examining Authority as provided for in Section 107(b);

(iii) subject to item (iv), keep in its files any replaced sheet, the letter accompanying any replacement sheet, and any superseded replacement sheet or any letter referred to in the last sentence of Rule 66.8(b) as well as a copy of any replacement sheet which is annexed to the international preliminary examination report;

(iv) where any superseded replacement sheet referred to in item (iii) is to be annexed to the international preliminary examination report under Rule 70.16(b), indelibly mark, in addition to the markings referred to in items (i) and (ii), in the middle of the bottom margin of each superseded replacement sheet, without obscuring the marking made under item (ii), the words “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))”;

(v) annex to the copy of the international preliminary examination report which is transmitted to the International Bureau any replacement sheet as provided for under Rule 70.16;

(vi) annex to the copy of the international preliminary examination report which is transmitted to the applicant a copy of each replacement sheet as provided for under Rule 70.16.

(b) Section 311(b)(ii) relating to the numbering of replacement sheets shall apply when one or more sheets are added under Rule 66.8.

(c) Where the International Preliminary Examining Authority receives from the applicant a copy of a purported amendment under Article 19 submitted after the time limit set forth in Rule 46.1, the International Preliminary Examining Authority may consider such an amendment as an amendment under Article 34 in which case it shall inform the applicant accordingly.

(d) Where the International Preliminary Examining Authority receives a copy of an amendment under Article 19, paragraphs (a) and (b) shall apply *mutatis mutandis*.

Section 603

Transmittal of Protest against Payment of Additional Fees and Decision Thereon Where International Application Is Considered to Lack Unity of Invention

The International Preliminary Examining Authority shall transmit to the applicant, preferably at the latest together with the international preliminary examination report, any decision which it has taken under Rule 68.3(c) on the protest of the applicant against payment of additional fees where the international application is considered to lack unity of invention. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to the elected Offices.

Section 604

Guidelines for Explanations Contained in the International Preliminary Examination Report

(a) Explanations under Rule 70.8 shall clearly point out to which of the three criteria of novelty, inventive step (non-obviousness) and industrial applicability referred to in Article 35(2), taken separately, any cited document is applicable and shall clearly describe, with reference to the cited documents, the reasons supporting the conclusion that any of the said criteria is or is not satisfied.

(b) Explanations under Article 35(2) shall be concise and preferably in the form of short sentences.

Section 605

File to Be Used for International Preliminary Examination

Where the International Preliminary Examining Authority is part of the same national Office or inter-governmental organization as the International Searching Authority, the same file shall serve the pur-

poses of international search and international preliminary examination.

Section 606

Cancellation of Elections

(a) The International Preliminary Examining Authority shall cancel *ex officio*:

(i) the election of any State which is not a designated State;

(ii) the election of any State not bound by Chapter II of the Treaty.

(b) The International Preliminary Examining Authority shall enclose that election within square brackets, shall draw a line between the square brackets while still leaving the election legible and shall enter, in the margin, the words "CANCELLED EX OFFICIO BY IPEA" or their equivalent in the language of the demand, and shall notify the applicant accordingly.

Section 607

Rectifications of Obvious Mistakes under Rule 91

Where the International Preliminary Examining Authority authorizes a rectification of an obvious mistake under Rule 91, Section 602(a)(i) to (iii) and (b) shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in Section 602, the words "RECTIFIED SHEET (RULE 91)" shall be used.

Section 608

Notifications Concerning Representation

Where a power of attorney or a document containing the revocation or renunciation of an appointment is submitted to the International Preliminary Examining Authority, that Authority shall immediately notify the International Bureau by sending it a copy of the power of attorney or document and request the International Bureau to record a change in the indications concerning the agent or common representative under Rule 92*bis*.1(a)(ii).

Section 609

Withdrawal by Applicant under Rules 90bis. 1, 90bis. 2, or 90bis. 3

The International Preliminary Examining Authority shall promptly transmit to the International Bureau any notice from the applicant effecting withdrawal of the international application under Rule 90bis.1(b), of a designation under Rule 90bis.2(d), or of a priority claim under Rule 90bis.3(c) which has been filed with it. The International Preliminary Examining Authority shall mark the notice with the date on which it was received.

Section 610

[Deleted]

Section 611

Method of Identification of Documents in the International Preliminary Examination Report

Any document cited in the international preliminary examination report which was not cited in the international search report shall be cited in the same form as required under Section 503 for international search reports. Any document cited in the international preliminary examination report which was previously cited in the international search report may be cited in a shortened form, provided that the reference to the document is unambiguous.

Section 612

Authorized Officer

The officer of the International Preliminary Examining Authority responsible for the international preliminary examination report, as referred to in Rule 70.14, means the person who actually performed the examination work and prepared the international preliminary examination report or another person who was responsible for supervising the examination.

Section 613

Invitation to Submit a Request for Refund of Fees under Rule 57.6 or 58.3

The International Preliminary Examining Authority may, before making a refund under Rule 57.6 or 58.3,

first invite the applicant to submit a request for the refund.

Section 614

Evidence of Right to File Demand

Where a demand is considered as not having been made under Rule 61.1(b) by the International Preliminary Examining Authority because the applicant appeared, on the basis of the indication made in the demand, not to have the right to file a demand with that Authority under Rule 54 but evidence is submitted indicating to the satisfaction of the International Preliminary Examining Authority that in fact, an applicant had, on the date on which the demand was received, the right to file the demand with that Authority, the International Preliminary Examining Authority shall regard the requirements under Article 31 (2)(a) as having been fulfilled on the date of actual receipt of the demand.

Section 615

Invitation to Pay Fees before Date on Which They Are Due

If the International Preliminary Examining Authority finds, before the date on which they are due, that the handling fee or the international preliminary examination fee are lacking in whole or in part, it may invite the applicant to pay the missing amounts within the time limit under Rule 57.3 or 58.1(b), as the case may be.

Section 616

International Preliminary Examination on the Basis of a Translation of the International Application

Where the International Preliminary Examining Authority has carried out international preliminary examination on the basis of a translation of the international application furnished to that Authority under Rule 55.2(a) or, in the case referred to in Rule 55.2 (b), transmitted, under Rule 23.1(b), to the national Office or intergovernmental organization of which that Authority is part, the international preliminary examination report shall so indicate.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Section 617

Waivers under Rule 90.4(d) and 90.5(c)

(a) Where, in accordance with Rule 90.4(d), an International Preliminary Examining Authority waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Preliminary Examining Authority shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), an International Preliminary Examining Authority waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the

demand or any separate notice, it shall notify the International Bureau accordingly.

(c) An International Preliminary Examining Authority may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the International Preliminary Examining Authority has waived the requirement in general.

(d) An International Preliminary Examining Authority which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

PART 7

INSTRUCTIONS RELATING TO THE FILING AND PROCESSING IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS

Section 701

Abbreviated Expressions

For the purposes of this Part and Annex F, from the wording, the nature of the provision or the context:

(i) “electronic package” means a package of one or more electronic files assembled for the purposes of transmission of one or more documents in electronic form;

(ii) “electronic document format” means the presentation or arrangement of the information in a document in electronic form;

(iii) “means of transmittal,” in connection with a document in electronic form, means the manner in which a document is transmitted, for example, by electronic means or physical means;

(iv) “electronic signature” means information in electronic form which is attached to, or logically associated with, a document in electronic form, which may be used to identify the signer and which indicates the signer’s approval of the content of the document;

(v) “basic common standard” means the basic common standard for electronic filing of international applications provided for in Annex F;

(vi) “communication” of an international application or other document has the same meaning as in Rule 89*bis*.3;

(vii) words and expressions whose meanings are explained in Annex F have the same meanings in this Part.

Section 702

Filing, Processing and Communication in Electronic Form of International Applications

(a) The filing, processing and communication of international applications filed in electronic form, and the processing and communication in electronic form of international applications filed on paper, shall be in accordance with this Part and Annex F.

(b) Subject to this Part, an international application that is filed, processed or communicated in electronic form shall not be denied legal effect merely because it is in electronic form.

(c) This Part and Annex F do not apply to an international application containing a sequence listing part which is filed in electronic form under Section 801(a), except that Section 705*bis* shall apply *mutatis mutandis* to such an application to the extent that it is filed on paper.

Section 703

Filing Requirements; Basic Common Standard

(a) An international application may, subject to this Part, be filed in electronic form if the receiving Office has notified the International Bureau in accordance with Rule 89*bis*.1(d) that it is prepared to receive international applications in such form.

(b) An international application filed in electronic form shall be:

(i) in an electronic document format that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(ii) filed by a means of transmittal that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(iii) in the form of an electronic package, appropriate to the means of transmittal, that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(iv) prepared and filed using electronic filing software that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard; and

(v) free of viruses and other forms of malicious logic in accordance with Annex F or that complies with the basic common standard.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(c) An international application filed in electronic form shall, for the purposes of Article 14(1)(a)(i), be signed by the applicant using a type of electronic signature that has been specified by the receiving Office in accordance with Annex F or, subject to Section 704(g), that complies with the basic common standard.

(d) A receiving Office which has not notified the International Bureau in accordance with Rule 89.1(d) that it is prepared to receive international applications in electronic form may nevertheless decide in a particular case to receive an international application submitted to it in such form, in which case this Part shall apply accordingly.

(e) Any receiving Office may refuse to receive an international application submitted to it in electronic form if the application does not comply with paragraph (b), or may decide to receive the application.

(f) If, on 7 January 2002, the applicable national law and the technical systems of a national Office provide for the filing with it of national applications in electronic form according to requirements which are incompatible with any of items (ii) to (iv) of paragraph (b):

(i) the provisions concerned shall not apply in respect of the Office in its capacity as a receiving Office for as long as the incompatibility continues; and

(ii) the Office may instead provide for the filing with it of international applications in electronic form according to that national law and those technical systems; provided that the Office informs the International Bureau accordingly by the date on which the Office sends the International Bureau a notification under Rule 89.1(d) and in any case no later than 7 April 2002. The information received shall be promptly published by the International Bureau in the Gazette.

Section 704

Receipt; International Filing Date; Signature; Physical Requirements

(a) The receiving Office shall promptly notify the applicant of, or otherwise enable the applicant to obtain confirmation of, the receipt of any purported international application filed with it in electronic

form. The notification or confirmation shall indicate or contain:

(i) the identity of the Office;

(ii) the date of receipt;

(iii) any reference number or application number assigned to the purported application by the Office; and

(iv) a message digest, generated by the Office, of the purported application as received; and may, at the option of the Office, also indicate or contain other information such as:

(v) the names and sizes of the electronic files received;

(vi) the dates of creation of the electronic files received; and

(vii) a copy of the purported application as received.

(b) Where the receiving Office refuses in accordance with Rule 89*bis*.1(d) or Section 703(e) to receive a purported international application submitted to it in electronic form, it shall, if practicable having regard to the indications furnished by the applicant, promptly notify the applicant accordingly.

(c) Promptly after receiving a purported international application in electronic form, the receiving Office shall determine whether the purported application complies with the requirements of Article 11(1) and shall proceed accordingly.

(d) Where an international application filed in electronic form is not signed in compliance with Section 703(c), the application shall be considered not to comply with the requirements of Article 14(1)(a)(i) and the receiving Office shall proceed accordingly.

(e) Where an international application filed in electronic form does not comply with Section 703(b) but the receiving Office decides, under Section 703(e), to receive it, that non-compliance shall be considered to be non-compliance with the physical requirements referred to in Article 14(1)(a)(v) and the receiving Office shall proceed accordingly, having regard to whether compliance is necessary for the purpose of reasonably uniform international publication (Rule 26.3) and satisfactory electronic communications.

(f) An international application filed in electronic form may, in accordance with the provisions of Rule 19.4, be transmitted by the Office with which the

application was filed to the International Bureau as receiving Office.

(g) Where an international application filed in electronic form was signed using a type of electronic signature that complies with the basic common standard but that has not been specified by the receiving Office under Section 703(c), the Office may require that any subsequent document or correspondence submitted to it in electronic form be signed using a type of electronic signature that has been so specified. If that requirement is not complied with, Rule 92.1(b) and (c) shall apply *mutatis mutandis*.

(h) The provisions of this Part, other than paragraph (g), shall apply *mutatis mutandis* to other documents and correspondence relating to international applications.

Section 705

Home Copy, Record Copy and Search Copy Where International Application is Filed in Electronic Form

(a) Where an international application is filed in electronic form as a wrapped and signed package in accordance with Annex F, the home copy and the record copy in relation to that application for the purposes of Article 12 shall each consist of a copy in electronic form of that package.

(b) Where an international application is filed in electronic form but is not filed as a wrapped and signed package in accordance with Annex F, the home copy and the record copy in relation to that application for the purposes of Article 12 shall each consist of a copy in electronic form of the application as filed. If the application as filed was encrypted, the home copy and the record copy shall consist of the decrypted version. If the application as filed was infected by a virus or other form of malicious logic, the home copy and the record copy shall consist of the disinfected version.

(c) Where the international application is filed in electronic form on a physical medium, the home copy and the record copy shall not include the physical medium, but the receiving Office shall, for the purposes of Rule 93.1, retain the application as originally filed, together with the physical medium.

(d) Where the International Searching Authority has notified the International Bureau in accordance with Rule 89.1(d) that it is prepared to process inter-

national applications in electronic form, paragraphs (a) and (b) apply *mutatis mutandis* to the search copy; otherwise, the search copy shall consist of a copy of the application printed on paper by the receiving Office.

Section 705bis

Processing in Electronic Form of International Applications Filed on Paper; Home Copy, Record Copy and Search Copy

(a) Where an international application is filed on paper, it may, subject to this Part, be processed and kept as a complete and accurate copy in electronic form prepared by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau. Any receiving Office, International Searching Authority or International Preliminary Examining Authority which proceeds under this paragraph shall notify the International Bureau accordingly.

(b) Pursuant to paragraph (a) and for the purposes of Article 12, where an international application is filed on paper:

(i) the receiving Office may keep a copy in electronic form referred to in that paragraph as the home copy;

(ii) the International Bureau may keep a copy in electronic form referred to in that paragraph as the record copy;

(iii) the International Searching Authority may keep a copy in electronic form referred to in that paragraph as the search copy.

(c) Where a copy in electronic form is kept as the record copy under paragraph (b)(ii), the original of the international application as filed on paper shall be kept, for a period of at least 10 years from the international filing date, by the International Bureau or, where so agreed by the receiving Office and the International Bureau, by the receiving Office on behalf of the International Bureau. The original shall be marked with the words “INTERNATIONAL APPLICATION— ORIGINAL AS FILED ON PAPER (SECTION 705bis)” or their equivalent in the language of publication of the international application on the bottom of the first page of the request and of the first page of the description.

(d) Where, before the expiration of the period referred to in paragraph (c), the International Bureau

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

finds, upon request for correction made by the applicant or otherwise, that a copy in electronic form kept as the record copy under paragraph (b)(ii) is not in fact a complete and accurate copy of the original kept under paragraph (c), it shall correct the record copy so as to bring it into conformity with the original. If the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or a designated or elected Office considers that the International Bureau should make a finding under the first sentence of this paragraph, it shall call the relevant facts to the attention of the International Bureau.

(e) Where the International Bureau has corrected the record copy in accordance with paragraph (d), it shall promptly notify the applicant, publish the corrected international application together with a revised front page, and publish a notice of this fact in the Gazette. Section 422(a)(i) to (v) shall apply *mutatis mutandis* with regard to the notification of the receiving Office, the International Searching Authority, the International Preliminary Examining Authority and the designated and elected Offices.

Section 706

Backup Copies

(a) Where an international application was filed in electronic form, the applicant may, if the receiving Office so permits and within 16 months from the priority date, file a backup copy of the application on paper or on a physical medium in accordance with Annex F, provided that the backup copy shall be identified as such and shall be accompanied by a statement by the applicant that the content of the backup copy is identical to that of the application as filed in electronic form.

(b) Where an international application was filed in electronic form, the receiving Office may, of its own volition or at the request of the applicant, prepare a backup copy of the application on paper or on a physical medium in accordance with Annex F, provided that the content of the backup copy shall be identical to that of the application as filed in elec-

tronic form. The Office shall, upon request by the applicant and subject to the payment of a fee, send to the applicant a copy of such a backup copy.

(c) The receiving Office shall mark any backup copy filed or prepared on paper with the words “BACKUP COPY” or their equivalent in the language of publication of the international application on the bottom of the first page of the request and on the first page of the description.

(d) The applicant may, within 16 months from the priority date, request the receiving Office to substitute a backup copy filed in accordance with paragraph (a), or prepared in accordance with paragraph (b), for the application in electronic form, in which case the backup copy shall be considered to be replacement sheets effecting a correction under Rule 26. The replacement sheets shall be considered to have been received by the receiving Office on the date on which it received the applicant’s request.

Section 707

Calculation of International Filing Fee and Fee Reduction

(a) Where an international application is filed in electronic form, the international filing fee shall, subject to paragraph (a-bis), be calculated on the basis of the number of sheets that the application would contain if presented as a print-out complying with the physical requirements prescribed in Rule 11.⁵

(a-bis) Where an international application filed in electronic form contains a sequence listing as referred to in Rule 5.2(a), the calculation of the international filing fee shall not take into account any sheet of the sequence listing nor any sheet of any tables related thereto in excess of 400 sheets.

(b) Item 3(b), (c), and (d) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application filed in electronic form with a receiving Office which has notified the International Bureau under Section 710(a) that it is prepared to receive international applications in electronic form or which has

⁵Noting that Rule 11 leaves some flexibility as to the margins of the sheets (see Rule 11.6) and the size of the characters (see Rule 11.9(d)), the international filing fee should be calculated on the basis of the number of sheets that the application would contain if presented as a print-out complying with the minimum margin and character size requirements. In practice, however, the receiving Office should not print-out the international application but rather rely on the number of pages of the international application as calculated by the electronic filing software and indicated in the request.

decided to receive such an application in accordance with Section 703(d).

Section 708

Special Provisions Concerning Legibility, Completeness, Infection by Viruses, Etc.

(a) Where an international application is filed in electronic form, the receiving Office shall promptly check whether the application is legible and whether it appears to have been fully received. Where the Office finds that all or part of the international application is illegible or that part of the application appears not to have been received, the international application shall be treated as not having been received to the extent that it is illegible or, where transmitted by electronic means, that the attempted transmission failed, and the Office shall, if practicable having regard to the indications furnished by the applicant, promptly notify the applicant accordingly.

(b) Where a purported international application is received in electronic form, the receiving Office shall promptly check it for infection by viruses and other forms of malicious logic. Where the Office finds that the purported application is so infected:

(i) the Office is not required to disinfect the purported application and may, under Section 703(e), refuse to receive it;

(ii) if the Office decides under Section 703(e) to receive the purported application, the Office shall use means reasonably available under the circumstances to read it, for example, by disinfecting it or preparing a backup copy under Section 706, and to store it in such a way that its contents may be ascertained if necessary;

(iii) if the Office finds that it is able to read and store the purported application as mentioned in item (ii), it shall determine whether an international filing date should be accorded;

(iv) if the Office accords an international filing date to the application, it shall, if possible having regard to the indications furnished by the applicant, promptly notify the applicant and, if necessary, invite the applicant to submit a substitute copy of the application free of infection;

(v) if the Office accords an international filing date to the application, it shall prepare the home copy, the record copy and the search copy on the basis of the disinfected application, the backup copy or the

substitute copy referred to in items (ii) or (iv), as applicable, provided that the application shall be stored by the Office, as referred to in item (ii), for the purposes of Rule 93.1.

Section 709

Means of Communication with the Receiving Office

(a) Where an international application is filed in electronic form and by electronic means of transmittal, the receiving Office shall, if practicable, send any notifications, invitations and other correspondence to the applicant by electronic means of transmittal in accordance with Annex F, or by such other means indicated by the applicant from among those offered by the Office.

(b) Where it appears to the receiving Office that a notification, invitation or other correspondence sent to the applicant by electronic means of transmittal was not successfully transmitted, the Office shall, if practicable, promptly retransmit the notification, invitation or other correspondence by the same or another means.

(c) At times when the electronic systems of the receiving Office are not available for the filing of documents in electronic form or by electronic means of transmittal, the Office shall, if possible, promptly publish information to that effect by means reasonably available to it under the circumstances, for example, by including a notice on the Office's Internet site, if any.

Section 710

Notification and Publication of Receiving Offices' Requirements and Practices

(a) A notification by a receiving Office to the International Bureau under Rule 89*bis*.1(d) and Section 703(a) that it is prepared to receive international applications in electronic form shall indicate, where applicable:

(i) the electronic document formats, means of transmittal, types of electronic packages, electronic filing software and types of electronic signature specified by it under Section 703(b)(i) to (iv) and (c), and any options specified by it under the basic common standard;

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(ii) the conditions, rules and procedures relating to electronic receipt, including hours of operation, choices for processes to verify or acknowledge receipt, choices for electronic communication of invitations and notifications, any methods of online payment, details concerning any help desks, electronic and software requirements and other administrative matters related to the filing in electronic form of international applications and related documents;

(iii) the kinds of documents which may be transmitted to or by the Office in electronic form;

(iv) the certification authorities that are accepted by the Office, and the electronic addresses of the certificate policies under which certificates are issued;

(v) procedures for notification of applicants and procedures which applicants may follow as alternatives when the electronic systems of the Office are not available;

(vi) the certification authorities that are accepted by the Office, and the electronic addresses of the certificate policies under which certificates are issued;

(vii) the procedures relating to access to the files of international applications filed or stored in electronic form.

(b) The receiving Office shall notify the International Bureau of any change in the matters previously indicated by it in a notification under Section 705*bis*(a) or paragraph (a) of this Section.

(c) The International Bureau shall promptly publish in the Gazette any notification received by it under Section 705*bis*(a) or paragraph (a) or (b) of this Section.

(d) The effective date of any change notified under paragraph (b) shall be as specified by the receiving Office in the notification, provided that any change which restricts filing options shall not be effective earlier than two months after the date of publication of the notification of the change in the Gazette.

Section 711

Electronic Records Management

(a) Records, copies and files in electronic form in relation to international applications shall be pro-

cessed and, for the purposes of Rule 93, kept in accordance with the requirements of authentication, integrity, confidentiality and non-repudiation, and having due regard to the principles of electronic records management, set out in Annex F.

(b) Upon request by the applicant or other interested party in relation to a particular international application, the receiving Office shall, subject to any restrictions applicable under the Treaty as to access by third parties,⁶ certify that any electronic records relating to that application are maintained and stored by it in accordance with paragraph (a).

Section 712

Access to Electronic Records

Access permitted by the Treaty, the Regulations or these Administrative Instructions to documents contained in the file of an international application filed, processed or kept in electronic form may, at the option of the national Office or intergovernmental organization concerned, be provided by electronic means or in electronic form, having due regard to the need to ensure the integrity and where applicable confidentiality of data, the principles of electronic records management set out in Annex F, and the need to ensure security of the electronic networks, systems and applications of the Office or organization.

Section 713

Application of Provisions to International Authorities and the International Bureau, and to Notifications, Communications, Correspondence and Other Documents

(a) The provisions of this Part, other than Sections 703(c), 704(c) to (g), 706, 707, 708(b)(iii) to (v), 710(a)(iv) and 714(b), shall, if they are capable of applying but do not expressly apply to the International Searching Authorities, the International Preliminary Examining Authorities and the International Bureau, apply *mutatis mutandis* to those Authorities and that Bureau.

(b) The provisions of this Part, other than Sections 702(c), 703(c), 704(c) to (f), 705, 705*bis*(b) to (e), 706, 707, 708(b)(iii) to (v) and 710(a)(iv), shall, if they are capable of applying but do not expressly ap-

⁶Articles 30 and 38 and Rule 94 restrict access.

ply to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form, shall apply *mutatis mutandis* to such notifications, communications, correspondence or other documents relating to international applications.

Section 714

Furnishing by the International Bureau of Copies of Documents Kept in Electronic Form; Designated Offices' Signature Requirements

(a) Where any International Searching Authority, International Preliminary Examining Authority or designated Office has not notified the International Bureau in accordance with Rule 89*bis*.1(d) or Section

705*bis*(a) that it is prepared to process international applications in electronic form, the International Bureau shall furnish to that Office or Authority a copy on paper of any document which is kept by the International Bureau in electronic form and which that Office or Authority is entitled to receive. The International Bureau may also, upon request by the Authority or Office concerned, furnish such copy in electronic form.

(b) Any designated Office may require that any document or correspondence submitted to it by the applicant in electronic form be signed by the applicant using a type of electronic signature specified by it in accordance with Annex F.

PART 8

**INSTRUCTIONS RELATING TO INTERNATIONAL APPLICATIONS CONTAINING
LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS AND/OR
TABLES RELATING THERETO**

Section 801

**Filing of International Applications Containing
Sequence Listings and/or Tables**

(a) Pursuant to Rules 89*bis* and 89*ter*, where an international application contains disclosure of one or more nucleotide and/or amino acid sequence listings (“sequence listings”), the receiving Office may, if it is prepared to do so, accept that the sequence listing part of the description, as referred to in Rule 5.2(a) and/or any table related to the sequence listing(s) (“sequence listings and/or tables”), be filed, at the option of the applicant:

(i) only on an electronic medium in electronic form in accordance with Section 802; or

(ii) both on an electronic medium in electronic form and on paper in accordance with Section 802;

provided that the other elements of the international application are filed as otherwise provided for under the Regulations and these Instructions.

(b) Any receiving Office which is prepared to accept the filing in electronic form of the sequence listings and/or tables under paragraph (a) shall notify the International Bureau accordingly. The notification shall specify the electronic media on which the receiving Office will accept such filings. The International Bureau shall promptly publish any such information in the Gazette.

(c) A receiving Office which has not made a notification under paragraph (b) may nevertheless decide in a particular case to accept an international application the sequence listings and/or tables of which are filed with it under paragraph (a).

(d) Where the sequence listings and/or tables are filed in electronic form under paragraph (a) but not on an electronic medium specified by the receiving Office under paragraph (b), that Office shall, under Article 14(1)(a)(v), invite the applicant to furnish to it replacement sequence listings and/or tables on an electronic medium specified under paragraph (b).

(e) Where an international application containing sequence listings and/or tables in electronic form is filed under paragraph (a) with a receiving Office which is not prepared, under paragraph (b) or (c), to accept such filings, Section 333(b) and (c) shall apply.

Section 802

**Format and Identification Requirements Relating
to International Applications Containing Sequence
Listings and/or Tables**

(a) Paragraphs 40 to 45 of Annex C shall apply *mutatis mutandis* to the sequence listing part of an international application filed in electronic form.

(b) Tables filed in electronic form under Section 801(a) shall comply with Annex C-*bis*.

(b-*bis*) Any International Searching Authority which requires that sequence listings be furnished in electronic form shall select from the technical requirements contained in Annex C-*bis* those which it will apply and it shall notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.

(b-*ter*) Where sequence listings and tables are both filed in electronic form under Section 801(a), such listings and tables shall, respectively, be contained on separate electronic carriers which shall contain no other programs or files.

(b-*quater*) Rules 13*ter*.1 and 2 shall apply *mutatis mutandis* to any tables not complying with Annex C-*bis* and paragraph (b-*ter*).

(c) The label provided for in paragraph 44 of Annex C shall, in respect of the sequence listings and/or tables, also include, as the case may be, the following indications:

(i) that the sequence listings and/or tables are filed under Section 801(a);

(ii) where the sequence listings and/or tables in electronic form are contained on more than one electronic carrier, the numbering of each such carrier (for example, “DISK 1/3,” “DISK 2/3,” “DISK 3/3”);

(iii) where more than one copy of the sequence listings and/or tables in electronic form has

been filed, the numbering of each copy (for example, “COPY 1,” “COPY 2,” “COPY 3”).

(d) Where any correction under Rule 26.3, any rectification of an obvious error under Rule 91, or any amendment under Article 34 is submitted in respect of the sequence listings and/or tables filed, under Section 801(a)(i) or (ii), in electronic form, replacement sequence listings and/or tables in electronic form containing the entirety of the sequence listings and/or tables with the relevant correction, rectification or amendment shall be furnished and the label referred to in paragraph (c) shall be marked accordingly (for example, “SUBMITTED FOR CORRECTION,” “SUBMITTED FOR RECTIFICATION,” “SUBMITTED FOR AMENDMENT”). Where the sequence listings and/or tables were filed both in electronic form and in written form under Section 801(a)(ii), replacement sheets containing the correction, rectification or amendment in question shall also be submitted on paper.

Section 803

Calculation of International Filing Fee for International Applications Containing Sequence Listings and/or Tables

Where sequence listings and/or tables are filed in electronic form under Section 801(a), the international filing fee payable in respect of that application shall include the following two components:

(i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper (that is, all pages of the request, description (excluding sequence listings and/or tables if also filed on paper), claims, abstract and drawings), and

(ii) an additional component, in respect of sequence listings and/or tables, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listings and/or tables filed in electronic form and regardless of the fact that sequence listings and/or tables may have been filed both on paper and in electronic form.

Section 804

Preparation, Identification and Transmittal of Copies of International Applications Containing Sequence Listings and/or Tables

(a) Where sequence listings and/or tables are filed only in electronic form under Section 801(a)(i), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705*bis*, consist of those elements of the international application filed on paper together with the sequence listings and/or tables filed in electronic form.

(b) Where sequence listings and/or tables are filed both in electronic form and on paper under Section 801(a)(ii), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705*bis*, consist of all the elements of the international application filed on paper, including the sequence listings and/or tables filed on paper.

(c) Where sequence listings and/or tables are filed in electronic form under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of this Section, the receiving Office shall either:

(i) promptly prepare any additional copies required, in which case it shall have the right to fix a fee for performing that task and to collect such fee from the applicant; or

(ii) invite the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listings and/or tables in electronic form contained in those copies are identical to the sequence listings and/or tables in electronic form as filed;

provided that, where those sequence listings and/or tables were also filed on paper under Section 801(a)(ii), the receiving Office shall not, notwithstanding Rule 11.1(b), require the applicant to file additional copies of the sequence listings and/or tables on paper.

(d) Where the sequence listings and/or tables are filed under Section 801(a)(i), the receiving Office shall, subject to Sections 702(c) and 705*bis*, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” on the original electronic medium containing the sequence

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

listings and/or tables part in electronic form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in electronic form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13*ter*.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in electronic form and keep that part of the home copy in its files together with the paper part of the home copy.

(e) Where the sequence listings and/or tables are filed under Section 801(a)(ii), the receiving Office shall, subject to Sections 702(c) and 705*bis*, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” in the upper left-hand corner of the first page of the sequence listing and of the first page of the first table filed on paper and transmit that part of the record copy to the International Bureau together with the paper part of the record copy; it shall also mark the words “COPY FOR INTERNATIONAL BUREAU—SEQUENCE LISTINGS AND/OR TABLES” on one copy of the electronic medium containing the sequence listings and/or tables in electronic form and transmit that copy with the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in electronic form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13*ter*.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in electronic form

and keep that part of the home copy in its files together with the paper part of the home copy.

(f) The receiving Office may, when marking the copies referred to in paragraphs (d) and (e), use, instead of the words referred to in those paragraphs, the equivalent of those words in the language of publication of the international application.

Section 805

Publication and Communication of International Applications Containing Sequence Listings and/or Tables; Copies; Priority Documents

(a) Notwithstanding Section 406, an international application containing sequence listings and/or tables may be published under Article 21, in whole or in part, in electronic form as determined by the Director General.

(b) Paragraph (a) shall apply *mutatis mutandis* in relation to:

(i) the communication of an international application under Article 20;

(ii) the furnishing of copies of an international application under Rules 87 and 94.1;

(iii) the furnishing under Rule 17.1, as a priority document, of a copy of an international application containing sequence listings and/or tables filed under Section 801(a);

(iv) the furnishing under Rules 17.2 and 66.7 of copies of a priority document.

Section 806

Sequence Listings and/or Tables for Designated Office

(a) Where sequence listings and/or tables were filed only in electronic form under Section 801(a)(i), any designated Office which does not accept the filing of sequence listings and/or tables in electronic form may require that the applicant furnish to it, for the purposes of the national phase, a copy on paper of such sequence listings complying with Annex C and a copy on paper of such tables, accompanied by a statement that the sequence listings and/or tables on paper are identical to the sequence listings and/or tables in electronic form.

(b) Rule 13*ter*.3 shall apply *mutatis mutandis* to any tables filed under Section 801(a).

MANUAL OF PATENT EXAMINING PROCEDURE

(c) For the purposes of Rule 49.5, any designated Office may require that the applicant furnish to it a translation of any text matter contained in any tables filed under Section 801(a), if that text matter is not in the language-neutral vocabulary referred to in

Annex C and if it does not appear in the main part of the description in the language thereof.

[Annexes follow]

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

ANNEX A

FORMS

[This Annex, which is not reproduced here, contains Forms for use by applicants and by the International Authorities, including those referred to in Section 102 of the Administrative Instructions. It consists of five Parts, as follows:

Part I: Forms Relating to the Receiving Office;

Part II: Forms Relating to the International Searching Authority;

Part III: Forms Relating to the International Bureau;

Part IV: Forms Relating to the International Preliminary Examining Authority;

Part V: Request and Demand Forms.

These forms are available from the WIPO web site at: www.wipo.int/pct/en/texts/index.htm; paper copies are available from the International Bureau on request.]

[Annex B follows]

ANNEX B

UNITY OF INVENTION

- (a) **Unity of Invention.** Rule 13.1 deals with the requirement of unity of invention and states the principle that an international application should relate to only one invention or, if there is more than one invention, that the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept.
- (b) **Technical Relationship.** Rule 13.2 defines the method for determining whether the requirement of unity of invention is satisfied in respect of a group of inventions claimed in an international application. Unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding “special technical features”. The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).
- (c) **Independent and Dependent Claims.** Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By “dependent” claim is meant a claim which contains all the features of another claim and is in the same category of claim as that other claim (the expression “category of claim” referring to the classification of claims according to the subject matter of the invention claimed for example, product, process, use or apparatus or means, etc.).
- (i) If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention. Equally, no problem arises in the case of a genus/species situation where the genus claim avoids the prior art. Moreover, no problem arises in the case of a combination/subcombination situation where the subcombination claim avoids the prior art and the combination claim includes all the features of the subcombination.
- (ii) If, however, an independent claim does not avoid the prior art, then the question whether there is still an inventive link between all the claims dependent on that claim needs to be carefully considered. If there is no link remaining, an objection of lack of unity *a posteriori* (that is, arising only after assessment of the prior art) may be raised. Similar considerations apply in the case of a genus/species or combination/subcombination situation.
- (iii) This method for determining whether unity of invention exists is intended to be applied even before the commencement of the international search. Where a search of the prior art is made, an initial determination of unity of invention, based on the assumption that the claims avoid the prior art, may be reconsidered on the basis of the results of the search of the prior art.
- (d) **Illustrations of Particular Situations.** There are three particular situations for which the method for determining unity of invention contained in Rule 13.2 is explained in greater detail:
- (i) combinations of different categories of claims;
- (ii) so-called “Markush practice”; and
- (iii) intermediate and final products.
- Principles for the interpretation of the method contained in Rule 13.2, in the context of each of those situations are set out below. It is understood that the principles set out below are, in all instances, interpretations of and not exceptions to the requirements of Rule 13.2.
- Examples to assist in understanding the interpretation on the three areas of special concern referred to in the preceding paragraph are set out below.
- (e) **Combinations of Different Categories of Claims.** The method for determining unity of invention under Rule 13.2 shall be construed as

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

- (i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or
- (ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, or
- (iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product and an independent claim for an apparatus or means specifically designed for carrying out the said process,

it being understood that a process is specially adapted for the manufacture of a product if it inherently results in the product and that an apparatus or means is specifically designed for carrying out a process if the contribution over the prior art of the apparatus or means corresponds to the contribution the process makes over the prior art.

Thus, a process shall be considered to be specially adapted for the manufacture of a product if the claimed process inherently results in the claimed product with the technical relationship being present between the claimed product and claimed process. The words “specially adapted” are not intended to imply that the product could not also be manufactured by a different process.

Also an apparatus or means shall be considered to be “specifically designed for carrying out” a claimed process if the contribution over the prior art of the apparatus or means corresponds to the contribution the process makes over the prior art. Consequently, it would not be sufficient that the apparatus or means is merely capable of being used in carrying out the claimed process. However, the expression “specifically designed” does not imply that the apparatus or means could not be used for carrying out another process, nor that the process could not be carried out using an alternative apparatus or means.

(f) **“Markush Practice”**. The situation involving the so-called “Markush practice” wherein a single claim defines alternatives (chemical or non-chem-

ical) is also governed by Rule 13.2. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in Rule 13.2, shall be considered to be met when the alternatives are of a similar nature.

- (i) When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:
 - (A) all alternatives have a common property or activity, and
 - (B)(1) a common structure is present, i.e., a significant structural element is shared by all of the alternatives, or
 - (B)(2) in cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.
- (ii) In paragraph (f)(i)(B)(1), above, the words “significant structural element is shared by all of the alternatives” refer to cases where the compounds share a common chemical structure which occupies a large portion of their structures, or in case the compounds have in common only a small portion of their structures, the commonly shared structure constitutes a structurally distinctive portion in view of existing prior art, and the common structure is essential to the common property or activity. The structural element may be a single component or a combination of individual components linked together.
- (iii) In paragraph (f)(i)(B)(2), above, the words “recognized class of chemical compounds” mean that there is an expectation from the knowledge in the art that members of the class will behave in the same way in the context of the claimed invention. In other words, each member could be substituted one for the other, with the expectation that the same intended result would be achieved.
- (iv) The fact that the alternatives of a Markush grouping can be differently classified shall not, taken alone, be considered to be justifi-

cation for a finding of a lack of unity of invention.

- (v) When dealing with alternatives, if it can be shown that at least one Markush alternative is not novel over the prior art, the question of unity of invention shall be reconsidered by the examiner. Reconsideration does not necessarily imply that an objection of lack of unity shall be raised.
- (g) **Intermediate and Final Products.** The situation involving intermediate and final products is also governed by Rule 13.2.
 - (i) The term “intermediate” is intended to mean intermediate or starting products. Such products have the ability to be used to produce final products through a physical or chemical change in which the intermediate loses its identity.
 - (ii) Unity of invention shall be considered to be present in the context of intermediate and final products where the following two conditions are fulfilled:
 - (A) the intermediate and final products have the same essential structural element, in that:
 - (1) the basic chemical structures of the intermediate and the final products are the same, or
 - (2) the chemical structures of the two products are technically closely interrelated, the intermediate incorporating an essential structural element into the final product, and
 - (B) the intermediate and final products are technically interrelated, this meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates all containing the same essential structural element.
 - (iii) Unity of invention may also be considered to be present between intermediate and final products of which the structures are not known—for example, as between an intermediate having a known structure and a final product the structure of which is not known, or as between an intermediate of unknown structure and a final product of unknown structure. In order to satisfy unity in such cases, there shall be sufficient evidence to lead one to conclude that the intermediate and final products are technically closely interrelated as, for example, when the intermediate contains the same essential element as the final product or incorporates an essential element into the final product.
- (iv) It is possible to accept in a single international application different intermediate products used in different processes for the preparation of the final product, provided that they have the same essential structural element.
- (v) The intermediate and final products shall not be separated, in the process leading from one to the other, by an intermediate which is not new.
- (vi) If the same international application claims different intermediates for different structural parts of the final product, unity shall not be regarded as being present between the intermediates.
- (vii) If the intermediate and final products are families of compounds, each intermediate compound shall correspond to a compound claimed in the family of the final products. However, some of the final products may have no corresponding compound in the family of the intermediate products so that the two families need not be absolutely congruent.
- (h) As long as unity of invention can be recognized applying the above interpretations, the fact that, besides the ability to be used to produce final products, the intermediates also exhibit other possible effects or activities shall not affect the decision on unity of invention.
- (i) Rule 13.3 requires that the determination of the existence of unity of invention be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.
- (j) Rule 13.3 is not intended to constitute an encouragement to the use of alternatives within a single claim, but is intended to clarify that the criterion

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

for the determination of unity of invention (namely, the method contained in Rule 13.2) remains the same regardless of the form of claim used.

- (k) Rule 13.3 does not prevent an International Searching or Preliminary Examining Authority or an Office from objecting to alternatives being contained within a single claim on the basis of considerations such as clarity, the conciseness of claims or the claims fee system applicable in that Authority or Office.
- (l) Examples giving guidance on how these principles may be interpreted in particular cases are set out in the PCT International Search and Preliminary Examination Guidelines.

[Annex C follows]

ANNEX C

STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT

Introduction

1. This Standard has been elaborated so as to provide standardization of the presentation of nucleotide and amino acid sequence listings in international patent applications. The Standard is intended to allow the applicant to draw up a single sequence listing which is acceptable to all receiving Offices, International Searching and Preliminary Examining Authorities for the purposes of the international phase, and to all designated and elected Offices for the purposes of the national phase. It is intended to enhance the accuracy and quality of presentations of nucleotide and amino acid sequences given in international applications, to make for easier presentation and dissemination of sequences for the benefit of applicants, the public and examiners, to facilitate searching of sequence data and to allow the exchange of sequence data in electronic form and the introduction of sequence data onto computerized databases.

Definitions

2. For the purposes of this Standard:

(i) the expression “sequence listing” means a part of the description of the application as filed or a document filed subsequently to the application, which gives a detailed disclosure of the nucleotide and/or amino acid sequences and other available information;

(ii) sequences which are included are any unbranched sequences of four or more amino acids or unbranched sequences of ten or more nucleotides. Branched sequences, sequences with fewer than four specifically defined nucleotides or amino acids as well as sequences comprising nucleotides or amino acids other than those listed in Appendix 2, Tables 1, 2, 3 and 4, are specifically excluded from this definition;

(iii) “nucleotides” embrace only those nucleotides that can be represented using the symbols set forth in Appendix 2, Table 1. Modifications, for example, methylated bases, may be described as set forth in Appendix 2, Table 2, but shall not be shown explicitly in the nucleotide sequence;

(iv) “amino acids” are those L-amino acids commonly found in naturally occurring proteins and are listed in Appendix 2, Table 3. Those amino acid sequences containing at least one D-amino acid are not intended to be embraced by this definition. Any amino acid sequence that contains post-translationally modified amino acids may be described as the amino acid sequence that is initially translated using the symbols shown in Appendix 2, Table 3, with the modified positions, for example, hydroxylations or glycosylations, being described as set forth in Appendix 2, Table 4, but these modifications shall not be shown explicitly in the amino acid sequence. Any peptide or protein that can be expressed as a sequence using the symbols in Appendix 2, Table 3, in conjunction with a description elsewhere to describe, for example, abnormal linkages, cross-links (for example, disulfide bridge) and end caps, non-peptidyl bonds, etc., is embraced by this definition;

(v) “sequence identifier” is a unique integer that corresponds to the SEQ ID NO assigned to each sequence in the listing;

(vi) “numeric identifier” is a three-digit number which represents a specific data element;

(vii) “language-neutral vocabulary” is a controlled vocabulary used in the sequence listing that represents scientific terms as prescribed by sequence database providers (including scientific names, qualifiers and their controlled-vocabulary values, the symbols appearing in Appendix 2, Tables 1, 2, 3 and 4, and the feature keys appearing in Appendix 2, Tables 5 and 6;

(viii) “competent Authority” is the International Searching Authority that is to carry out the international search and to establish the written opinion of the International Searching Authority on the international applica-

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

tion, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, or the designated/elected Office before which the processing of the international application has started.

Sequence Listing

3. The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the application. This part shall be entitled "Sequence Listing", begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description.

4. Where the sequence listing as defined in paragraph 2(i) is not contained in the application as filed but is a separate document furnished subsequently to the filing of the application (see paragraph 37), it shall be entitled "Sequence Listing" and shall have independent page numbering. The original numbering of the sequences (see paragraph 5) in the application as filed shall be maintained in the subsequently furnished sequence listing.

5. Each sequence shall be assigned a separate sequence identifier. The sequence identifiers shall begin with 1 and increase sequentially by integers. If no sequence is present for a sequence identifier, the code 000 should appear under numeric identifier <400>, beginning on the next line following the SEQ ID NO. The response for numeric identifier <160> shall include the total number of SEQ ID NOs, whether followed by a sequence or by the code 000.

6. In the description, claims or drawings of the application, the sequences represented in the sequence listing shall be referred to by the sequence identifier and preceded by "SEQ ID NO:".

7. Nucleotide and amino acid sequences should be represented by at least one of the following three possibilities:

- (i) a pure nucleotide sequence;
- (ii) a pure amino acid sequence;
- (iii) a nucleotide sequence together with its corresponding amino acid sequence.

For those sequences disclosed in the format specified in option (iii), above, the amino acid sequence must be disclosed separately in the sequence listing as a pure amino acid sequence with a separate integer sequence identifier.

Nucleotide Sequences

Symbols to Be Used

8. A nucleotide sequence shall be presented only by a single strand, in the 5'-end to 3'-end direction from left to right. The terms 3' and 5' shall not be represented in the sequence.

9. The bases of a nucleotide sequence shall be represented using the one-letter code for nucleotide sequence characters. Only lower case letters in conformity with the list given in Appendix 2, Table 1, shall be used.

10. Modified bases shall be represented as the corresponding unmodified bases or as "n" in the sequence itself if the modified base is one of those listed in Appendix 2, Table 2, and the modification shall be further described in the feature section of the sequence listing, using the codes given in Appendix 2, Table 2. These codes may be used in the description or the feature section of the sequence listing but not in the sequence itself (see also paragraph 32). The symbol "n" is the equivalent of only one unknown or modified nucleotide.

Format to be Used

11. A nucleotide sequence shall be listed with a maximum of 60 bases per line, with a space between each group of 10 bases.

12. The bases of a nucleotide sequence (including introns) shall be listed in groups of 10 bases, except in the coding parts of the sequence. Leftover bases, fewer than 10 in number at the end of non-coding parts of a sequence, should be grouped together and separated from adjacent groups by a space.

13. The bases of the coding parts of a nucleotide sequence shall be listed as triplets (codons).

14. The enumeration of the nucleotide shall start at the first base of the sequence with number 1. It shall be continuous through the whole sequence in the direction 5' to 3'. It shall be marked in the right margin, next to the line containing the one-letter codes for the bases, and giving the number of the last base of that line. The enumeration method for nucleotide sequences set forth above remains applicable to nucleotide sequences that are circular in configuration, with the exception that the designation of the first nucleotide of the sequence may be made at the option of the applicant.

15. A nucleotide sequence that is made up of one or more non-contiguous segments of a larger sequence or of segments from different sequences shall be numbered as a separate sequence, with a separate sequence identifier. A sequence with a gap or gaps shall be numbered as a plurality of separate sequences with separate sequence identifiers, with the number of separate sequences being equal in number to the number of continuous strings of sequence data.

Amino Acid Sequences

Symbols to Be Used

16. The amino acids in a protein or peptide sequence shall be listed in the amino to carboxy direction from left to right. The amino and carboxy groups shall not be represented in the sequence.

17. The amino acids shall be represented using the three-letter code with the first letter as a capital and shall conform to the list given in Appendix 2, Table 3. An amino acid sequence that contains a blank or internal terminator symbols (for example, "Ter" or "*" or ".") may not be represented as a single amino acid sequence, but shall be presented as separate amino acid sequences (see paragraph 22).

18. Modified and unusual amino acids shall be represented as the corresponding unmodified amino acids or as "Xaa" in the sequence itself if the modified amino acid is one of those listed in Appendix 2, Table 4, and the modification shall be further described in the feature section of the sequence listing, using the codes given in Appendix 2, Table 4. These codes may be used in the description or the feature section of the sequence listing but not in the sequence itself (see also paragraph 32). The symbol "Xaa" is the equivalent of only one unknown or modified amino acid.

Format to Be Used

19. A protein or peptide sequence shall be listed with a maximum of 16 amino acids per line, with a space provided between each amino acid.

20. Amino acids corresponding to the codons in the coding parts of a nucleotide sequence shall be placed immediately under the corresponding codons. Where a codon is split by an intron, the amino acid symbol should be given below the portion of the codon containing two nucleotides.

21. The enumeration of amino acids shall start at the first amino acid of the sequence, with number 1. Optionally, the amino acids preceding the mature protein, for example pre-sequences, pro-sequences, pre-pro-sequences and signal sequences, when present, may have negative numbers, counting backwards starting with the amino acid next to number 1. Zero (0) is not used when the numbering of amino acids uses negative numbers to distinguish the mature protein. It shall be marked under the sequence every five amino acids. The enumeration method for amino acid sequences set forth above remains applicable for amino acid sequences that are circular in configuration, with the exception that the designation of the first amino acid of the sequence may be made at the option of the applicant.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

22. An amino acid sequence that is made up of one or more non-contiguous segments of a larger sequence or of segments from different sequences shall be numbered as a separate sequence, with a separate sequence identifier. A sequence with a gap or gaps shall be numbered as a plurality of separate sequences with separate sequence identifiers, with the number of separate sequences being equal in number to the number of continuous strings of sequence data.

Other Available Information in the Sequence Listing

23. The order of the items of information in the sequence listings shall follow the order in which those items are listed in the list of numeric identifiers of data elements as defined in Appendix 1.

24. Only numeric identifiers of data elements as defined in Appendix 1 shall be used for the presentation of the items of information in the sequence listing. The corresponding numeric identifier descriptions shall not be used. The provided information shall follow immediately after the numeric identifier while only those numeric identifiers for which information is given need appear on the sequence listing. Two exceptions to this requirement are numeric identifiers <220> and <300>, which serve as headers for “Feature” and “Publication Information,” respectively, and are associated with information in numeric identifiers <221> to <223> and <301> to <313>, respectively. When feature and publication information is provided in the sequence listing under those numeric identifiers, numeric identifiers <220> and <300>, respectively, should be included, but left blank. Generally, a blank line shall be inserted between numeric identifiers when the digit in the first or second position of the numeric identifier changes. An exception to this general rule is that no blank line should appear preceding numeric identifier <310>. Additionally, a blank line shall precede any repeated numeric identifier.

Mandatory Data Elements

25. The sequence listing shall include, in addition to and immediately preceding the actual nucleotide and/or amino acid sequence, the following items of information defined in Appendix 1 (mandatory data elements).

| | |
|-------|----------------------|
| <110> | Applicant name |
| <120> | Title of invention |
| <160> | Number of SEQ ID NOs |
| <210> | SEQ ID NO: x |
| <211> | Length |
| <212> | Type |
| <213> | Organism |
| <400> | Sequence |

Where the name of the applicant (numeric identifier <110>) is written in characters other than those of the Latin alphabet, it shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English.

The data elements, except those under numeric identifiers <110>, <120> and <160>, shall be repeated for each sequence included in the sequence listing. Only the data elements under numeric identifiers <120> and <400>

MANUAL OF PATENT EXAMINING PROCEDURE

are mandatory if no sequence is present for a sequence identifier (see paragraph 5, above, and SEQ ID NO: 4 in the example depicted in Appendix 3 of this Standard).

26. In addition to the data elements identified in paragraph 25, above, when a sequence listing is filed at the same time as the application to which it pertains or at any time prior to the assignment of an application number, the following data element shall be included in the sequence listing.

| | |
|-------|----------------|
| <130> | File reference |
|-------|----------------|

27. In addition to the data elements identified in paragraph 25, above, when a sequence listing is filed in response to a request from a competent Authority or at any time following the assignment of an application number, the following data elements shall be included in the sequence listing.

| | |
|-------|----------------------------|
| <140> | Current patent application |
| <141> | Current filing date |

28. In addition to the data elements identified in paragraph 25, above, when a sequence listing is filed relating to an application which claims the priority of an earlier application, the following data elements shall be included in the sequence listing:

| | |
|-------|---------------------------------|
| <150> | Earlier patent application |
| <151> | Earlier application filing date |

29. If “n” or “Xaa” or a modified base or modified/unusual L-amino acid is used in the sequence, the following data elements are mandatory:

| | |
|-------|-------------------|
| <220> | Feature |
| <221> | Name/key |
| <222> | Location |
| <223> | Other information |

30. If the organism (numeric identifier <213>) is “Artificial Sequence” or “Unknown,” the following data elements are mandatory:

| | |
|-------|-------------------|
| <220> | Feature |
| <223> | Other information |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Optional Data Elements

31. All data elements defined in Appendix 1, not mentioned in paragraphs 25 to 30, above, are optional (optional data elements).

Presentation of Features

32. When features of sequences are presented (that is, numeric identifier <220>), they shall be described by the “feature keys” set out in Appendix 2, Tables 5 and 6.⁷

Free Text

33. “Free text” is a wording describing characteristics of the sequence under numeric identifier <223> (Other information) which does not use language-neutral vocabulary as referred to in paragraph 2(vii).

34. The use of free text shall be limited to a few short terms indispensable for the understanding of the sequence. It shall not exceed four lines with a maximum of 65 characters per line for each given data element, when written in English. Any further information shall be included in the main part of the description in the language thereof.

35. Any free text should preferably be in the English language.

36. Where the sequence listing part of the description contains free text, any such free text shall be repeated in the main part of the description in the language thereof. It is recommended that the free text in the language of the main part of the description be put in a specific section of the description called “Sequence Listing Free Text.”

Subsequently Furnished Sequence Listing

37. Any sequence listing which is not contained in the application as filed but which is furnished subsequently shall not go beyond the disclosure in the application as filed and shall be accompanied by a statement to that effect. This means that a sequence listing furnished subsequently to the filing of the application shall contain only those sequences that were disclosed in the application as filed.

38. Any sequence listing not contained in the application as filed does not form part of the application. However, the provisions of PCT Rules 13^{ter}, 26.3, and 91 and PCT Article 34 would apply, so that it may be possible, subject to the applicable provisions, for a sequence listing contained in the application as filed to be corrected under PCT Rules 13^{ter} or 26.3, rectified under PCT Rule 91 (in the case of an obvious error), or amended under PCT Article 34, or for a sequence listing to be submitted under PCT Article 34 as an amendment to the application.

Electronic Form of the Sequence Listing

39. A copy of the sequence listing shall also be submitted in electronic form, in addition to the sequence listing as contained in the application, whenever this is required by the competent Authority.

40. Any sequence listing in electronic form submitted in addition to the sequence listing as contained in the application shall be identical to the sequence listing as contained in the application and shall be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing as contained in the application.”

41. The entire printable copy of the sequence listing shall be contained within one electronic file preferably on a single diskette or any other electronic medium that is acceptable to the competent Authority. The file recorded on the diskette or any other electronic medium that is acceptable to the competent Authority shall be encoded using IBM⁸ Code Page 437, IBM Code Page 932⁹ or a compatible code page. A compatible code page, as would be

⁷*Editor's Note:* These tables contain extracts from the DDBJ/EMBL/GenBank Feature Table (nucleotide sequences) and the SWISS PROT Feature Table (amino acid sequences).

MANUAL OF PATENT EXAMINING PROCEDURE

required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.

42. The electronic form shall preferably be created by dedicated software such as PatentIn or other custom computer programs; it may be created by any means, as long as the sequence listing on a submitted diskette or any other electronic medium that is acceptable to the competent Authority is machine searchable under a Personal Computer Operating system that is acceptable to the competent Authority.

43. File compression is acceptable when using diskette media, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority.

44. The diskette or any other electronic medium that is acceptable to the competent Authority shall have a label permanently affixed thereto on which has been hand-printed, in block capitals or typed, the name of the applicant, the title of the invention, a reference number, the date on which the data were recorded, the computer operating system and the name of the competent Authority.

45. If the diskette or any other electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.

46. Any correction of the sequence listing as contained in the application which is submitted under PCT Rules 13^{ter}.1(b) or 26.3, any rectification of an obvious error in the sequence listing as contained in the application which is submitted under PCT Rule 91, or any amendment which includes a sequence listing as contained in the application and which is submitted under PCT Article 34, shall be accompanied by a copy in electronic form of the sequence listing including any such correction, rectification or amendment.

⁸*Editor's Note:* IBM is a registered trademark of International Business Machine Corporation, United States of America.

⁹*Editor's Note:* The specified code pages are de facto standards for personal computers.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Appendices

Appendix 1: Numeric Identifiers

Appendix 2: Nucleotide and Amino Acid Symbols and Feature Table

| | |
|----------|--|
| Table 1: | List of Nucleotides |
| Table 2: | List of Modified Nucleotides |
| Table 3: | List of Amino Acids |
| Table 4: | List of Modified and Unusual Amino Acids |
| Table 5: | List of Feature Keys Related to Nucleotide Sequences |
| Table 6: | List of Feature Keys Related to Protein Sequences |

Appendix 3: Specimen Sequence Listing

[Appendices 1 to 3 to Annex C follow]

**Annex C, Appendix 1
Numeric Identifiers**

Only numeric identifiers as defined below may be used in sequence listings submitted in applications. The text of the data element headings given below shall not be included in the sequence listings.

Numeric identifiers of mandatory data elements, that is, data elements which must be included in all sequence listings (see paragraph 25 of this Standard: items 110, 120, 160, 210, 211, 212, 213 and 400) and numeric identifiers of data elements which must be included in circumstances specified in this Standard (see paragraphs 26, 27, 28, 29 and 30 of this Standard: items 130, 140, 141, 150 and 151, and 220 to 223) are marked by the symbol “M.”

Numeric identifiers of optional data elements (see paragraph 31 of this Standard) are marked by the symbol “O.”

| Numeric Identifier | Numeric Identifier Description | Mandatory (M) or Optional (O) | Comment |
|--------------------|--------------------------------|--|---|
| <110> | Applicant name | M | where the name of the applicant is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English |
| <120> | Title of Invention | M | |
| <130> | File Reference | M, in the circumstances specified in paragraph 26 of this Standard | see paragraph 26 of this Standard |
| <140> | Current patent application | M, in the circumstances specified in paragraph 27 of this Standard | see paragraph 27 of this Standard; the current patent application shall be identified, in the following order, by the two-letter code indicated in accordance with WIPO Standard ST.3 and the application number (in the format used by the industrial property Office with which the current patent application is filed) or, for an international application, by the international application number |
| <141> | Current filing date | M, in the circumstances specified in paragraph 27 of this Standard | see paragraph 27 of this Standard; the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |
| <150> | Earlier patent application | M, in the circumstances specified in paragraph 28 of this Standard | see paragraph 28 of this Standard; the earlier patent application shall be identified, in the following order, by the two-letter code indicated in accordance with WIPO Standard ST.3 and the application number (in the format used by the industrial property Office with which the earlier patent application was filed) or, for an international application, by the international application number |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| Numeric Identifier | Numeric Identifier Description | Mandatory (M) or Optional (O) | Comment |
|--------------------|---------------------------------|---|---|
| <151> | Earlier application filing date | M, in the circumstances specified in paragraph 28 of this Standard | see paragraph 28 of this Standard; the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |
| <160> | Number of SEQ ID NOs | M | |
| <170> | Software | O | |
| <210> | Information for SEQ ID NO: x | M | response shall be an integer representing the SEQ ID NO shown |
| <211> | Length | M | sequence length expressed in number of base pairs or amino acids |
| <212> | Type | M | type of molecule sequenced in SEQ ID NO: x, either DNA, RNA or PRT; if a nucleotide sequence contains both DNA and RNA fragments, the value shall be "DNA"; in addition, the combined DNA/RNA molecule shall be further described in the <220> to <223> feature section |
| <213> | Organism | M | Genus Species (that is, scientific name) or "Artificial Sequence" or "Unknown" |
| <220> | Feature | M, in the circumstances specified in paragraph 29 and 30 of this Standard | leave blank; see paragraphs 29 and 30 of this Standard; description of points of biological significance in the sequence in SEQ ID NO: x) (may be repeated depending on the number of features indicated) |
| <221> | Name/key | M in the circumstances specified in paragraph 29 of this Standard | see paragraph 29 of this Standard; only those keys as described in Table 5 or 6 of Appendix 2 shall be used |
| <222> | Location | M, in the circumstances specified in paragraph 29 of this Standard | see paragraph 29 of this Standard; - from (number of first base/amino acid in the feature) - to (number of last base/amino acid in the feature) - base pairs (numbers refer to positions of base pairs in a nucleotide sequence) - amino acids (numbers refer to positions of amino acid residues in an amino acid sequence) - whether feature is located on the complementary strand to that filed in the sequence listing |

MANUAL OF PATENT EXAMINING PROCEDURE

| Numeric Identifier | Numeric Identifier Description | Mandatory (M) or Optional (O) | Comment |
|--------------------|--------------------------------|--|---|
| <223> | Other information: | M, in the circumstances specified in paragraphs 29 and 30 of this Standard | see paragraphs 29 and 30 of this Standard; any other relevant information, using language neutral vocabulary, or free text (preferably in English); any free text is to be repeated in the main part of the description in the language thereof (see paragraph 36 of this Standard); where any modified base or modified/unusual L-amino acid appearing in Appendix 2, Tables 2 and 4, is in the sequence, the symbol associated with that base or amino acid from Appendix 2, Tables 2 and 4, should be used |
| <300> | Publication information | O | leave blank; repeat section for each relevant publication |
| <301> | Authors | O | |
| <302> | Title | O | title of publication |
| <303> | Journal | O | journal name in which data published |
| <304> | Volume | O | journal volume in which data published |
| <305> | Issue | O | journal issue number in which data published |
| <306> | Pages | O | journal page numbers on which data published |
| <307> | Date | O | journal date on which data published; if possible, the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |
| <308> | Database accession number | O | accession number assigned by database including database name |
| <309> | Database entry date | O | date of entry in database; the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |
| <310> | Document number | O | document number, for patent type citations only; the full document shall specify, in the following order, the two-letter code indicated in accordance with WIPO Standard ST.3, the publication number indicated in accordance with WIPO Standard ST.6, and the kind-of-document code indicated in accordance with WIPO Standard ST.16 |
| <311> | Filing date | O | document filing date, for patent-type citations only; the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| Numeric Identifier | Numeric Identifier Description | Mandatory (M) or Optional (O) | Comment |
|--------------------|---|-------------------------------|---|
| <312> | Publication date | O | document publication date; for patent-type citations only; the date shall be indicated in accordance with WIPO Standard ST.2 (CCYY MM DD) |
| <313> | Relevant residues in SEQ ID NO: x: from to | O | |
| <400> | Sequence | M | SEQ ID NO: x should follow the numeric identifier and should appear on the line preceding the sequence (see Appendix 3) |

Annex C, Appendix 2
Nucleotide and Amino Acid Symbols and Feature Table

Table 1: List of Nucleotides

| Symbol | Meaning | Origin of designation |
|--------|---------------------------------------|--------------------------------------|
| a | a | <u>a</u> denine |
| g | g | <u>g</u> uanine |
| c | c | <u>c</u> ytosine |
| t | t | <u>t</u> hymine |
| u | u | <u>u</u> racil |
| r | g or a | pur <u>r</u> ine |
| y | t/u or c | pyr <u>y</u> midine |
| m | a or c | am <u>m</u> ino |
| k | g or t/u | <u>k</u> eto |
| s | g or c | <u>s</u> trong interactions 3H-bonds |
| w | a or t/u | <u>w</u> weak interactions 2H-bonds |
| b | g or c or t/u | not a |
| d | a or g or t/u | not c |
| h | a or c or t/u | not g |
| v | a or g or c | not t, not u |
| n | a or g or c or t/u, unknown, or other | <u>a</u> ny |

Table 2: List of Modified Nucleotides

| Symbol | Meaning |
|----------|--|
| ac4c | 4-acetylcytidine |
| chm5u | 5-(carboxyhydroxymethyl)uridine |
| cm | 2'-O-methylcytidine |
| cmnm5s2u | 5-carboxymethylaminomethyl-2-thiouridine |
| cmnm5u | 5-carboxymethylaminomethyluridine |
| d | dihydrouridine |
| fm | 2'-O-methylpseudouridine |
| gal q | beta, D-galactosylqueuosine |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| Symbol | Meaning |
|---------|--|
| gm | 2'-O-methylguanosine |
| i | inosine |
| i6a | N6-isopentenyladenosine |
| m1a | 1-methyladenosine |
| m1f | 1-methylpseudouridine |
| m1g | 1-methylguanosine |
| m1i | 1-methylinosine |
| m22g | 2,2-dimethylguanosine |
| m2a | 2-methyladenosine |
| m2g | 2-methylguanosine |
| m3c | 3-methylcytidine |
| m5c | 5-methylcytidine |
| m6a | N6-methyladenosine |
| m7g | 7-methylguanosine |
| mam5u | 5-methylaminomethyluridine |
| mam5s2u | 5-methoxyaminomethyl-2-thiouridine |
| man q | beta, D-mannosylqueuosine |
| mcm5s2u | 5-methoxycarbonylmethyl-2-thiouridine |
| mcm5u | 5-methoxycarbonylmethyluridine |
| mo5u | 5-methoxyuridine |
| ms2i6a | 2-methylthio-N6-isopentenyladenosine |
| ms2t6a | N-((9-beta-D-ribofuranosyl-2-methylthiopurine-6-yl)carbamoyl)threonine |
| mt6a | N-((9-beta-D-ribofuranosylpurine-6-yl)N-methylcarbamoyl)threonine |
| mv | uridine-5-oxyacetic acid-methylester |
| o5u | uridine-5-oxyacetic acid |
| osyw | wybutoxosine |
| p | pseudouridine |
| q | queuosine |
| s2c | 2-thiocytidine |
| s2t | 5-methyl-2-thiouridine |

MANUAL OF PATENT EXAMINING PROCEDURE

| Symbol | Meaning |
|--------|--|
| s2u | 2-thiouridine |
| s4u | 4-thiouridine |
| t | 5-methyluridine |
| t6a | N-((9-beta-D-ribofuranosylpurine-6-yl)-carbamoyl)threonine |
| tm | 2'-O-methyl-5-methyluridine |
| um | 2'-O-methyluridine |
| yw | wybutosine |
| x | 3-(3-amino-3-carboxy-propyl)uridine, (acp3)u |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Table 3: List of Amino Acids

| Symbol | Meaning |
|--------|------------------|
| Ala | Alanine |
| Cys | Cysteine |
| Asp | Aspartic Acid |
| Glu | Glutamic Acid |
| Phe | Phenylalanine |
| Gly | Glycine |
| His | Histidine |
| Ile | Isoleucine |
| Lys | Lysine |
| Leu | Leucine |
| Met | Methionine |
| Asn | Asparagine |
| Pro | Proline |
| Gln | Glutamine |
| Arg | Arginine |
| Ser | Serine |
| Thr | Threonine |
| Val | Valine |
| Trp | Tryptophan |
| Tyr | Tyrosine |
| Asx | Asp or Asn |
| Glx | Glu or Gln |
| Xaa | unknown or other |

Table 4: List of Modified and Unusual Amino Acids

| Symbol | Meaning |
|--------|--|
| Aad | 2-Aminoadipic acid |
| bAad | 3-Aminoadipic acid |
| bAla | beta-Alanine, beta-Aminopropionic acid |

MANUAL OF PATENT EXAMINING PROCEDURE

| Symbol | Meaning |
|--------|---------------------------------------|
| Abu | 2-Aminobutyric acid |
| 4Abu | 4-Aminobutyric acid, piperidinic acid |
| Acp | 6-Aminocaproic acid |
| Ahe | 2-Aminoheptanoic acid |
| Aib | 2-Aminoisobutyric acid |
| bAib | 3-Aminoisobutyric acid |
| Apm | 2-Aminopimelic acid |
| Dbu | 2,4 Diaminobutyric acid |
| Des | Desmosine |
| Dpm | 2,2'-Diaminopimelic acid |
| Dpr | 2,3-Diaminopropionic acid |
| EtGly | N-Ethylglycine |
| EtAsn | N-Ethylasparagine |
| Hyl | Hydroxylysine |
| aHyl | allo-Hydroxylysine |
| 3Hyp | 3-Hydroxyproline |
| 4Hyp | 4-Hydroxyproline |
| Ide | Isodesmosine |
| alle | allo-Isoleucine |
| MeGly | N-Methylglycine, sarcosine |
| Melle | N-Methylisoleucine |
| MeLys | 6-N-Methyllysine |
| MeVal | N-Methylvaline |
| Nva | Norvaline |
| Nle | Norleucine |
| Orn | Ornithine |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Table 5: List of Feature Keys Related to Nucleotide Sequences

| Key | Description |
|-------------|---|
| allele | a related individual or strain contains stable, alternative forms of the same gene which differs from the presented sequence at this location (and perhaps others) |
| attenuator | (1) region of DNA at which regulation of termination of transcription occurs, which controls the expression of some bacterial operons; (2) sequence segment located between the promoter and the first structural gene that causes partial termination of transcription |
| C_region | constant region of immunoglobulin light and heavy chains, and T-cell receptor alpha, beta, and gamma chains; includes one or more exons depending on the particular chain |
| CAAT_signal | CAAT box; part of a conserved sequence located about 75 bp up-stream of the start point of eukaryotic transcription units which may be involved in RNA polymerase binding; consensus=GG (C or T) CAATCT |
| CDS | coding sequence; sequence of nucleotides that corresponds with the sequence of amino acids in a protein (location includes stop codon); feature includes amino acid conceptual translation |
| conflict | independent determinations of the “same” sequence differ at this site or region |
| D-loop | displacement loop; a region within mitochondrial DNA in which a short stretch of RNA is paired with one strand of DNA, displacing the original partner DNA strand in this region; also used to describe the displacement of a region of one strand of duplex DNA by a single stranded invader in the reaction catalyzed by RecA protein |
| D-segment | diversity segment of immunoglobulin heavy chain, and T-cell receptor beta chain |
| enhancer | a cis-acting sequence that increases the utilization of (some) eukaryotic promoters, and can function in either orientation and in any location (upstream or downstream) relative to the promoter |
| exon | region of genome that codes for portion of spliced mRNA; may contain 5'UTR all CDSs, and 3'UTR |
| GC_signal | GC box; a conserved GC-rich region located upstream of the start point of eukaryotic transcription units which may occur in multiple copies or in either orientation; consensus=GGGCGG |
| gene | region of biological interest identified as a gene and for which a name has been assigned |
| iDNA | intervening DNA; DNA which is eliminated through any of several kinds of recombination |
| intron | a segment of DNA that is transcribed, but removed from within the transcript by splicing together the sequences (exons) on either side of it |
| J_segment | joining segment of immunoglobulin light and heavy chains, and T-cell receptor alpha, beta, and gamma chains |
| LTR | long terminal repeat, a sequence directly repeated at both ends of a defined sequence, of the sort typically found in retroviruses |

MANUAL OF PATENT EXAMINING PROCEDURE

| Key | Description |
|-----------------|---|
| mat_peptide | mature peptide or protein coding sequence; coding sequence for the mature or final peptide or protein product following post-translational modification; the location does not include the stop codon (unlike the corresponding CDS) |
| misc_binding | site in nucleic acid which covalently or non-covalently binds another moiety that cannot be described by any other Binding key (primer_bind or protein_bind) |
| misc_difference | feature sequence is different from that presented in the entry and cannot be described by any other Difference key (conflict, unsure, old_sequence, mutation, variation, allele, or modified_base) |
| misc_feature | region of biological interest which cannot be described by any other feature key; a new or rare feature |
| misc_recomb | site of any generalized, site-specific or replicative recombination event where there is a breakage and reunion of duplex DNA that cannot be described by other recombination keys (iDNA and virion) or qualifiers of source key (/insertion_seq, /transposon, /proviral) |
| misc_RNA | any transcript or RNA product that cannot be defined by other RNA keys (prim_transcript, precursor_RNA, mRNA, 5'clip, 3'clip, 5'UTR, 3'UTR, exon, CDS, sig_peptide, transit_peptide, mat_peptide, intron, polyA_site, rRNA, tRNA, scRNA, and snRNA) |
| misc_signal | any region containing a signal controlling or altering gene function or expression that cannot be described by other Signal keys (promoter, CAAT_signal, TATA_signal, -35_signal, -10_signal, GC_signal, RBS, polyA_signal, enhancer, attenuator, terminator, and rep_origin) |
| misc_structure | any secondary or tertiary structure or conformation that cannot be described by other Structure keys (stem_loop and D-loop) |
| modified_base | the indicated nucleotide is a modified nucleotide and should be substituted for by the indicated molecule (given in the mod_base qualifier value) |
| mRNA | messenger RNA; includes 5' untranslated region (5'UTR), coding sequences (CDS, exon) and 3' untranslated region (3'UTR) |
| mutation | a related strain has an abrupt, inheritable change in the sequence at this location |
| N_region | extra nucleotides inserted between rearranged immunoglobulin segments |
| old_sequence | the presented sequence revises a previous version of the sequence at this location |
| polyA_signal | recognition region necessary for endonuclease cleavage of an RNA transcript that is followed by polyadenylation; consensus=AATAAA |
| polyA_site | site on an RNA transcript to which will be added adenine residues by post-transcriptional polyadenylation |
| precursor_RNA | any RNA species that is not yet the mature RNA product; may include 5' clipped region (5'clip), 5' untranslated region (5'UTR), coding sequences (CDS, exon), intervening sequences (intron), 3' untranslated region (3'UTR), and 3' clipped region (3'clip) |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| Key | Description |
|-----------------|---|
| prim_transcript | primary (initial, unprocessed) transcript; includes 5' clipped region (5'clip), 5' untranslated region (5'UTR), coding sequences (CDS, exon), intervening sequences (intron), 3' untranslated region (3'UTR), and 3' clipped region (3' clip) |
| primer_bind | non-covalent primer binding site for initiation of replication, transcription, or reverse transcription; includes site(s) for synthetic, for example, PCR primer elements |
| promoter | region on a DNA molecule involved in RNA polymerase binding to initiate transcription |
| protein_bind | non-covalent protein binding site on nucleic acid |
| RBS | ribosome binding site |
| repeat_region | region of genome containing repeating units |
| repeat_unit | single repeat element |
| rep_origin | origin of replication; starting site for duplication of nucleic acid to give two identical copies |
| rRNA | mature ribosomal RNA; the RNA component of the ribonucleoprotein particle (ribosome) which assembles amino acids into proteins |
| S_region | switch region of immunoglobulin heavy chains; involved in the rearrangement of heavy chain DNA leading to the expression of a different immunoglobulin class from the same B-cell |
| satellite | many tandem repeats (identical or related) of a short basic repeating unit; many have a base composition or other property different from the genome average that allows them to be separated from the bulk (main band) genomic DNA |
| scRNA | small cytoplasmic RNA; any one of several small cytoplasmic RNA molecules present in the cytoplasm and (sometimes) nucleus of a eukaryote |
| sig_peptide | signal peptide coding sequence; coding sequence for an N-terminal domain of a secreted protein; this domain is involved in attaching nascent polypeptide to the membrane; leader sequence |
| snRNA | small nuclear RNA; any one of many small RNA species confined to the nucleus; several of the snRNAs are involved in splicing or other RNA processing reactions |
| source | identifies the biological source of the specified span of the sequence; this key is mandatory; every entry will have, as a minimum, a single source key spanning the entire sequence; more than one source key per sequence is permissible |
| stem_loop | hairpin; a double-helical region formed by base-pairing between adjacent (inverted) complementary sequences in a single strand of RNA or DNA |
| STS | Sequence Tagged Site; short, single-copy DNA sequence that characterizes a mapping landmark on the genome and can be detected by PCR; a region of the genome can be mapped by determining the order of a series of STSs |

MANUAL OF PATENT EXAMINING PROCEDURE

| Key | Description |
|-----------------|--|
| TATA_signal | TATA box; Goldberg-Hogness box; a conserved AT-rich septamer found about 25 bp before the start point of each eukaryotic RNA polymerase II transcript unit which may be involved in positioning the enzyme for correct initiation; consensus=TATA(A or T)A(A or T) |
| terminator | sequence of DNA located either at the end of the transcript or adjacent to a promoter region that causes RNA polymerase to terminate transcription; may also be site of binding of repressor protein |
| transit_peptide | transit peptide coding sequence; coding sequence for an N-terminal domain of a nuclear-encoded organellar protein; this domain is involved in post-translational import of the protein into the organelle |
| tRNA | mature transfer RNA, a small RNA molecule (75-85 bases long) that mediates the translation of a nucleic acid sequence into an amino acid sequence |
| unsure | author is unsure of exact sequence in this region |
| V_region | variable region of immunoglobulin light and heavy chains, and T-cell receptor alpha, beta, and gamma chains; codes for the variable amino terminal portion; can be made up from V_segments, D_segments, N_regions, and J_segments |
| V_segment | variable segment of immunoglobulin light and heavy chains, and T-cell receptor alpha, beta, and gamma chains; codes for most of the variable region (V_region) and the last few amino acids of the leader peptide |
| variation | a related strain contains stable mutations from the same gene (for example, RFLPs, polymorphisms, etc.) which differ from the presented sequence at this location (and possibly others) |
| 3'clip | 3'-most region of a precursor transcript that is clipped off during processing |
| 3'UTR | region at the 3' end of a mature transcript (following the stop codon) that is not translated into a protein |
| 5'clip | 5'-most region of a precursor transcript that is clipped off during processing |
| 5'UTR | region at the 5' end of a mature transcript (preceding the initiation codon) that is not translated into a protein |
| -10_signal | pribnow box; a conserved region about 10 bp upstream of the start point of bacterial transcription units which may be involved in binding RNA polymerase; consensus=TAtAaT |
| -35_signal | a conserved hexamer about 35 bp upstream of the start point of bacterial transcription units; consensus=TTGACa [] or TGTTGACA [] |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

Table 6: List of Feature Keys Related to Protein Sequences

| Key | Description |
|--|--|
| CONFLICT | different papers report differing sequences |
| VARIANT | authors report that sequence variants exist |
| VARSP LIC | description of sequence variants produced by alternative splicing |
| MUTAGEN | site which has been experimentally altered |
| MOD_RES | post-translational modification of a residue |
| ACETYLATION | N-terminal or other |
| AMIDATION | generally at the C-terminal of a mature active peptide |
| BLOCKED | undetermined N- or C-terminal blocking group |
| FORMYLATION | of the N-terminal methionine |
| GAMMA-CARBOXYGLUTAMIC ACID HYDROXYLATION | of asparagine, aspartic acid, proline or lysine |
| METHYLATION | generally of lysine or arginine |
| PHOSPHORYLATION | of serine, threonine, tyrosine, aspartic acid or histidine |
| PYRROLIDONE CARBOXYLIC ACID | N-terminal glutamate which has formed an internal cyclic lactam |
| SULFATATION | generally of tyrosine |
| LIPID | covalent binding of a lipidic moiety |
| MYRISTATE | myristate group attached through an amide bond to the N-terminal glycine residue of the mature form of a protein or to an internal lysine residue |
| PALMITATE | palmitate group attached through a thioether bond to a cysteine residue or through an ester bond to a serine or threonine residue |
| FARNESYL | farnesyl group attached through a thioether bond to a cysteine residue |
| GERANYL-GERANYL | geranyl-geranyl group attached through a thioether bond to a cysteine residue |
| GPI-ANCHOR | glycosyl-phosphatidylinositol (GPI) group linked to the alpha-carboxyl group of the C-terminal residue of the mature form of a protein |
| N-ACYL DIGLYCERIDE | N-terminal cysteine of the mature form of a prokaryotic lipoprotein with an amide-linked fatty acid and a glyceryl group to which two fatty acids are linked by ester linkages |

MANUAL OF PATENT EXAMINING PROCEDURE

| Key | Description |
|----------|--|
| DISULFID | disulfide bond; the 'FROM' and 'TO' endpoints represent the two residues which are linked by an intra-chain disulfide bond; if the 'FROM' and 'TO' endpoints are identical, the disulfide bond is an interchain one and the description field indicates the nature of the cross-link |
| THIOLEST | thiolester bond; the 'FROM' and 'TO' endpoints represent the two residues which are linked by the thiolester bond |
| THIOETH | thioether bond; the 'FROM' and 'TO' endpoints represent the two residues which are linked by the thioether bond |
| CARBOHYD | glycosylation site; the nature of the carbohydrate (if known) is given in the description field |
| METAL | binding site for a metal ion; the description field indicates the nature of the metal |
| BINDING | binding site for any chemical group (co-enzyme, prosthetic group, etc.); the chemical nature of the group is given in the description field |
| SIGNAL | extent of a signal sequence (prepeptide) |
| TRANSIT | extent of a transit peptide (mitochondrial, chloroplastic, or for a microbody) |
| PROPEP | extent of a propeptide |
| CHAIN | extent of a polypeptide chain in the mature protein |
| PEPTIDE | extent of a released active peptide |
| DOMAIN | extent of a domain of interest on the sequence; the nature of that domain is given in the description field |
| CA_BIND | extent of a calcium-binding region |
| DNA_BIND | extent of a DNA-binding region |
| NP_BIND | extent of a nucleotide phosphate binding region; the nature of the nucleotide phosphate is indicated in the description field |
| TRANSMEM | extent of a transmembrane region |
| ZN_FING | extent of a zinc finger region |
| SIMILAR | extent of a similarity with another protein sequence; precise information, relative to that sequence is given in the description field |
| REPEAT | extent of an internal sequence repetition |
| HELIX | secondary structure: Helices, for example, Alpha-helix, 3(10) helix, or Pi-helix |

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

| Key | Description |
|----------|---|
| STRAND | secondary structure: Beta-strand, for example, Hydrogen bonded beta-strand, or Residue in an isolated beta-bridge |
| TURN | secondary structure Turns, for example, H-bonded turn (3-turn, 4-turn or 5-turn) |
| ACT_SITE | amino acid(s) involved in the activity of an enzyme |
| SITE | any other interesting site on the sequence |
| INIT_MET | the sequence is known to start with an initiator methionine |
| NON_TER | the residue at an extremity of the sequence is not the terminal residue; if applied to position 1, this signifies that the first position is not the N-terminus of the complete molecule; if applied to the last position, it signifies that this position is not the C-terminus of the complete molecule; there is no description field for this key |
| NON_CONS | non consecutive residues; indicates that two residues in a sequence are not consecutive and that there are a number of unsequenced residues between them |
| UNSURE | uncertainties in the sequence; used to describe region(s) of a sequence for which the authors are unsure about the sequence assignment |

[Annex C, Appendix 3, follows]

MANUAL OF PATENT EXAMINING PROCEDURE

**Annex C, Appendix 3
Specimen Sequence Listing**

```

<110> Smith, John; Smithgene Inc.
<120> Example of a Sequence Listing
<130> 01-00001
<140> PCT/EP98/00001
<141> 1998-12-31
<150> US 08/999,999
<151> 1997-10-15
<160> 4
<170> PatentIn version 2.0
<210> 1
<211> 389
<212> DNA
<213> Paramecium sp.
<220>
<221> CDS
<222> (279)...(389)
<300>
<301> Doe, Richard
<302> Isolation and Characterization of a Gene Encoding a
Protease from Paramecium sp.
<303> Journal of Genes
<304> 1
<305> 4
<306> 1-7
<307> 1988-06-31
<308> 123456
<309> 1988-06-31
<400> 1
agctgtagtc attcctgtgt cctotttctct ctgggcttct caccctgcta atcagatctc 60
agggagagtg tcttgaccct cctotgcctt tgcagcttca caggcaggca ggcaggcagc 120
tgatgtggca attgctggca gtgccacagg cttttcagcc aggcttaggg tgggttccgc 180
cgcgggcgcg cggccctct cgcgctctc tcgcgctct ctctcgctct cctctcgctc 240
ggacctgatt aggtgagcag gaggaggggg cagttagc atg gtt tca atg ttc agc 296
                                     Met Val Ser Met Phe Ser
                                     1           5

ttg tct ttc aaa tgg cct gga ttt tgt ttg ttt gtt tgt ttg ttc caa 344
Leu Ser Phe Lys Trp Pro Gly Phe Cys Leu Phe Val Cys Leu Phe Gln
                10                15                20

tgt ccc aaa gtc ctc ccc tgt cac tca tca ctg cag ccg aat ctt 389
Cys Pro Lys Val Leu Pro Cys His Ser Ser Leu Gln Pro Asn Leu
                25                30                35

<210> 2
<211> 37
<212> PRT
<213> Paramecium sp.

```

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

<400> 2
Met Val Ser Met Phe Ser Leu Ser Phe Lys Trp Pro Gly Phe Cys Leu
1 5 10 15
Phe Val Cys Leu Phe Gln Cys Pro Lys Val Leu Pro Cys His Ser Ser
 20 25 30
Leu Gln Pro Asn Leu
 35
<210> 3
<211> 11
<212> PRT
<213> Artificial Sequence
<220>
<223> Designed peptide based on size and polarity to act as a
linker between the alpha and beta chains of Protein XYZ.
<400> 3
Met Val Asn Leu Glu Pro Met His Thr Glu Ile
1 5 10
<210> 4
<400> 4
000

[Annex C-bis follows]

ANNEX C-bis

TECHNICAL REQUIREMENTS FOR THE PRESENTATION OF TABLES RELATED TO NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT

Introduction

1. These technical requirements have been elaborated so as to provide standardization of the presentation of tables related to nucleotide and amino acid sequence listings in international patent applications. These technical requirements are intended to allow the applicant to draw up such tables in a manner which is acceptable to all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and to the International Bureau for the purposes of the international phase and to all designated and elected Offices for the purposes of the national phase.

Definition

2. For the purposes of these technical requirements, “competent Authority” is the International Searching Authority that is to carry out the international search on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, or the designated/elected Office before which the processing of the international application has started.

Tables related to sequence listings

3. Tables filed in electronic form under Section 801(a) shall comply with one of the following character formats:
 - (i) UTF-8-encoded Unicode 3.0; or
 - (ii) XML format conforming to the “Application-Body” Document Type Definition referred to in Appendix I of Annex F;

at the option of the competent Authority.

4. The spatial relationships (e.g., columns and rows) of the table elements shall be maintained.
5. At the option of the competent Authority, file compression is acceptable, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.
6. Each table shall be contained within a separate electronic file on any electronic medium that is acceptable to the competent Authority. The file recorded on the electronic medium that is acceptable to the competent Authority shall be encoded using IBM Code Page 437, IBM Code Page 932 or a compatible code page. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.
7. Tables filed in electronic form may be created by any means, as long as the table on an electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

8. If the electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.

[Annex D follows]

ANNEX D

INFORMATION FROM FRONT PAGE OF PUBLISHED INTERNATIONAL APPLICATION TO BE INCLUDED IN THE GAZETTE UNDER RULE 86.1(i)

The following information shall be extracted from the front page of the publication of the international publication for each published international application and shall, in accordance with Rule 86.1(i), appear in the corresponding entry of the Gazette:

1. as to the international publication:
 - 1.1 the international publication number
 - 1.2 the date of the international publication
 - 1.3 an indication whether the following items were published in the published international application:
 - 1.31 international search report
 - 1.32 declaration under Article 17(2)
 - 1.33 claims amended under Article 19(1)
 - 1.34 statement under Article 19(1)
 - 1.35 [*Deleted*]
 - 1.36 request for rectification under the third sentence of Rule 91.3(d)
 - 1.37 information concerning the incorporation by reference of an element or part as referred to in Rule 48.2(b)(v)
 - 1.38 information concerning a priority claim under Rule 26bis.2(d)
 - 1.39 information concerning a request under Rule 26bis.3 for restoration of the right of priority
 - 1.40 information on copies of any declaration or other evidence furnished under Rule 26bis.3(f)
 - 1.4 the language in which the international application was filed
 - 1.5 the language of publication of the international application
2. as to the international application:
 - 2.1 the title of the invention
 - 2.2 the symbol(s) of the International Patent Classification (IPC)
 - 2.3 the international application number
 - 2.4 the international filing date
3. as to any priority claim:
 - 3.1 the application number of the earlier application
 - 3.2 the date on which the earlier application was filed
 - 3.3 where the earlier application is:
 - 3.31 a national application: the country in which the earlier application was filed
 - 3.32 a regional application: the authority entrusted with the granting of regional patents under the applicable regional patent treaty and, in the case referred to in Rule 4.10(b)(ii), a country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed
 - 3.33 an international application: the receiving Office with which it was filed
4. as to the applicant, inventor and agent:
 - 4.1 their name(s)
 - 4.2 their mailing address(es)
5. as to the designated States:
 - 5.1 their names
 - 5.2 the indication of any wish for a regional patent

ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

- 5.3 the indication that every kind of protection available is sought, unless otherwise indicated
- 6. as to a statement concerning non-prejudicial disclosure or exception to lack of novelty:
 - 6.1 the date of the disclosure
 - 6.2 the place of the disclosure
 - 6.3 the kind of the disclosure (e.g., exhibition, scientific publication, conference reports, etc.)
 - 6.4 the title of the exhibition, publication or conference
- 7. as to any indication in relation to deposited biological material furnished under Rule 13*bis* separately from the description:
 - 7.1 the fact that such indication is published
 - 7.2 the date on which the International Bureau received such indication
- 8. as to any declaration referred to in Rule 4.17 which was received by the International Bureau before the expiration of the time limit under Rule 26*ter.1*:
 - 8.1 the fact that such a declaration was made and a reference to the applicable item in Rule 4.17 under which it was made

[Annex E follows]

ANNEX E

INFORMATION TO BE PUBLISHED IN THE GAZETTE UNDER RULE 86.1(v)

1. The time limits applicable under Articles 22 and 39 in respect of each Contracting State.
2. The list of the non-patent literature agreed upon by the International Searching Authorities for inclusion in the minimum documentation.
3. The names of the national Offices which do not wish to receive copies under Article 13(2)(c).
4. The provisions of the national laws of Contracting States concerning international-type search.
5. The text of the agreements entered into between the International Bureau and the International Searching Authorities or the International Preliminary Examining Authorities.
6. The names of the national Offices which entirely or in part waived their rights to any communication under Article 20.
7. The names of the Contracting States which are bound by Chapter II of the PCT.
8. Index of concordance of international application numbers and international publication numbers, listed according to international application numbers.
9. Index of applicants' names giving, for each name, the corresponding international publication number(s).
10. Index of international publication numbers, grouped according to the International Patent Classification symbols.
11. Indication of any subject matter that will not be searched or examined by the various International Searching and Preliminary Examining Authorities under Rules 39 and 67.
12. Requirements of designated and elected Offices under Rules 49.5 and 76.5 in relation to the furnishing of translations.
13. The dates defining the period referred to in Rule 32.1(b) during which the international application, whose effects may be extended to a successor State under Rule 32.1, must have been filed.
14. The criteria for restoration of the right of priority applied by receiving Offices under Rule 26*bis*.3 or designated Offices under Rule 49*ter*.2, and any subsequent changes in that respect.

[Annex F follows]

ANNEX F

**STANDARD FOR THE ELECTRONIC FILING AND PROCESSING OF
INTERNATIONAL APPLICATIONS**

[The text of Annex F, which is not reproduced here, is available from WIPO's website at <http://www.wipo.org/pct/en>. Annex F consists of nine main sections and four appendices, the titles of which are reproduced below.]

1. *Introduction*
2. *The E-PCT standard: Overview and vision*
3. *E-PCT submission structure and format*
4. *IA documents packaging*
5. *Transmission*
6. *Electronic filing software*
7. *[Deleted]*
8. *Principles of electronic records management*
9. *Abbreviated expressions, interpretation and glossary*

Appendix I XML DTDs for the E-PCT Standard

Appendix II PKI Architecture for the E-PCT Standard

Appendix III Basic Common Standard for Electronic Filing

Appendix IV Use of Physical Media for the E-PCT Standard]

[End of Appendix, Annex and document]

MANUAL OF PATENT EXAMINING PROCEDURE