WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

C. PCT 1684 April 16, 2025

Madam,
Sir,

Promulgation of modifications of the Administrative Instructions under the PCT ("the Administrative Instructions"), certain Forms annexed to the Administrative Instructions, the PCT Receiving Office Guidelines ("the RO Guidelines") and the PCT International Search and Preliminary Examination Guidelines ("the ISPE Guidelines")

In accordance with Rule 89.2(b) of the Regulations under the Patent Cooperation Treaty (PCT), modifications of the Administrative Instructions are hereby promulgated together with modifications of certain Forms annexed to the Administrative Instructions, the RO Guidelines and the ISPE Guidelines, with effect from July 1, 2025.

The promulgation follows consultation with your Office in its capacity as a receiving Office (RO), an International Searching Authority (ISA), an International Preliminary Examining Authority (IPEA), an Authority specified for supplementary search (SISA), and/or a designated or elected Office and also with certain non-governmental organizations representing the users of the PCT system. The modifications are as proposed in Circular C. PCT 1680, dated February 7, 2025, except where further changes have been made as a result of the consultations, as indicated below (editorial and minor drafting changes are not specifically mentioned).

I. Modifications of the Administrative Instructions

New Section 705*quater* is introduced as proposed in Circular C. PCT 1680, with one additional modification: at the beginning of Section 705*quater*(b), the text "Subject to Section 705*bis*," is added to clarify that the office that scans the paper original to PDF is only obliged to retain the paper original for five years, in accordance with Section 705*bis*.

/...

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II. Modifications of certain Forms annexed to the Administrative Instructions

Form PCT/RO/117 is modified as proposed in Circular C. PCT 1680, with a change in wording from “no response was received” to “no corresponding documents were received” to align with the wording used in new Rule 89*bis*.1(d-*ter*) in the second sentence.

In Form PCT/RO/141, the wording at the beginning of Box 3 is modified from “The receiving Office” to “This receiving Office”.

In Form PCT/ISA/230, the wording at the beginning of Box 3 is modified from “The receiving Office” to “This International Searching Authority”.

III. Modifications of certain paragraphs of the RO Guidelines

Paragraph 38A is added as proposed in Circular C. PCT 1680, with the addition of the sentence: “It then proceeds to check whether the electronic resubmission is an exact copy of the original text on paper.”, after the first sentence.

The occasion of this Circular is also used to announce that the previously missing French translation of “Alternatively, with the applicant’s consent,” at the beginning of the third sentence in paragraph 208(ii), namely “Alternativement, avec le consentement du déposant,” has now been added.

IV. Reminder

This Circular also serves to remind your Office, in its capacity as an RO, an ISA and/or IPEA, of the need to notify the International Bureau under Section 710(d) of the Administrative Instructions should your Office wish to avail itself of the new options under Rule 89*bis*.1(d-*bis*) or (d-*ter*). Since a notification to the International Bureau under Rule 89*bis*.1(d-*bis*) or (d-*ter*) by any Office that has previously made a notification under paragraph 89*bis*.1(d) constitutes a restriction to the previously submitted e-filing notification, the effective date of such a restriction can be no earlier than two months after the date of its publication in the Gazette. Section 710(b) and (d) apply *mutatis mutandis* to ISAs and IPEAs under Section 713(a).

Since Offices can perform various functions such as RO, ISA and/or IPEA, your Office is expected to specify the functions in relation to which it wishes to notify the International Bureau under Rule 89*bis*.1(d-*bis*) or (d-*ter*).

V. Availability of the modified Administrative Instructions, Forms, RO Guidelines and ISPE Guidelines

./. The modifications of the Administrative Instructions, Forms, RO Guidelines, and ISPE Guidelines as promulgated by the present Circular are annexed to this Circular.

The consolidated version of the Administrative Instructions as in force from July 1, 2025, will be made available on the WIPO website at: https://www.wipo.int/pct/en/texts/, under the corresponding title with an annotation “(as in force from July 1, 2025)” at a later stage.

The modified Forms will be made available on the WIPO website under “Forms in force from July 1, 2025” at https://www.wipo.int/pct/en/forms/ at a later stage.

The consolidated versions of the RO Guidelines and the ISPE Guidelines as modified will be made available on the WIPO website at: https://www.wipo.int/pct/en/texts/gdlines.html, under the respective titles with an annotation “(as in force from July 1, 2025)” at a later stage.

Offices which need marked-up copies and/or electronic files of the Administrative Instructions, the RO Guidelines or the ISPE Guidelines should contact the PCT Legal and User Relations Division at pct.legal@wipo.int.

Yours sincerely,

Lisa Jorgenson
Deputy Director General
Patents and Technology Sector

Enclosures: Annex I — Modifications of the Administrative Instructions (modified paragraphs only)

Annex II — Modifications of PCT Forms PCT/RO/117, PCT/RO/141, PCT/RO/142, PCT/RO/149, PCT/ISA/230, PCT/ISA/231, PCT/ISA/232, PCT/IPEA/434, PCT/IPEA/435 and PCT/IPEA/438

Annex III — Modifications of the PCT Receiving Office Guidelines (modified paragraphs only)

Annex IV — Modifications of the PCT International Search and Preliminary Examination Guidelines (modified paragraphs only)

MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

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;[1]

(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;[2] and

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

(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.[3]

(d) A receiving Office which has not notified the International Bureau in accordance with Rule 89*bis*.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.

(e-*bis*) Any receiving Office that has notified the International Bureau in accordance with Rule 89*bis*.1(d-*bis*) may nevertheless decide in a particular case to receive the international application submitted on paper.

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1 *Editor's Note:* Use of the basic common standard (see Section 701(v) and Annex F, Appendix III) is not mandatory for applicants, but the receiving Office must accept applications that comply with the basic common standard in addition to applications that comply with different requirements that the Office may have specified for the purposes of paragraph 703(b)(i), (ii) and (iv). The basic common standard itself does, however, provide for certain options to be exercised by receiving Offices. Note that the basic common standard provides for the use of PKI technology for packaging the international application documents.

2 *Editor's Note:* The International Bureau provides software that supports all of the requirements of the basic common standard and certain alternatives available under Annex F. Use of that software is not mandatory, but any applicant may choose to use it, in which case the receiving Office must accept the international application concerned (unless it has made a reservation under Section 703(f) in that respect) (see Annex F, section 6).

3 *Editor's Note:* The receiving Office must specify the type(s) of electronic signature that it is prepared to accept (see Section 710(a)(i)). While signature in compliance with the basic common standard is sufficient for the purposes of filing, compliance with the receiving Office's particular requirements may be required subsequently pursuant to Section 704(g). Note the distinction between requirements as to signature of the application for the purposes of Article 14(1)(a)(i) (which may be a basic or enhanced electronic signature by the *applicant*) as distinct from packaging (which requires the use of the electronic signature of the *sender*).

(e-*ter*) Any receiving Office that has notified the International Bureau in accordance with Rule 89*bis*.1(d-*ter*) may decide, in a particular case, to convert the application filed on paper into electronic form in accordance with Section 705*bis.*

(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):[4]

(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*bis*.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 705*quater*
International Applications Resubmitted in Electronic Form

(a) Where an international application filed on paper is resubmitted by the applicant in electronic form in accordance with Rule 89*bis*.1(d-*ter*), the receiving Office, for the purposes of Article 12, shall keep the resubmission as the home copy and transmit copies as the record copy and the search copy.

(b) Subject to Section 705*bis,* the original of the international application 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 (Rule 89*bis*.1(d-*ter*))" or their equivalent in the language of publication of the international application at the bottom of the first page of the request and of the first page of the description.[5]

[Annex II follows]

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[4] *Editor's Note:* An Office that has made a transitional reservation under Section 703(f) has to comply with other applicable provisions of Part 7 and Annex F, including Section 703(b)(i). For example, Section 713(b) would require compliance with Annex F as to the electronic packaging of documents transmitted from the receiving Office to the International Bureau. That would be the case even if the international application itself as filed with the receiving Office did not, pursuant to a transitional reservation by the Office under Section 703(f), comply with the requirements of Section 703(b)(iii) and Annex F, section 5.2.1, as to electronic packaging. Moreover, an applicant who filed an international application with a receiving Office which has made a transitional reservation under Section 703(f) as to the application of Section 703(b)(iii) would not have to comply with Annex F as to PKI-based electronic packaging of the application. However, any subsequent communications in electronic form between the applicant and the International Bureau, the International Searching Authority or the International Preliminary Examining Authority would have to comply with Annex F.

[5] *Editor's Note:* In principle, receiving Offices should mark the original at the time of its receipt but they could also mark the original when it is relied upon for the purposes of the correction of the record copy under Section 705*bis*(d).

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION THAT INTERNATIONAL APPLICATION CONSIDERED WITHDRAWN

(PCT Article 14(1) or (3) and Rules 12.3(d) or 12.4(d), 26.3*ter*(e), 26.5, 29.1, 89*bis*.1(d-*ter*) or 92.4(g)(i))

Applicant's or agent's file reference	Date of mailing *(day/month/year)*
International application No.	**IMPORTANT NOTIFICATION**
Applicant	International filing date *(day/month/year)*

The applicant is hereby notified that **the international application is declared by this receiving Office to be considered withdrawn** for the reason indicated below:

1. ☐ **Failure to correct certain defects**: An invitation (Form PCT/RO/106) to correct defects in the international application was mailed by this receiving Office on _____

   However: ☐ no corrections, in response to that invitation, have been received within the prescribed time limit.

   ☐ applicant's corrections as submitted do not properly correct the defects noted in that invitation.

2. ☐ **Failure to furnish the required translation of the international application and/or to pay the late furnishing fee:** An invitation (Form PCT/RO/145, Form PCT/RO/150 or Form PCT/RO/157) was mailed by this receiving Office on _____

   However, within the time limit referred to in that invitation:

   ☐ the required translation was not furnished. ☐ the required late furnishing fee was not paid.

3. ☐ **Failure to pay prescribed fees**: An invitation (Form PCT/RO/133) to pay the prescribed fees was mailed by this receiving Office on _____

   However, within the time limit referred to in that invitation:

   ☐ no fees have been paid.

   ☐ the amounts paid are not sufficient to cover the transmittal fee, the international filing fee, the search fee and the late payment fee.

4. ☐ **Failure to furnish the international application by the specified means:** An invitation (Form PCT/RO/141) was mailed by this receiving Office on _____

   However, no corresponding documents were received within the time limit fixed in that invitation.

5. ☐ A copy of this Notification has been sent to the International Bureau and to the International Searching Authority.

ATTENTION: This international application will not be published **only** if this Notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

INVITATION CONCERNING DOCUMENT SUBMITTED ON PAPER OR TRANSMITTED BY FACSIMILE

(PCT Rules 89*bis*.1(d-*ter*), 89*bis*.2 and 92.4(d), (e) and (f))

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference	**REPLY DUE** See item 2 or 3 below
International application No.	International filing date *(day/month/year)*
Applicant	

1. This receiving Office has received on _____ the following document:

   ☐ the international application.

   ☐ a document purporting to be an international application.

   ☐ a document which appears to be/which is/entitled:_____

2. ☐ This receiving Office requires **electronic resubmission of documents** submitted on paper. The applicant is **invited to electronically resubmit** the document concerned **within two months** from the date of this invitation.

3. ☐ This receiving Office has not received the original of the document within 14 days of the facsimile transmission. The applicant is **invited to furnish the original** of the document concerned with a letter identifying the earlier transmission **within** _____ **months/days**.

4. **Failure to comply with this invitation** will have the following consequence:

   – where the document concerned is the international application, the international application will be considered withdrawn and the receiving Office shall so declare.

   – where the document concerned is a document subsequent to the international application, the document will be disregarded or considered as not having been submitted.

Name and mailing address of the receiving Office Facsimile No.	Authorized officer Telephone No.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION REGARDING RECEIPT
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89*bis*.1(d-*bis*), 89*bis*.2 and 92.4(h))

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference	**REPLY DUE** **NONE** However, see last paragraph below
International application No.	International filing date *(day/month/year)*
Applicant	

1. The applicant is hereby notified that this receiving Office has received

☐ on paper ☐ via facsimile ☐ via other means *(specify)*:

the following document: _____ .

2. However, this receiving Office does not accept

☐ receipt of any document via that means.

☐ receipt of international applications via that means.

☐ other *(specify)*:

3. Consequently, **the document concerned is treated as not having been received** by this receiving Office. The applicant should resubmit the document by means accepted by this receiving Office. Please refer to the *PCT Applicant's Guide*, Annex C – Receiving Office.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION CONCERNING DOCUMENT BEING DISREGARDED OR CONSIDERED AS NOT HAVING BEEN SUBMITTED

(PCT Rules 89*bis*.2, 92.1(b), last sentence, and 92.4(g)(ii))

Applicant's or agent's file reference	Date of mailing *(day/month/year)*
	IMPORTANT NOTIFICATION
International application No.	International filing date *(day/month/year)*
Applicant	

1. An invitation

☐ Form PCT/RO/131

☐ Form PCT/RO/141

was mailed by this receiving Office on:

_____ .

2. However, no response to the invitation was received by this Office within the time limit indicated in that invitation. Consequently, this Office hereby notifies the applicant that t**he document referred to in that invitation is being disregarded or considered as not having been submitted**.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

INVITATION CONCERNING DOCUMENT SUBMITTED ON PAPER OR TRANSMITTED BY FACSIMILE

(PCT Rules 89*bis*.2, 92.4(d), (e) and (f))

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference	**REPLY DUE** See item 2 or 3 below
International application No.	International filing date *(day/month/year)*
Applicant	

1. This International Searching Authority has received on _____ a document which appears to be/which is/ entitled:

_____ .

2. ☐ This International Searching Authority requires **electronic resubmission of documents** submitted on paper. The applicant is **invited to electronically resubmit** the document concerned **within two months** from the date of this invitation.

3. ☐ This International Searching Authority has not received the original of the document within 14 days of the facsimile transmission. The applicant is **invited to furnish the original** of the document concerned with a letter identifying the earlier transmission **within** _____ **months/days**.

4. **Failure to comply with this invitation** within the time limit indicated above will result in that document being disregarded or being considered as not having been submitted.

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

NOTIFICATION REGARDING RECEIPT
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89*bis*.2 and 92.4(h))

Applicant's or agent's file reference	Date of mailing *(day/month/year)*
	REPLY DUE **NONE** However, see last paragraph below
International application No.	International filing date *(day/month/year)*
Applicant	

1. The applicant is hereby notified that this International Searching Authority has received

☐ on paper ☐ via facsimile ☐ via other means *(specify)*:

the following document: _____.

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. The applicant should resubmit the document by means accepted by this Authority. Please refer to the *PCT Applicant's Guide,* Annex C – General Information.

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

NOTIFICATION CONCERNING DOCUMENT BEING DISREGARDED OR CONSIDERED AS NOT HAVING BEEN SUBMITTED

(PCT Rules 89*bis*.2, 92.1(b), last sentence, and 92.4(g)(ii))

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference	**IMPORTANT NOTIFICATION**
International application No.	International filing date *(day/month/year)*
Applicant	

1. An invitation

☐ Form PCT/ISA/223

☐ Form PCT/ISA/230

was mailed by this International Searching Authority on:

_____ .

2. However, no response to the invitation was received by this Authority within the time limit indicated in that invitation. Consequently, this Authority hereby notifies the applicant that **the document referred to in that invitation is being disregarded or considered as not having been submitted**.

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PCT

INVITATION CONCERNING DOCUMENT SUBMITTED ON PAPER OR FACSIMILE

(PCT Rules 89*bis*.2 and 92.4(d), (e) and (f))

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference	**REPLY DUE** See item 2 or 3 below
International application No.	International filing date *(day/month/year)*
Applicant	

1. This International Preliminary Examining Authority has received on _____ a document which appears to be/which is/entitled:

_____ .

2. ☐ This International Preliminary Examining Authority requires electronic resubmission of documents submitted on paper. The applicant is **invited to electronically resubmit** the document concerned **within two months** from the date of this invitation.

3. ☐ This International Preliminary Examining Authority has not received the original of the document within 14 days of the facsimile transmission. The applicant is **invited to furnish the original** of the document concerned with a letter identifying the earlier transmission **within _____months/days**.

4. **Failure to comply with this invitation** within the time limit indicated above will result in that document being disregarded or being considered as not having been submitted.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PCT

NOTIFICATION REGARDING RECEIPT
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89*bis*.2 and 92.4(h))

Applicant's or agent's file reference	Date of mailing *(day/month/year)* **REPLY DUE** NONE However, see last paragraph below
International application No.	International filing date *(day/month/year)*
Applicant	

1. The applicant is hereby notified that this International Preliminary Examining Authority has received

☐ on paper ☐ via facsimile ☐ via other means *(specify)*:

the following document: _____ .

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. The applicant should resubmit the document by means accepted by this Authority. Please refer to the *PCT Applicant's Guide*, Annex C – General Information.

Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PCT

NOTIFICATION CONCERNING DOCUMENT BEING DISREGARDED OR CONSIDERED AS NOT HAVING BEEN SUBMITTED

(PCT Rules 89*bis*.2, 92.1(b), last sentence, and 92.4(g)(ii))

Applicant's or agent's file reference	Date of mailing *(day/month/year)*
International application No.	**IMPORTANT NOTIFICATION**
Applicant	International filing date *(day/month/year)*

1. An invitation

   ☐ Form PCT/IPEA/423

   ☐ Form PCT/IPEA/434

   was mailed by this this International Preliminary Examining Authority on:

   _____ .

2. However, no response to the invitation was received by this Authority within the time limit indicated in that invitation. Consequently, this Authority hereby notifies the applicant that the **document referred to in that invitation is being disregarded or considered as not having been submitted.**

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/438 (July 2025)

[Annex III follows]

MODIFICATIONS OF THE PCT RECEIVING OFFICE GUIDELINES

CHAPTER II
GENERAL

Marking of the Sheets of the International Application, Documents and Correspondence Relating Thereto

14. [No change]

Means of Communication; Date of Receipt

15 to 18. [No change]

18A. If the receiving Office requires electronic resubmission of the international application originally furnished on paper (Rule 89*bis*.1(d-*ter*)), it promptly invites the applicant to make the resubmission (Form PCT/RO/141). If the applicant fails to timely respond to the invitation, the receiving Office declares the international application withdrawn (Form PCT/RO/117). Alternatively, the receiving Office may decide in a particular case to convert the international application filed on paper into electronic form in accordance with Section 705*bis*.

18B. If the receiving Office requires electronic resubmission of any documents submitted on paper (Rule 89*bis*.1(d-*ter*), the receiving Office promptly invites the applicant to do so (Form PCT/RO/141). If the applicant fails to timely respond to the invitation, the receiving Office disregards the document submitted on paper (Rule 89*bis*.2) and notifies the applicant accordingly (Form PCT/RO/149). Alternatively, the receiving Office may decide in a particular case to convert the document submitted on paper into electronic form.

18C. If the receiving Office only accepts submissions in electronic form or by electronic means under Rule 89*bis*.1(d-*bis*), it treats any documents submitted to it on paper as not having been received, and the Office promptly notifies (Form PCT/RO/142) the applicant accordingly. Nevertheless, the receiving Office may decide in a particular case to accept any documents submitted on paper (Section 703(e-*bis*)).

Computation of Time Limits

19. [No change]

Documents and Correspondence

20. ***Documents and Correspondence Submitted by the Applicant***. Any document submitted by the applicant in the course of the PCT procedure, other than the international application itself, must, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates; the letter must be signed by the applicant (Rule 92.1(a)). If those requirements are not complied with, the receiving Office informs the applicant as to the non-compliance and invites (Form PCT/RO/131) the applicant to remedy the omission within a time limit fixed in the invitation. The time limit so fixed must be reasonable in the circumstances; even where the time limit so fixed expires later than the time limit applicable to the submission (or even if the latter time limit has already expired), it shall be not less than 10 days and not more than one month from the date of mailing of the invitation. If the omission is remedied within the time limit fixed in the invitation, the omission shall be

disregarded; otherwise, the applicant shall be informed (Form PCT/RO/149) that the submission has been disregarded (Rule 92.1(b)). Where non-compliance with those requirements has been overlooked and the document taken into account for the international procedure, the non-compliance is to be disregarded (Rule 92.1(c)).

21 to 34. [No change]

CHAPTER IV
ARTICLE 11(1) CHECK; REQUIREMENTS FOR INTERNATIONAL FILING DATE

Receipt of Purported International Application

35. ***Marking***. Upon receipt of documents purporting to be an international application, the receiving Office indelibly marks the date of actual receipt in the space provided on the last sheet of the request. It then assigns the international application number according to Section 307 and marks that number in the space provided on the first sheet of the request and in the upper right-hand corner of each sheet of the purported international application (Section 308(a) and (b)). Where the request form was not used by the applicant, the receiving Office proceeds as outlined in paragraph 75A. The receiving Office marks the date of receipt also on the fee calculation sheet, in the space provided for that purpose, if such sheet has been submitted.

36 to 38. [No change]

38A*. Electronic Resubmission of Paper Filing*. If the receiving Office requires an electronic resubmission of an international application submitted on paper, it first checks whether the purported international application is a resubmission of an international application already received on paper. It then proceeds to check whether the electronic resubmission is an exact copy of the original text on paper. If the receiving Office notices any inconsistency between the original text and the electronic resubmission before the expiration of the applicable two-month time limit, it draws the applicant's attention to the inconsistency and gives the applicant an opportunity to make any necessary corrections before the expiration of the two-month time limit.

39 to 48A. [No change]

Confirmation of Incorporation by Reference of Missing Elements under Rule 20.6(a)

49 to 49D. [No change]

50. ***Negative Determination (Rule 20.4)***. If the receiving Office finds that the corrections of defects under Article 11(1) have not been timely received or have been received but the application still does not fulfill the requirements of Article 11(1) or if the defects could not be resolved by way of incorporation by reference of a missing element under Rules 4.18 and 20.6, it proceeds, once the time limit under Rule 20.7(a) has expired, as follows:

(i) it deletes the letters "PCT" from the indication of the international application number on any documents marked previously with that number, and uses the said number without such letters in any future correspondence relating to the purported international application (Section 308(d));

(ii) it notifies (Form PCT/RO/104) the applicant that the application will not be treated as an international application and that the number marked on the documents will no

longer be used as an international application number (Rule 20.4(i) and (ii)); it sends a copy of that notification to the International Bureau;

(iii) it abstains from transmitting the record copy and the search copy but keeps the application and any correspondence relating thereto (Rule 20.4(iii)); it sends a copy of the said documents to the International Bureau only upon special request in case of a review under Article 25(1) (Rule 20.4(iv)); and

(iv) it refunds (Form PCT/RO/119) any international filing fee and/or search fee received, (Rules 15.4(i) and 16.2(i)); it may also refund any transmittal fee received, subject to the provisions applied by the receiving Office; for the procedure for refunding fees, see paragraphs 268 to 271.

Error by the Receiving Office

51. If the receiving Office discovers or, on the basis of the applicant's reply, realizes that it should not have issued an invitation to correct since the requirements under Article 11(1) were fulfilled when the documents were received, it proceeds as outlined in paragraphs 43 and 44 (Rule 20.3(c)).

52 to 54. [No change]

CHAPTER V
LANGUAGE CHECK
(ARTICLE 3(4)(i); RULES 12.1, 12.3, 12.4 AND 26.3*ter*)

55 to 61. [No change]

Language of Abstract and Text Matter of the Drawings

62. [No change]

63. ***Correction of Defects***. Where the language in which the abstract and/or any text matter of the drawings, or any part thereof, is filed is different from the language of the description and claims, the receiving Office invites (Form PCT/RO/106) the applicant to furnish, within the time limit referred to in Rule 26.2 (Rule 26.3*ter*(a)), a translation of the abstract and/or any text matter of the drawings into the language in which the international application is to be published under Rule 48.3(a) or (b), unless:

(i) a translation of the (entire) international application is required under Rule 12.3(a) into the language in which the application is to be published or 12.4(a) (paragraphs 67 or 67A), or

(ii) the abstract and any text matter of the drawings are (already) in the language in which the international application is to be published.

64. [no change]

65. ***Failure to Correct***. Where the receiving Office has sent to the applicant an invitation under Rule 26.3*ter* and the applicant has not, within the applicable time limit, furnished the required translation, it proceeds as provided for in Rules 26.5 and 29.1, which apply *mutatis mutandis* (Rule 26.3*ter*(a)). For the procedure applicable in such case, see paragraph 159. In response to the invitation under Rule 26.3*ter*(a), if the applicant explains that a translation is not necessary for understanding the abstract and/or any text matter in drawings within the relevant technical field, the receiving Office may consider the defect corrected.

65A to 71. [No change]

CHAPTER VI
ARTICLE 14 CHECK AND OTHER FORMAL REQUIREMENTS

72 to 113. [No change]

The Competent International Searching Authority

114. [No change]

115. If the International Searching Authority indicated by the applicant is competent, or if only one International Searching Authority is competent, the receiving Office indicates the name of that Authority on the last sheet of the request. Where more than one International Searching Authority is competent and no indication as to the choice of International Searching Authority is made in Box No. VII of the request, the receiving Office checks whether such indication appears on any other document filed in connection with the international application, such as the fee calculation sheet, or on any translation submitted for the purposes of international search. Where no such indication is made, the receiving Office invites the applicant to indicate a choice as to the competent Authority within a time limit so fixed in the invitation. Form PCT/RO/132 may be used for that purpose. The time limit so fixed must be reasonable in the circumstances; it shall be not less than 15 days and not more than one month from the date of mailing of the invitation. The invitation may indicate a particular International Searching Authority as the default should the applicant fail to properly respond to the invitation. Where the Office acting as receiving Office is also an International Authority, that Office should generally be set as the default International Searching Authority. The receiving Office proceeds in the same manner where more than one Authority is competent and the applicant has indicated an Authority which is not competent in respect of the application in question. The receiving Office deletes the indication of any non-competent International Searching Authority *ex officio* (paragraphs 161 to 165) and likewise inserts an indication of a competent International Searching Authority determined through the above-mentioned process.

115A to 152. [No change]

CORRECTIONS OF DEFECTS

Corrections under Article 14(1)(b) and Rule 26

153 to 158. [No change]

159. ***Failure to Correct under Article 14(1)(b) and Rule 26.*** If the receiving Office finds that defects under Article 14(1)(a) have not been corrected or have not been timely corrected, it declares the international application withdrawn and promptly notifies (Form PCT/RO/117) the applicant, the International Bureau and (if the search copy has already been transmitted) the International Searching Authority (Rule 29.1(ii) and (iii)). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that the declaration that the international application is considered withdrawn be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the notification of withdrawal to the

International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the upload service is available athttps://pctcs.wipo.int/ePCTFiling. The receiving Office should transmit to the International Bureau a copy of Form PCT/RO/117 along with copies of all documents and correspondence relating to the decision declaring that the international application is considered withdrawn to facilitate any subsequent review of that decision by a designated Office under Article 25(1). In any event, in view of Rule 26.3, the receiving Office should, in general, not declare the international application withdrawn for failure to comply with the physical requirements under Rule 11; only in extreme cases of non-compliance with those requirements should the receiving Office make such declaration. Where the international application does not contain all the prescribed indications concerning the applicant (Article 14(1)(a)(ii) and Rules 4.4 and 4.5), the receiving Office should not issue a declaration under Rule 26.5 in a case where, for example, there is a minor error in an address (see the opening words of Rule 4.4(c)), or where the applicant's full name is misspelled or not indicated, even if the applicant fails to correct the defect, upon invitation, within the prescribed time limit. If there is more than one applicant, it is sufficient that the indications required under Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who is entitled according to Rule 19.1 to file the international application with the receiving Office (Rule 26.2*bis*(b)) (paragraph 84A). Where failure to correct a defect which would affect the reasonably uniform international publication is noticed at a late stage, it would be inappropriate for the receiving Office to declare the international application withdrawn without first issuing a reminder and extending the time limit under Rule 26.2.

160 to 182. [No change]

Certification of an Earlier Application and Transmittal to the International Bureau

183. Where the earlier (national, regional or international) application was filed with the same Office that acts as receiving Office and the priority document is therefore to be issued by that Office, the applicant may, instead of obtaining the priority document from that Office and submitting it subsequently to that same Office or the International Bureau, request that Office as receiving Office to prepare the priority document and transmit it directly to the International Bureau. Such a request ("request for priority document") must not be made later than 16 months from the priority date and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)). The request for priority document may be made on the request form by marking the appropriate set of check-boxes in Box No. VI, or by making a request to that effect on any other document, such as a letter accompanying the international application or on the fee calculation sheet. The latter contains a space for including the amount of the fee concerned. Such a request may also be submitted subsequently within the prescribed time limit by sending a letter to this effect.

184 to 196. [No change]

Sheets Pertaining to the International Application Received without Prior Invitation

197. The receiving Office may receive other sheets pertaining to a purported international application submitted on a date later than the date on which documents were first received, even though there has been no invitation under Rule 20.5(a) or 20.5*bis*(a).

198 to 221. [No change]

CHAPTER IX
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING

222 to 266. [No change]

Failure to Pay the Prescribed Fees under Article 14(3)

267. If the applicant has failed to pay to the receiving Office the amount required under Rule 16*bis* or has paid less than what is needed to cover the transmittal fee, the international filing fee, where required, the late payment fee, and the search fee, the receiving Office declares the international application withdrawn under Article 14(3) and promptly notifies the applicant using Form PCT/RO/117. It sends a copy of that notification to the International Bureau and, where the search copy has already been transmitted, to the International Searching Authority (Rules 16*bis*.1(c) and 29.1). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that this declaration be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the notification of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rate situation where ePCT cannot be used, the upload service is available at https://pctcs.wipo.int/ePCTFiling.

268 to 295. [No change]

CHAPTER XIV
[Deleted]

CHAPTER XV
RECTIFICATION OF OBVIOUS MISTAKES UNDER RULE 91

Request for Rectification Submitted to the Receiving Office

302. ***Decision of Receiving Office***. Where the receiving Office receives a request for rectification of an obvious mistake in the international application or other documents submitted by the applicant, such as a power of attorney, it checks whether it is competent to authorize the rectification of the mistake as requested. The receiving Office is competent to do so only if the mistake is in the request or any other document submitted to the receiving Office, other than the international application itself (description, claims, abstract, any drawings, sequence listing part of the description). Where the receiving Office is so competent, it authorizes the rectification if the mistake whose rectification is requested is an obvious mistake as defined in Rule 91.1(c) and the rectification is in the language in which the application is filed, provided that, where a translation of the request is required under Rule 26.3*ter*(c), the rectification need only be filed in the language of that translation (Rule 12.2(b)(ii)). Omissions of entire elements or sheets are not rectifiable (Rule 91.1(g)(i)). As regards the correction or addition of a declaration referred to in Rule 4.17, see paragraphs 192E and 192F.

303 to 306. [No change].

Transmittal to Another Authority of a Request for Rectification

307. If the receiving Office receives a request for rectification of an obvious mistake in any part of the international application other than the request or in other documents, it transmits that request for rectification together with any proposed replacement sheet to the Authority competent to authorize the rectification (that is, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, as the case may be) and informs the applicant accordingly (Rule 91.1(b)(ii) to (iv)). It may, instead of transmitting the request for rectification, inform the applicant that the request for rectification should be sent to the Authority competent to rectify the mistake. For the language(s) in which such request for rectification must be submitted, see Rule 12.2(b).

Invitation to the Applicant to Request Authorization of Rectification

308. If the receiving Office discovers what appears to be an obvious mistake in the international application or any other document submitted to it by the applicant, it may invite (Form PCT/RO/108) the applicant to submit a request for rectification to the Authority competent to authorize the rectification (Rules 91.1(b) and 91.2).

CHAPTER XVI
CHANGES CONCERNING THE APPLICANT, INVENTOR, AGENT OR COMMON REPRESENTATIVE

309 to 321. [No change]

Transmittal of Notice Effecting Withdrawal

322. The receiving Office promptly transmits to the International Bureau any notice effecting a withdrawal under Rule 90*bis*.1, 90*bis*.2 or 90*bis*.3 (Form PCT/RO/136), of any notice effecting a withdrawal of kinds of protection (Form PCT/RO/132), with an indication of the date of receipt of the notice. If the record copy has not yet been transmitted to the International Bureau, the receiving Office transmits the notice of withdrawal to that Bureau together with the record copy (Section 326(a)). In the case of a withdrawal of the international application or of the (earliest) priority claim, it is often the applicant's intention to prevent or postpone international publication of the application. In such cases, the receiving Office must take into account the fact that the International Bureau will only be in a position to prevent or postpone that publication if the notice of withdrawal reaches it before technical preparations for international publication have been completed. In urgent cases, it is strongly recommended that the receiving Office send the notice of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the upload service is available at https://pctcs.wipo.int/ePCTFiling.

323 to 324. [No change].

CHAPTER XVIII
ITEMS TO BE TRANSMITTED TO ANOTHER AUTHORITY

325 to 336. [No change]

Completion of Technical Preparations for International Publication by the International Bureau

337. The international application is published promptly after 18 months from the priority date except where early publication has been requested (Article 21(1) and (2)). International applications are usually published on Thursdays, and technical preparations for international publication are generally completed 15 calendar days before the actual publication date. When there is no international publication on a given Thursday because it is a day when the International Bureau is not open for business, publication may take place on the following day (Friday). In such cases, the receiving Office may contact the International Bureau for confirmation of the exact day of international publication or look up the target publication date in the ePCT system. A document, notification or communication which is to be published by the International Bureau (Rule 48.2), and might not reach the International Bureau before the date of completion of technical preparations if sent by ordinary communication means, should be transmitted through ePCT, preferably using the specific Action corresponding to the document type or using Documents upload indicating the relevant document type. Using ePCT to transmit documents will ensure that they are made directly available in the International Bureau's processing system for urgent processing based on proximity to the target publication date. In the rare situation where ePCT cannot be used, the upload service is available at https://pctcs.wipo.int/ePCTFiling.

338 to 339. [No change]

[Annex IV follows]

MODIFICATIONS OF THE PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

Chapter 8
Rule 91 – Obvious Mistakes in Documents

Rule 91.1(a)–(e), Rule 91.2

8.01 Mistakes which are due to the fact that something other than that which was obviously intended were included in the contents of the international application or in a later submitted document (for example, linguistic errors, spelling errors) may be rectified if a request for rectification is submitted within 26 months from the priority date and the necessary criteria are met. The mistake must be "obvious" in the sense that it is obvious to the competent authority:

(i) that something else was intended than what appears in the document concerned; and

(ii) that nothing else could have been intended than the proposed rectification.

8.02 to 8.10 [No change]

Transmittal to Another Authority of a Request for Rectification

Rule 91.1(b)

8.11 The following authorities are competent to authorize rectifications in the international application and associated documents:

(i) if the mistake is in the request part of the international application or in a correction thereof: the receiving Office;

(ii) if the mistake is in the description, claims or drawings or in a correction thereof: the International Searching Authority, unless the International Preliminary Examining Authority is competent under item (iii);

(iii) if the mistake is in the description, claims, drawings or in a correction thereof, or in an amendment under Article 19 or 34, where a demand for international preliminary examination has been made and has not been withdrawn and the date on which the international preliminary examination is to start in accordance with Rule 69.1 has passed: the International Preliminary Examining Authority;

(iv) in the case of a mistake in a document not referred to in items (i) to (iii) submitted to the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, other than a mistake in the abstract or in an amendment under Article 19: that Office, Authority or Bureau, as the case may be.

8.12 If an International Authority receives a request for rectification of an obvious mistake in the request (where that International Authority is not also the receiving Office) or where it receives any other document for which it is not the authority competent to authorize the rectification, it transmits that request together with any proposed replacement sheet to the appropriate authority, as listed above, and informs the applicant accordingly. It may, instead of transmitting the request, inform the applicant that the request should be sent to the authority competent to rectify the mistake. For the language(s) in which a request for rectification must be submitted, see Rule 12.2(b).

Invitation to the Applicant to Request Rectification

Rule 91.1(h)

8.13 If an International Authority discovers what appears to be an obvious mistake in the international application or any other document submitted by the applicant, it may (optionally

using Form PCT/ISA/216 or PCT/IPEA/411, as applicable) invite the applicant to submit a request for rectification to the authority competent to authorize the rectification (Rule 91.1(b) and (h)). Although Rule 91.1(h) allows the International Authorities to invite rectifications, it is not expected that such invitations will be issued since any mistake which can be rectified under Rule 91 will not be an impediment to establishing the search report and should not affect the substance of any written opinion or international preliminary examination report.

Submission and Processing of a Request for Rectification

8.14 to 8.15 [No change]

Rule 91.1

8.16 During the international preliminary examination procedure, a request for rectification of an obvious mistake in the international application may be made by the applicant of his own volition. In addition, the examiner, upon study of the international application (other than the request) and any other documents submitted by the applicant, might also note obvious mistakes.

8.17 to 17.73. [No change]

PART VI
THE INTERNATIONAL PRELIMINARY EXAMINATION STAGE (OTHER THAN THE INTERNATIONAL PRELIMINARY REPORT)

18.01 to 18.18. [No change]

Chapter 19
Examination Procedure Before The International Preliminary Examining Authority

19.01 to 19.35 [No change]

Matters Applicable Generally to Various Stages of International Preliminary Examination

Making Amendments: General Considerations

19.36 [No change]

Rectification of Obvious Mistakes

Rules 66.5, 91.1(b)

19.37 Mistakes which are due to the fact that something other than that which was obviously intended was written in the contents of the international application (other than the request) or other document submitted to the International Preliminary Examining Authority (for example, linguistic errors, spelling errors) may be rectified if a request for rectification is submitted within 26 months from the priority date. If a correction is not of this character (for example, if it involves cancellation of claims, omission of passages in the description or omission of certain drawings), it would not be authorized by the Authority (see paragraph 20.09 and Chapter 8).

Rule 91.1(d)

19.38 Subject to authorization (see paragraph 19.30), rectification of obvious mistakes in the international application can be made at the request of the applicant on his own volition. In addition, the examiner, upon study of the international application (other than the request) and any other documents submitted by the applicant, might also note obvious mistakes. (See Chapter 8). Although Rule 91 allows the International Preliminary Examining Authority to invite the applicant to submit a request for rectifications, it is not foreseen that such invitations will be issued since any error which can be rectified under Rule 91 will not be an impediment to establishing the international preliminary examination report.

Rules 91.1(e), (f), (g)(ii), 91.2; Section 607

19.39 Rectification of an obvious error cannot be made before the International Preliminary Examining Authority without the express authorization of that Authority. The Authority is permitted to authorize rectification of such mistakes in a part of the international application other than the request or in any documents submitted to it. The Authority may only authorize rectification of obvious mistakes if a request for rectification is submitted within 26 months from the priority date. See paragraphs 8.14 to 8.17.

Rules 66.1(d-bis), 66.4bis

19.40 to 19.52 [No change]

PART VIII
Clerical and Administrative Procedures

Chapter 22
Clerical and Administrative Procedures

22.01 to 22.51 [No change]

Handling of Paper Submission by Authorities Requiring Electronic Submissions

Rules 89bis.1(d-bis) , 89bis.2

22.51A If the International Searching Authority or the International Preliminary Examining Authority only accepts submissions in electronic form or by electronic means under Rule 89*bis*.1(d-*bis*), it treats any documents submitted to it on paper as not having been received. The Authority promptly notifies the applicant accordingly (Form PCT/ISA/231, Form PCT/IPEA/435). Nevertheless, the Authority may decide in a particular case to accept any documents submitted via other means (Sections 703(e-*bis*) and 713).

Electronic Resubmission of Paper Documents

Rules 89bis.1(d-ter), 89bis.2

22.51B. If the International Searching Authority or the International Preliminary Examining Authority requires electronic resubmission of any documents submitted on paper (Rules 89*bis*.1(d-*ter*), 89*bis*.2), the Authority promptly invites the applicant to make the submission (Form PCT/ISA/230 or Form PCT/IPEA/434). If the applicant fails to timely respond to the invitation, the Authority disregards the document submitted on paper and notifies the applicant accordingly (Form PCT/ISA/232 or Form PCT/IPEA/438). Alternatively, the Authority may decide in a particular case to convert the document submitted on paper into electronic form in accordance with Section 705*bis* (Sections 703(e-*ter*) and 713).

22.51C. If the International Searching Authority or the International Preliminary Examining Authority notices any inconsistency between the original text and the electronic resubmission before the expiration of the applicable two-month time limit, it should draw the applicant's attention to the inconsistency and give the applicant an opportunity to make any necessary corrections before the expiration of the two-month time limit.

Irregularities in the Mail Service

Rule 82

22.52 to 22.55 [No change]

Rules 92.1(a), 92.2(a)

22.56 It should also be noticed that any document submitted by the applicant in the course of international preliminary examination other than the international application itself, if not in the form of a letter, must be accompanied by a letter signed by the applicant. The

letter should identify the international application to which it relates and be in the same language as the said application or in one of the languages authorized to be used by the International Preliminary Examining Authority. If these requirements are not complied with, the applicant should be informed as to the non-compliance and invited to remedy the omission within a time limit fixed in the invitation. The time limit should be reasonable in the circumstances, but no less than 10 days and no more than one month from the mailing of the invitation. If the omission is remedied within the time limit fixed in the invitation, the omission should be disregarded, otherwise the document should be disregarded.

Rules 55, 60.1(a) to (e)

22.57 to 22.61 [No change]

[End of Annexes and of Circular]