

Uradni list Republike Slovenije



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Leto XVII

1. Zakon o ratifikaciji Sporazuma o sodelovanju med Vlado Republike Slovenije in Mednarodno organizacijo za migracije (MSMOM)

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RATIFIKACIJI SPORAZUMA O SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN MEDNARODNO ORGANIZACIJO ZA MIGRACIJE (MSMOM)

Razglašam Zakon o ratifikaciji Sporazuma o sodelovanju med Vlado Republike Slovenije in Mednarodno organizacijo za migracije (MSMOM), ki ga je sprejel Državni zbor Republike Slovenije na seji 20. decembra 2006.

Št. 001-22-204/06

Ljubljana, dne 28. decembra 2006

dr. Janez Drnovšek l. r.

Predsednik

Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA O SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN MEDNARODNO ORGANIZACIJO ZA MIGRACIJE (MSMOM)

1. člen

Ratificira se Sporazum o sodelovanju med Vlado Republike Slovenije in Mednarodno organizacijo za migracije, sklenjen v Ljubljani 19. decembra 2001.

2. člen

Besedilo sporazuma se v izvirnikih v slovenskem in angleškem jeziku glasi:

SPORAZUM O SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN MEDNARODNO ORGANIZACIJO ZA MIGRACIJE

VLADA REPUBLIKE SLOVENIJE na eni strani in MEDNARODNA ORGANIZACIJA ZA MIGRACIJE, v nadaljnjem besedilu »Organizacija«, na drugi strani sta se

glede na to, da je Republika Slovenija postala članica Organizacije 28. novembra 2000,

v želji po nadaljnji krepitvi in razvoju sodelovanja med Organizacijo in Republiko Slovenijo,

zavedajoč se, da 27. člen Ustave Mednarodne organizacije za migracije tej organizaciji daje pravno osebnost in takšno pravno sposobnost, kot je potrebna za opravljanje njenih nalog in izpolnjevanje njenega namena, ter da naj bi Organizacija in osebje, razen lokalno zaposlenega osebja, uživala privilegije in imunitete, predvidene v 28. členu Ustave Mednarodne organizacije za migracije,

COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION

THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA, on the one hand, and the INTERNATIONAL ORGANIZATION FOR MIGRATION, hereinafter referred to as "the Organization", on the other hand,

Recalling that the Republic of Slovenia became member of the Organization on 28 November 2000,

Desirous of further strengthening and developing the cooperation between the Organization and the Republic of Slovenia,

Bearing in mind that Article 27 of the Constitution of the International Organization for Migration, confers juridical personality on the Organization and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purpose, and that the Organization and its staff, except for the locally engaged staff, should enjoy privileges and immunities as provided for in Article 28 of the Constitution,

ob upoštevanju, da nameni in naloge Organizacije ter dejavnosti, ki jih opravlja Organizacija in njeno osebje v Republiki Sloveniji, upravičujejo, da se njej in njenemu osebju, razen lokalno zaposlenemu osebju, podelijo privilegiji in imunitete, ki so po vsebini enake tistim, ki se odobrijo specializiranim agencijam Združenih narodov in njihovemu osebju,

DOGOVORILI:

1. člen

1. V skladu z ustreznimi odločitvami svojih vodstvenih organov in v okviru razpoložljivih sredstev Organizacija v Republiki Sloveniji izvaja programe in dejavnosti v zvezi z migracijsko politiko zlasti na teh področjih:

(a) usposabljanje državnih uslužencev in svetovanje glede migracijske politike, zakonodajne, upravne in druge dejavnosti za graditev zmogljivosti in strokovnega sodelovanja glede migracijskih zadev;

(b) raziskovanje na področju migracijske politike v Republiki Sloveniji;

(c) zagotavljanje informacij o migracijskih zadevah in sodelovanje pri ozaveščanju javnosti glede migracijskih zadev;

(d) spodbujanje in organiziranje prostovoljnega vračanja vseh kategorij tujcev v Republiki Sloveniji;

(e) materialna, pravna, organizacijska in zdravstvena pomoč beguncem, razseljenim in drugim osebam, ki potrebujejo takšno pomoč;

(f) posebne storitve, kot sta pomoč tujcem pri prehodu čez ozemlje Republike Slovenije in pomoč pri vključevanju v družbo, zlasti zdravstveno varstvo, učenje jezikov in podobno;

(g) vsako drugo sodelovanje, o katerem se bosta pogodbenici vzajemno sporazumeli.

2. Organizacija izvaja v Republiki Sloveniji Program za izplačilo nemških odškodnin za prisilno delo na podlagi Zakona o ustanovitvi sklada »Spomin, odgovornost in prihodnost«, ki je bil sprejet v Zvezni republiki Nemčiji. V okviru tega programa izvaja Organizacija te dejavnosti:

- obveščanje morebitnih upravičencev;
- razpošiljanje in zbiranje obrazcev zahtevkov upravičencev;
- odpošiljanje obrazcev na sedež organizacije v Ženevo;
- obveščanje vlagateljev zahtevkov;
- izplačilo odškodnin upravičencem.

Organizacija pri izvajanjiju teh dejavnosti sodeluje z združenji upravičencev v Republiki Sloveniji.

3. Organizacija je pooblaščena, da za izvajanje svojih programov in dejavnosti odpre urad v Republiki Sloveniji in najame potrebno osebje.

2. člen

Pogodbenici pripravita program sodelovanja. Ministrstvo za zunanje zadeve Republike Slovenije usklajuje dejavnosti, ki jih Organizacija izvaja v Republiki Sloveniji na podlagi programa sodelovanja. Urad Vlade Republike Slovenije za priseljevanje in begunce pa je pristojen za izvajanje Ustave Mednarodne organizacije za migracije.

3. člen

1. Organizacija v Republiki Sloveniji uživa enake privilegije in imunitete, kot so na podlagi Konvencije o privilegijah in imunitetah specializiranih agencij Združenih narodov z dne 21. novembra 1947 podeljeni specializiranim agencijam Združenih narodov.

Considering that the purposes and the functions of the Organization and the activities carried out by the Organization and its staff in the Republic of Slovenia warrant the granting to the Organization and its staff, with the exception of the locally engaged staff, of privileges and immunities substantially identical to those accorded to the specialized agencies of the United Nations and their staff,

HAVE AGREED as follows:

Article 1

1. In accordance with the relevant decisions of its Governing Bodies and subject to the availability of funds, the Organization shall implement in the Republic of Slovenia migration programmes and activities, in particular in the following fields:

(a) training of civil servants, advisory services on migration policies, legislation, administration and other capacity building and technical cooperation activities on migration issues;

(b) research in the field of migration policy in the Republic of Slovenia;

(c) providing information on migration issues and cooperation in raising public awareness with regard to migration issues;

(d) promotion of and making arrangements for voluntary return of all categories of foreigners in the Republic of Slovenia;

(e) material, legal and organizational assistance and health care to refugees, displaced persons and other persons in need of such assistance;

(f) specific migration services such as transit assistance to foreigners in passage across the territory of the Republic of Slovenia, integration assistance, in particular health care, language training etc.;

(g) any other cooperation to be mutually agreed upon.

2. The Organization shall implement in the Republic of Slovenia the German Forced Labour Compensation Programme on the basis of the Foundation Act adopted by the Federal Republic of Germany which created a German foundation entitled "Remembrance, Responsibility and Future". Within the scope of this Programme, the Organization shall carry out the following activities:

– notification of potential beneficiaries;

– forwarding and collecting the claim forms of beneficiaries;

– forwarding claim forms to the Headquarters of the Organization in Geneva;

– notification of claimants;

– payment of compensation to beneficiaries.

The Organization shall carry out these activities in cooperation with the associations of beneficiaries in the Republic of Slovenia.

3. In order to implement its programmes and activities, the Organization is authorized to open an office in the Republic of Slovenia and to hire the staff needed.

Article 2

The Parties shall draw up a programme of cooperation. The Ministry of Foreign Affairs of the Republic of Slovenia shall coordinate the activities carried out by the Organization in the Republic of Slovenia on the basis of the programme of cooperation. The Office of the Government of the Republic of Slovenia for Immigration and Refugees is responsible for the implementation of the Constitution of the International Organization for Migration.

Article 3

1. The Organization shall enjoy in the Republic of Slovenia the same privileges and immunities as those granted to specialized agencies of the United Nations by virtue of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947.

2. Generalni direktor, njegov namestnik in njeno osebje, razen lokalno zaposlenega osebja, uživajo v Republiki Sloveniji enake privilegije in imunitete, kot so na podlagi Konvencije o privilegijih in imunitetah specializiranih agencij Združenih narodov z dne 21. novembra 1947 podeljeni izvršilnim vodjem in osebju specializiranih agencij Združenih narodov.

4. člen

Vsi spori med pogodbenicama pri razlagi ali uporabi tega sporazuma, ki se ne rešijo po mirni poti s pogajanji, se na zahtevo ene ali druge pogodbenice predložijo arbitraži v dokončno odločitev; enega razsodnika imenuje Vlada Republike Slovenije, enega generalnega direktora Organizacije, ta dva pa imenujeta tretjega, ki je predsednik.

5. člen

Določbe tega sporazuma se lahko kadar koli spremeniijo s pisnim soglasjem pogodbenic. Pogajanja o tem potekajo na zahtevo ene ali druge pogodbenice. Spremembe začnejo veljati v skladu z določbami 6. člena tega sporazuma.

6. člen

Ta sporazum začne veljati z dnem prejetja uradnega obvestila Republike Slovenije o izpolnjenih notranjepravnih pogojih za začetek veljavnosti sporazuma v Republiki Sloveniji.

Sporazum se začasno uporablja od dneva podpisa.

7. člen

Ta sporazum preneha veljati dvanajst mesecev po tem, ko ena pogodbenica pisno obvesti drugo o svoji odločitvi, da odpoveduje sporazumu.

V POTRDITEV TEGA sta podpisana predstavnika, ki sta za to pravilno pooblaščena, podpisala sporazum.

SESTAVLJENO v Ljubljani dne 19. decembra 2001 v dveh izvirnikih v angleškem in slovenskem jeziku, pri čemer sta besedili enako verodostojni.

Za Vlado Republike Slovenije minister za zunanje zadeve dr. Dimitrij Rupel I.r.	Za Mednarodno organizacijo za migracije generalni direktor Brunson McKinley I.r.
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2. The Director General, the Deputy Director General and staff members of the Organization except for the locally engaged staff, shall enjoy in the Republic of Slovenia the same privileges and immunities as those granted to executive heads and to the staff, respectively, of specialized agencies of the United Nations by virtue of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947.

Article 4

Any dispute between the Parties concerning the interpretation or application of this Agreement which is not settled amicably by negotiation, shall be submitted for final decision to arbitration at the request of either Party: one arbitrator shall be appointed by the Government of the Republic of Slovenia, one arbitrator shall be appointed by the Director General of the Organization, and the two arbitrators shall appoint a third, who shall be the chairman.

Article 5

The provisions of this Agreement can be amended at any time by mutual consent in writing of the Parties. Negotiations thereto shall be conducted at the request of either Party. The amendments shall enter into force in accordance with the provisions of Article 6.

Article 6

This Agreement shall enter into force on the date of receipt of notification by the Republic of Slovenia to the effect that internal legal requirements for the entry into force of the Agreement in the Republic of Slovenia have been fulfilled. The Agreement shall be provisionally applied as of the date of its signature.

Article 7

This Agreement shall cease to be in force twelve months after either of the Parties shall have given notice in writing to the other of its decision to terminate the Agreement.

IN FAITH WHEREOF the undersigned representatives, duly authorized for that purpose, have signed this Agreement.

DONE at Ljubljana on 19. December 2001, in two originals, in the English and Slovene languages, both texts being equally authentic.

For the Government of the Republic of Slovenia Minister of Foreign Affairs Dr Dimitrij Rupel (s)	For the International Organization for Migration Director General Brunson McKinley (s)
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3. člen

Za izvajanje sporazuma skrbi Ministrstvo za notranje zadeve.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 213-04/06-40/1
Ljubljana, dne 20. decembra 2006
EPA 731-IV

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med., l.r.

2. Sklep o objavi besedila Pravilnika za izvajanje Pogodbe o sodelovanju na področju patentov

Na podlagi tretjega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO) je Vlada Republike Slovenije na 101. redni seji dne 13. 12. 2006 sprejela

**SKLEP
O OBJAVI BESEDILA**

Pravilnika za izvajanje Pogodbe o sodelovanju na področju patentov (Uradni list RS-MP, št. 19/93), ki ga je sprejela skupščina Mednarodne unije za sodelovanje na področju patentov dne 5. oktobra 2005 v Ženevi,

ki se v izvirniku v angleškem jeziku in v prevodu v slovenski jezik glasi:

**Regulations
under the Patent Cooperation Treaty**

(as in force from April 1, 2006)

Editor's Note: For details concerning amendments and modifications to the Regulations under the Patent Cooperation Treaty, and for access to decisions of the Assembly of the International Patent Cooperation Union (PCT Assembly) concerning their entry into force and transitional arrangements, reference should be made to the relevant reports of the PCT Assembly available from the International Bureau or via the WIPO web site at: www.wipo.int/pct/en/meetings/assemblies/reports.htm. Details of transitional arrangements adopted in respect of selected amendments, where it appears that those arrangements are likely to be applicable to a significant number of international applications at the time of publication of the present text, are included as Editor's Notes in the text.

The deletion of a provision of the text previously in force is indicated only in those cases where it is necessary in order to avoid gaps in the numbering system.

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(as in force from April 1, 2006)*

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1.1 Meaning of Abbreviated Expressions

- (a) In these Regulations, the word "Treaty" means the Patent Cooperation Treaty.
- (b) In these Regulations, the words "Chapter" and "Article" refer to the specified Chapter or Article of the Treaty.

Rule 2 Interpretation of Certain Words

2.1 "Applicant"

Whenever the word "applicant" is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant.

2.2 "Agent"

Whenever the word "agent" is used, it shall be construed as meaning an agent appointed under Rule 90.1, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

2.2bis "Common Representative"

Whenever the expression "common representative" is used, it shall be construed as meaning an applicant appointed as, or considered to be, the common representative under Rule 90.2.

2.3 "Signature"

Whenever the word "signature" is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal.

PART B RULES CONCERNING CHAPTER I OF THE TREATY

Rule 3 The Request (Form)

3.1 Form of Request

The request shall be made on a printed form or be presented as a computer print-out.

3.2 Availability of Forms

Copies of the printed form shall be furnished free of charge to the applicants by the receiving Office, or, if the receiving Office so desires, by the International Bureau.

3.3 Check List

- (a) The request shall contain a list indicating:

- (i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application: request, description (separately indicating the number of sheets of any sequence listing part of the description), claims, drawings, abstract;
- (ii) where applicable, that the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a copy of a general power

of attorney, a priority document, a sequence listing in electronic form, a document relating to the payment of fees, or any other document (to be specified in the check list);

(iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published; in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be completed by the applicant, failing which the receiving Office shall make the necessary indications, except that the number referred to in paragraph (a)(iii) shall not be indicated by the receiving Office.

3.4 Particulars

Subject to Rule 3.3, particulars of the printed request form and of a request presented as a computer print-out shall be prescribed by the Administrative Instructions.

Rule 4 **The Request (Contents)**

4.1 Mandatory and Optional Contents; Signature

(a) The request shall contain:

- (i) a petition,
- (ii) the title of the invention,
- (iii) indications concerning the applicant and the agent, if there is an agent,
- (iv) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(b) The request shall, where applicable, contain:

- (i) a priority claim,
- (ii) a reference to any earlier international, international-type or other search,
- (iii) a reference to a parent application or parent patent,
- (iv) an indication of the applicant's choice of competent International Searching Authority.

(c) The request may contain:

(i) indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application,

(ii) a request to the receiving Office to prepare and transmit the priority document to the International Bureau where the application whose priority is claimed was filed with the national Office or intergovernmental authority which is the receiving Office,

(iii) declarations as provided in Rule 4.17.

(d) The request shall be signed.

4.2 The Petition

The petition shall be to the following effect and shall preferably be worded as follows: "The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty."

4.3 Title of the Invention

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise.

4.4 Names and Addresses

(a) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).

(b) Names of legal entities shall be indicated by their full, official designations.

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. In order to allow rapid communication with the applicant, it is recommended to indicate any teleprinter address, telephone and facsimile machine numbers, or corresponding data for

other like means of communication, of the applicant or, where applicable, the agent or the common representative.

(d) For each applicant, inventor, or agent, only one address may be indicated, except that, if no agent has been appointed to represent the applicant, or all of them if more than one, the applicant or, if there is more than one applicant, the common representative, may indicate, in addition to any other address given in the request, an address to which notifications shall be sent.

4.5 *The Applicant*

(a) The request shall indicate:

- (i) the name,
- (ii) the address, and

(iii) the nationality and residence of the applicant or, if there are several applicants, of each of them.

(b) The applicant's nationality shall be indicated by the name of the State of which he is a national.

(c) The applicant's residence shall be indicated by the name of the State of which he is a resident.

(d) The request may, for different designated States, indicate different applicants. In such a case, the request shall indicate the applicant or applicants for each designated State or group of designated States.

(e) Where the applicant is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

4.6 *The Inventor*

(a) Where Rule 4.1(a)(iv) or (c)(i) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

(b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect.

(c) The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.

4.7 *The Agent*

(a) If an agent is appointed, the request shall so indicate, and shall state the agent's name and address.

(b) Where the agent is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

4.8 *Common Representative*

If a common representative is appointed, the request shall so indicate.

4.9 *Designation of States; Kinds of Protection; National and Regional Patents*

(a) The filing of a request shall constitute:

(i) the designation of all Contracting States that are bound by the Treaty on the international filing date;

(ii) an indication that the international application is, in respect of each designated State to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State;

(iii) an indication that the international application is, in respect of each designated State to which Article 45(1) applies, for the grant of a regional patent and also, unless Article 45(2) applies, a national patent.

(b) Notwithstanding paragraph (a)(i), if, on October 5, 2005, the national law of a Contracting State provides that the filing of an international application which contains the designation of that State and claims the priority of an earlier national application having effect in that State shall have

the result that the earlier national application ceases to have effect with the same consequences as the withdrawal of the earlier national application, any request in which the priority of an earlier national application filed in that State is claimed may contain an indication that the designation of that State is not made, provided that the designated Office notifies the International Bureau by January 5, 2006, that this paragraph shall apply in respect of designations of that State and that the notification is still in force on the international filing date. The information received shall be promptly published by the International Bureau in the Gazette.¹

4.10 Priority Claim²

(a) Any declaration referred to in Article 8(1) ("priority claim") may claim the priority of one or more earlier applications filed either in or for any country party to the Paris Convention for the Protection of Industrial Property or in or for any Member of the World Trade Organization that is not party to that Convention. Any priority claim shall, subject to Rule 26bis.1, be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) the date on which the earlier application was filed, being a date falling within the period of 12 months preceding the international filing date;

(ii) the number of the earlier application;

(iii) where the earlier application is a national application, the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization that is not party to that Convention in which it was filed;

(iv) where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty;

(v) where the earlier application is an international application, the receiving Office with which it was filed.

(b) In addition to any indication required under paragraph (a)(iv) or (v):

(i) where the earlier application is a regional application or an international application, the priority claim may indicate one or more countries party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed;

¹ *Editor's Note:* This information is also published on the WIPO web site at:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

² *Editor's Note:* Paragraphs (a) and (b) of Rule 4.10 as amended with effect from January 1, 2000, do not apply in respect of any designated Office which has informed the International Bureau of incompatibility with the national law applied by that Office, as provided by paragraph (d) of that Rule. Paragraphs (a) and (b) as in force until December 31, 1999, continue to apply after that date in respect of any such designated Office for as long as those paragraphs as amended continue not to be compatible with the applicable national law. Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO web site at: www.wipo.int/pct/en/texts/reservations/res_incomp.pdf. The text of paragraphs (a) and (b) as in force until December 31, 1999, is reproduced below:

"4.10 Priority Claim

(a) Any declaration referred to in Article 8(1) ("priority claim") shall, subject to Rule 26bis.1, be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) the date on which the earlier application was filed, being a date falling within the period of 12 months preceding the international filing date;

(ii) the number of the earlier application;

(iii) where the earlier application is a national application, the country party to the Paris Convention for the Protection of Industrial Property in which it was filed;

(iv) where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty;

(v) where the earlier application is an international application, the receiving Office with which it was filed.

(b) In addition to any indication required under paragraph (a)(iv) or (v):

(i) where the earlier application is a regional application or an international application, the priority claim may indicate one or more countries party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed;

(ii) where the earlier application is a regional application and the countries party to the regional patent treaty are not all party to the Paris Convention for the Protection of Industrial Property, the priority claim shall indicate at least one country party to that Convention for which that earlier application was filed."

(ii) where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization, the priority claim shall indicate at least one country party to that Convention or one Member of that Organization for which that earlier application was filed.

(c) For the purposes of paragraphs (a) and (b), Article 2(vi) shall not apply.

(d) If, on September 29, 1999, paragraphs (a) and (b) as amended with effect from January 1, 2000, are not compatible with the national law applied by a designated Office, those paragraphs as in force until December 31, 1999, shall continue to apply after that date in respect of that designated Office for as long as the said paragraphs as amended continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by October 31, 1999. The information received shall be promptly published by the International Bureau in the Gazette.³

4.11 Reference to Earlier Search, Continuation or Continuation-in-Part, or Parent Application or Grant

(a) If:

(i) an international or international-type search has been requested on an application under Article 15(5);

(ii) the applicant wishes the International Searching Authority to base the international search report wholly or in part on the results of a search, other than an international or international-type search, made by the national Office or intergovernmental organization which is the International Searching Authority competent for the international application;

(iii) the applicant intends to make an indication under Rule 49bis.1(a) or (b) of the wish that the international application be treated, in any designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition; or

(iv) the applicant intends to make an indication under Rule 49bis.1(d) of the wish that the international application be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application;

the request shall so indicate and shall, as the case may be, identify the application in respect of which the earlier search was made or otherwise identify the search, or indicate the relevant parent application or parent patent or other parent grant.

(b) The inclusion in the request of an indication under paragraph (a)(iii) or (iv) shall have no effect on the operation of Rule 4.9.

4.12, 4.13 and 4.14 [Deleted]

4.14bis Choice of International Searching Authority

If two or more International Searching Authorities are competent for the searching of the international application, the applicant shall indicate his choice of International Searching Authority in the request.

4.15 Signature

(a) Subject to paragraph (b), the request shall be signed by the applicant or, if there is more than one applicant, by all of them.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor refused to sign the request or could not be found or reached after diligent effort, the request need not be signed by that applicant if it is signed by at least one applicant and a statement is furnished explaining, to the satisfaction of the receiving Office, the lack of the signature concerned.

³ *Editor's Note:* This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

4.16 Transliteration or Translation of Certain Words

(a) Where any name or address 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. The applicant shall decide which words will be merely transliterated and which words will be so translated.

(b) The name of any country written in characters other than those of the Latin alphabet shall also be indicated in English.

4.17 Declarations Relating to National Requirements Referred to in Rule 51bis.1(a)(i) to (v)

The request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations, worded as prescribed by the Administrative Instructions:

- (i) a declaration as to the identity of the inventor, as referred to in
- (ii) a declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent, as referred to in
- (iii) a declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application, as referred to in
- (iv) a declaration of inventorship, as referred to in Rule 51bis.1(a)(iv), which shall be signed as prescribed by the Administrative Instructions;
- (v) a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, as referred to in Rule 51bis.1(a)(v).

4.18 Additional Matter

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.17, provided that the Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.17 or permitted under paragraph (a) by the Administrative Instructions, the receiving Office shall *ex officio* delete the additional matter.

Rule 5 The Description

5.1 Manner of the Description

(a) The description shall first state the title of the invention as appearing in the request and shall:

(i) specify the technical field to which the invention relates;
 (ii) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

(iii) disclose the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention with reference to the background art;

(iv) briefly describe the figures in the drawings, if any;

(v) set forth at least the best mode contemplated by the applicant for carrying out the invention claimed; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; where the national law of the designated State does not require the description of the best mode but is satisfied with the description of any mode (whether it is the best contemplated or not), failure to describe the best mode contemplated shall have no effect in that State;

(vi) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry and the way in which it can be made and used, or, if it can only be used, the way in which it can be used; the term "industry" is to be understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property.

(b) The manner and order specified in paragraph (a) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more economic presentation.

(c) Subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions.

5.2 Nucleotide and/or Amino Acid Sequence Disclosure

(a) Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the description shall contain a sequence listing complying with the standard provided for in the Administrative Instructions and presented as a separate part of the description in accordance with that standard.

(b) Where the sequence listing part of the description contains any free text as defined in the standard provided for in the Administrative Instructions, that free text shall also appear in the main part of the description in the language thereof.

Rule 6 The Claims

6.1 Number and Numbering of Claims

(a) The number of the claims shall be reasonable in consideration of the nature of the invention claimed.

(b) If there are several claims, they shall be numbered consecutively in Arabic numerals.

(c) The method of numbering in the case of the amendment of claims shall be governed by the Administrative Instructions.

6.2 References to Other Parts of the International Application

(a) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part... of the description," or "as illustrated in figure ... of the drawings."

(b) Where the international application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made. Reference signs may be removed by a designated Office for the purposes of publication by such Office.

6.3 Manner of Claiming

(a) The definition of the matter for which protection is sought shall be in terms of the technical features of the invention.

(b) Whenever appropriate, claims shall contain:

(i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art,

(ii) a characterizing portion—preceded by the words "characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect—stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.

(c) Where the national law of the designated State does not require the manner of claiming provided for in paragraph (b), failure to use that manner of claiming shall have no effect in that State provided the manner of claiming actually used satisfies the national law of that State.

6.4 Dependent Claims

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the national Office acting as International Searching Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the preceding two sentences, failure to use that manner of claiming may result in an indication under Article 17(2)(b) in the international search report. Failure to use the said manner of claiming shall have no effect in a designated State if the manner of claiming actually used satisfies the national law of that State.

(b) Any dependent claim shall be construed as including all the limitations contained in the claim to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.

(c) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.

6.5 Utility Models

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 6.1 to 6.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 7 The Drawings

7.1 Flow Sheets and Diagrams

Flow sheets and diagrams are considered drawings.

7.2 Time Limit

The time limit referred to in Article 7(2)(ii) shall be reasonable under the circumstances of the case and shall, in no case, be shorter than two months from the date of the written invitation requiring the filing of drawings or additional drawings under the said provision.

Rule 8 The Abstract

8.1 Contents and Form of the Abstract

(a) The abstract shall consist of the following:

(i) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

(ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

(b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

(c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

(d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

8.2 Figure

(a) If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall, subject to paragraph (b), indicate the figure or figures which should accompany the abstract when the latter is published by the International Bureau. In such case, the abstract shall be accompanied by the figure or figures so indicated by the International Searching Authority. Otherwise, the abstract shall, subject to paragraph (b), be accompanied by the figure or figures suggested by the applicant.

(b) If the International Searching Authority finds that none of the figures of the drawings is useful for the understanding of the abstract, it shall notify the International Bureau accordingly. In such case, the abstract, when published by the International Bureau, shall not be accompanied by any figure of the drawings even where the applicant has made a suggestion under Rule 3.3(a)(iii).

8.3 Guiding Principles in Drafting

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

Rule 9 Expressions, Etc., Not to Be Used

9.1 Definition

The international application shall not contain:

- (i) expressions or drawings contrary to morality;
- (ii) expressions or drawings contrary to public order;
- (iii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging *per se*);
- (iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

9.2 Noting of Lack of Compliance

The receiving Office and the International Searching Authority may note lack of compliance with the prescriptions of Rule 9.1 and may suggest to the applicant that he voluntarily correct his international application accordingly. If the lack of compliance was noted by the receiving Office, that Office shall inform the competent International Searching Authority and the International Bureau; if the lack of compliance was noted by the International Searching Authority, that Authority shall inform the receiving Office and the International Bureau.

9.3 Reference to Article 21(6)

"Disparaging statements," referred to in Article 21(6), shall have the meaning as defined in Rule 9.1(iii).

Rule 10 Terminology and Signs

10.1 Terminology and Signs

(a) Units of weights and measures shall be expressed in terms of the metric system, or also expressed in such terms if first expressed in terms of a different system.

(b) Temperatures shall be expressed in degrees Celsius, or also expressed in degrees Celsius, if first expressed in a different manner.

(c) [Deleted]

(d) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(e) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.

(f) When the international application or its translation is in Chinese, English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than Chinese, English or Japanese, it shall be marked by a comma.

10.2 Consistency

The terminology and the signs shall be consistent throughout the international application.

Rule 11 Physical Requirements of the International Application

11.1 Number of Copies

(a) Subject to the provisions of paragraph (b), the international application and each of the documents referred to in the check list (Rule 3.3(a)(ii)) shall be filed in one copy.

(b) Any receiving Office may require that the international application and any of the documents referred to in the check list (Rule 3.3(a)(ii)), except the receipt for the fees paid or the check for the payment of the fees, be filed in two or three copies. In that case, the receiving Office shall be responsible for verifying the identity of the second and the third copies with the record copy.

11.2 Fitness for Reproduction

(a) All elements of the international application (i.e., the request, the description, the claims, the drawings, and the abstract) shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset, and microfilming, in any number of copies.

(b) All sheets shall be free from creases and cracks; they shall not be folded.

(c) Only one side of each sheet shall be used.

(d) Subject to Rule 11.10(d) and Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

11.3 Material to Be Used

All elements of the international application shall be on paper which shall be flexible, strong, white, smooth, non-shiny, and durable.

11.4 Separate Sheets, Etc.

(a) Each element (request, description, claims, drawings, abstract) of the international application shall commence on a new sheet.

(b) All sheets of the international application shall be so connected that they can be easily turned when consulted, and easily separated and joined again if they have been separated for reproduction purposes.

11.5 Size of Sheets

The size of the sheets shall be A4 (29.7 cm x 21 cm). However, any receiving Office may accept international applications on sheets of other sizes provided that the record copy, as transmitted to the International Bureau, and, if the competent International Searching Authority so desires, the search copy, shall be of A4 size.

11.6 Margins

(a) The minimum margins of the sheets containing the description, the claims, and the abstract, shall be as follows:

- top: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm.

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

- top: 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm.

(c) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm. The sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:

- top: 2.5 cm
- left side: 2.5 cm
- right side: 1.5 cm
- bottom: 1 cm.

(d) The margins referred to in paragraphs (a) to (c) apply to A4-size sheets, so that, even if the receiving Office accepts other sizes, the A4-size record copy and, when so required, the A4-size search copy shall leave the aforesaid margins.

(e) Subject to paragraph (f) and to Rule 11.8(b), the margins of the international application, when submitted, must be completely blank.

(f) The top margin may contain in the left-hand corner an indication of the applicant's file reference, provided that the reference appears within 1.5 cm from the top of the sheet. The number of characters in the applicant's file reference shall not exceed the maximum fixed by the Administrative Instructions.

11.7 Numbering of Sheets

- (a) All the sheets contained in the international application shall be numbered in consecutive Arabic numerals.
- (b) The numbers shall be centered at the top or bottom of the sheet, but shall not be placed in the margin.

11.8 Numbering of Lines

- (a) It is strongly recommended to number every fifth line of each sheet of the description, and of each sheet of claims.
- (b) The numbers should appear in the right half of the left margin.

11.9 Writing of Text Matter

- (a) The request, the description, the claims and the abstract shall be typed or printed.
- (b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Chinese or Japanese language may, when necessary, be written by hand or drawn.
- (c) The typing shall be 1 " -spaced.
- (d) All text matter shall be in characters the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2.
- (e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Chinese or Japanese language.

11.10 Drawings, Formulae, and Tables, in Text Matter

- (a) The request, the description, the claims and the abstract shall not contain drawings.
- (b) The description, the claims and the abstract may contain chemical or mathematical formulae.
- (c) The description and the abstract may contain tables; any claim may contain tables only if the subject matter of the claim makes the use of tables desirable.
- (d) Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position thereon; sheets on which tables or chemical or mathematical formulae are presented sideways shall be so presented that the tops of the tables or formulae are at the left side of the sheet.

11.11 Words in Drawings

- (a) The drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as "water," "steam," "open," "closed," "section on AB," and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding.
- (b) Any words used shall be so placed that, if translated, they may be pasted over without interfering with any lines of the drawings.

11.12 Alterations, Etc.

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

11.13 Special Requirements for Drawings

- (a) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.
- (b) Cross-sections shall be indicated by oblique hatching which should not impede the clear reading of the reference signs and leading lines.
- (c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty.
- (d) When, in exceptional cases, the scale is given on a drawing, it shall be represented graphically.
- (e) All numbers, letters and reference lines, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(f) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(g) Each element of each figure shall be in proper proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure.

(h) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(i) The same sheet of drawings may contain several figures. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets.

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one

another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet.

(k) The different figures shall be numbered in Arabic numerals consecutively and independently of the numbering of the sheets.

(l) Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.

(m) The same features, when denoted by reference signs, shall, throughout the international application, be denoted by the same signs.

(n) If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.

11.14 Later Documents

Rules 10, and 11.1 to 11.13, also apply to any document—for example, corrected pages, amended claims, translations—submitted after the filing of the international application.

Rule 12

Language of the International Application and Translation for the Purposes of International Search and International Publication

12.1 Languages Accepted for the Filing of International Applications

(a) An international application shall be filed in any language which the receiving Office accepts for that purpose.

(b) Each receiving Office shall, for the filing of international applications, accept at least one language which is both:

(i) a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office, and

(ii) a language of publication.

(c) Notwithstanding paragraph (a), the request shall be filed in any language of publication which the receiving Office accepts for the purposes of this paragraph.

(d) Notwithstanding paragraph (a), any text matter contained in the sequence listing part of the description referred to in Rule 5.2(a) shall be presented in accordance with the standard provided for in the Administrative Instructions.

12.2 Language of Changes in the International Application

(a) Any amendment of the international application shall, subject to Rules 46.3, 55.3 and 66.9, be in the language in which the application is filed.

(b) Any rectification under Rule 91.1 of an obvious error in the international application shall be in the language in which the application is filed, provided that:

(i) where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), rectifications referred to in Rule 91.1 (e)(ii) and (iii) shall be filed in both the language of the application and the language of that translation;

(ii) where a translation of the request is required under Rule 26.3ter(c), rectifications referred to in Rule 91.1(e)(i) need only be filed in the language of that translation.

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a

translation of the international application furnished under Rule 12.3 or 55.2(a), or in a translation of the request furnished under Rule 26.3ter(c), shall be in the language of the translation.

12.3 Translation for the Purposes of International Search

(a) Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant shall, within one month from the date of receipt of the international application by the receiving Office, furnish to that Office a translation of the international application into a language which is all of the following:

- (i) a language accepted by that Authority, and
- (ii) a language of publication, and

(iii) a language accepted by the receiving Office under Rule 12.1 (a), unless the international application is filed in a language of publication.

(b) Paragraph (a) shall not apply to the request nor to any sequence listing part of the description.

(c) Where, by the time the receiving Office sends to the applicant the notification under Rule 20.5(c), the applicant has not furnished a translation required under paragraph (a), the receiving Office shall, preferably together with that notification, invite the applicant:

- (i) to furnish the required translation within the time limit under paragraph (a);

(ii) in the event that the required translation is not furnished within the time limit under paragraph (a), to furnish it and to pay, where applicable, the late furnishing fee referred to in paragraph (e), within one month from the date of the invitation or two months from the date of receipt of the international application by the receiving Office, whichever expires later.

(d) Where the receiving Office has sent to the applicant an invitation under paragraph (c) and the applicant has not, within the applicable time limit under paragraph (c)(ii), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 15 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

12.4 Translation for the Purposes of International Publication

(a) Where the language in which the international application is filed is not a language of publication and no translation is required under Rule 12.3(a), the applicant shall, within 14 months from the priority date, furnish to the receiving Office a translation of the international application into any language of publication which the receiving Office accepts for the purposes of this paragraph.

(b) Paragraph (a) shall not apply to the request nor to any sequence listing part of the description.

(c) Where the applicant has not, within the time limit referred to in paragraph (a), furnished a translation required under that paragraph, the receiving Office shall invite the applicant to furnish the required translation, and to pay, where applicable, the late furnishing fee required under paragraph (e), within 16 months from the priority date. Any translation received by the receiving Office before that Office sends the invitation under the previous sentence shall be considered to have been received before the expiration of the time limit under paragraph (a).

(d) Where the applicant has not, within the time limit under paragraph (c), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 17 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

Rule 13 Unity of Invention

13.1 Requirement

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

13.2 Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

13.3 Determination of Unity of Invention Not Affected by Manner of Claiming

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

13.4 Dependent Claims

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

13.5 Utility Models

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 13.1 to 13.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 13bis Inventions Relating to Biological Material

13bis.1 Definition

For the purposes of this Rule, "reference to deposited biological material" means particulars given in an international application with respect to the deposit of biological material with a depositary institution or to the biological material so deposited.

13bis.2 References (General)

Any reference to deposited biological material shall be made in accordance with this Rule and, if so made, shall be considered as satisfying the requirements of the national law of each designated State.

13bis.3 References: Contents; Failure to Include Reference or Indication

- (a) A reference to deposited biological material shall indicate:
 - (i) the name and the address of the depositary institution with which the deposit was made;
 - (ii) the date of deposit of the biological material with that institution;
 - (iii) the accession number given to the deposit by that institution; and
 - (iv) any additional matter of which the International Bureau has been notified pursuant to Rule 13bis.7(a)(i), provided that the requirement to indicate that matter was published in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(b) Failure to include a reference to deposited biological material or failure to include, in a reference to deposited biological material, an indication in accordance with paragraph (a), shall have no consequence in any designated State whose national law does not require such reference or such indication in a national application.

13bis.4 References: Time Limit for Furnishing Indications⁴

(a) Subject to paragraphs (b) and (c), if any of the indications referred to in Rule 13bis.3(a) is not included in a reference to deposited biological material in the international application as filed but is furnished to the International Bureau:

(i) within 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished in time;

(ii) after the expiration of 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.

(b) If the national law applicable by a designated Office so requires in respect of national applications, that Office may require that any of the indications referred to in Rule 13bis.3(a) be furnished earlier than 16 months from the priority date, provided that the International Bureau has been notified of such requirement pursuant to Rule 13bis.7(a)(ii) and has published such requirement in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(c) Where the applicant makes a request for early publication under Article 2 1(2)(b), any designated Office may consider any indication not furnished before the technical preparations for international publication have been completed as not having been furnished in time.

(d) The International Bureau shall notify the applicant of the date on which it received any indication furnished under paragraph (a), and:

(i) if the indication was received before the technical preparations for international publication have been completed, publish the indication furnished under paragraph (a), and an indication of the date of receipt, together with the international application;

(ii) if the indication was received after the technical preparations for international publication have been completed, notify that date and the relevant data from the indication to the designated Offices.

13bis.5 References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other than Those Notified

(a) A reference to deposited biological material shall be considered to be made for the purposes of all designated States, unless it is expressly made for the purposes of certain of the designated States only; the same applies to the indications included in the reference.

(b) References to different deposits of the biological material may be made for different designated States.

(c) Any designated Office may disregard a deposit made with a depositary institution other than one notified by it under Rule 13bis.7(b).

13bis.6 Furnishing of Samples

Pursuant to Articles 23 and 40, no furnishing of samples of the deposited biological material to which a reference is made in an international application shall, except with the authorization of the applicant, take place before the expiration of the applicable time limits after which national processing may start under the said Articles. However, where the applicant performs the acts referred to in Articles 22 or 39 after international publication but before the expiration of the said time limits, the furnishing of samples of the deposited biological material may take place, once the said acts have been performed. Notwithstanding the previous provision, the furnishing of samples of the deposited biological material may take place under the national law applicable by any designated Office as soon as, under that law, the international publication has the effects of the compulsory national publication of an unexamined national application.

⁴ Editor's Note: Rule 13bis.4 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and which are published under Article 21 on or after April 1, 2006.

13bis.7 National Requirements: Notification and Publication

(a) Any national Office may notify the International Bureau of any requirement of the national law:

(i) that any matter specified in the notification, in addition to those referred to in Rule 13bis.3(a)(i), (ii) and (iii), is required to be included in a reference to deposited biological material in a national application;

(ii) that one or more of the indications referred to in Rule 13bis.3(a) are required to be included in a national application as filed or are required to be furnished at a time specified in the notification which is earlier than 16 months from the priority date.

(b) Each national Office shall notify the International Bureau of the depositary institutions with which the national law permits deposits of biological materials to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

(c) The International Bureau shall promptly publish in the Gazette requirements notified to it under paragraph (a) and information notified to it under paragraph (b).

**Rule 13ter
Nucleotide and/or Amino Acid Sequence Listings***13ter.1 Procedure before the International Searching Authority*

(a) Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the International Searching Authority may invite the applicant to furnish to it, for the purposes of the international search, a sequence listing in electronic form complying with the standard provided for in the Administrative Instructions, unless such listing in electronic form is already available to it in a form and manner acceptable to it, and to pay to it, where applicable, the late furnishing fee referred to in paragraph (c), within a time limit fixed in the invitation.

(b) Where at least part of the international application is filed on paper and the International Searching Authority finds that the description does not comply with Rule 5.2(a), it may invite the applicant to furnish, for the purposes of the international search, a sequence listing in paper form complying with the standard provided for in the Administrative Instructions, unless such listing in paper form is already available to it in a form and manner acceptable to it, whether or not the furnishing of a sequence listing in electronic form is invited under paragraph (a), and to pay, where applicable, the late furnishing fee referred to in paragraph (c), within a time limit fixed in the invitation.

(c) The furnishing of a sequence listing in response to an invitation under paragraph (a) or (b) may be subjected by the International Searching Authority to the payment to it, for its own benefit, of a late furnishing fee whose amount shall be determined by the International Searching Authority but shall not exceed 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets, provided that a late furnishing fee may be required under either paragraph (a) or (b) but not both.

(d) If the applicant does not, within the time limit fixed in the invitation under paragraph (a) or (b), furnish the required sequence listing and pay any required late furnishing fee, the International Searching Authority shall only be required to search the international application to the extent that a meaningful search can be carried out without the sequence listing.

(e) Any sequence listing not contained in the international application as filed, whether furnished in response to an invitation under paragraph (a) or (b) or otherwise, shall not form part of the international application, but this paragraph shall not prevent the applicant from amending the description in relation to a sequence listing pursuant to Article 34(2)(b).

(f) Where the International Searching Authority finds that the description does not comply with Rule 5.2(b), it shall invite the applicant to submit the required correction. Rule 26.4 shall apply *mutatis mutandis* to any correction offered by the applicant. The International Searching Authority shall transmit the correction to the receiving Office and to the International Bureau.

13ter.2 Procedure before the International Preliminary Examining Authority

Rule 13ter.1 shall apply *mutatis mutandis* to the procedure before the International Preliminary Examining Authority.

13 ter.3 Sequence Listing for Designated Office

No designated Office shall require the applicant to furnish to it a sequence listing other than a sequence listing complying with the standard provided for in the Administrative Instructions.

**Rule 14
The Transmittal Fee***14.1 The Transmittal Fee*

(a) Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee").

(b) The amount of the transmittal fee, if any, shall be fixed by the receiving Office.

(c) The transmittal fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

**Rule 15
The International Filing Fee***15.1 The International Filing Fee*

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international filing fee") to be collected by the receiving Office.

15.2 Amount

(a) The amount of the international filing fee is as set out in the Schedule of Fees.

(b) The international filing fee shall be payable in the currency or one of the currencies prescribed by the receiving Office ("prescribed currency"), it being understood that, when transferred by the receiving Office to the International Bureau, it shall be freely convertible into Swiss currency. The amount of the international filing fee shall be established, for each receiving Office which prescribes the payment of that fee in any currency other than Swiss currency, by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the prescribed currency. The amount so established shall be the equivalent, in round figures, of the amount in Swiss currency set out in the Schedule of Fees. It shall be notified by the International Bureau to each receiving Office prescribing payment in that prescribed currency and shall be published in the Gazette.

(c) Where the amount of the international filing fee set out in the Schedule of Fees is changed, the corresponding amount in the prescribed currencies shall be applied from the same date as the amount set out in the amended Schedule of Fees.

(d) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish the new amount in the prescribed currency according to directives given by the Assembly. The newly established amount shall become applicable two months after the date of its publication in the Gazette, provided that the receiving Office referred to in the second sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amount shall become applicable from that date.

*15.3 [Deleted]**15.4 Time Limit for Payment; Amount Payable*

The international filing fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

15.5 [Deleted]

15.6 Refund

The receiving Office shall refund the international filing fee to the applicant:

- (i) if the determination under Article 11(1) is negative,
- (ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

Rule 16 The Search Fee

16.1 Right to Ask for a Fee

(a) Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations.

(b) The search fee shall be collected by the receiving Office. The said fee shall be payable in the currency or one of the currencies prescribed by that Office ("receiving Office currency"), it being understood that, if any receiving Office currency is not that, or one of those, in which the International Searching Authority has fixed the said fee ("fixed currency"), it shall, when transferred by the receiving Office to the International Searching Authority, be freely convertible into the currency of the State in which the International Searching Authority has its headquarters ("headquarters currency"). The amount of the search fee in any receiving Office currency, other than the fixed currency, shall be established by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the receiving Office currency. The amounts so established shall be the equivalents, in round figures, of the amount established by the International Searching Authority in the headquarters currency. They shall be notified by the International Bureau to each receiving Office prescribing payment in that receiving Office currency and shall be published in the Gazette.

(c) Where the amount of the search fee in the headquarters currency is changed, the corresponding amounts in the receiving Office currencies, other than the fixed currency or currencies, shall be applied from the same date as the changed amount in the headquarters currency.

(d) Where the exchange rate between the headquarters currency and any receiving Office currency, other than the fixed currency or currencies, becomes different from the exchange rate last applied, the Director General shall establish the new amount in the said receiving Office currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that any receiving Office referred to in the third sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amount shall become applicable for that Office from that date.

(e) Where, in respect of the payment of the search fee in a receiving Office currency, other than the fixed currency or currencies, the amount actually received by the International Searching Authority in the headquarters currency is less than that fixed by it, the difference will be paid to the International Searching Authority by the International Bureau, whereas, if the amount actually received is more, the difference will belong to the International Bureau.

(f) As to the time limit for payment of the search fee and the amount payable, the provisions of Rule 15.4 relating to the international filing fee shall apply *mutatis mutandis*.

16.2 Refund

The receiving Office shall refund the search fee to the applicant:

- (i) if the determination under Article 11(1) is negative,
- (ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

16.3 Partial Refund

Where the international application claims the priority of an earlier international application which has been the subject of an international search by the same International Searching Authority, that Authority shall refund the search fee paid in connection with the later international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report on the later international application could wholly or partly be based on the results of the international search effected on the earlier international application.

Rule 16bis Extension of Time Limits for Payment of Fees

16bis.1 Invitation by the Receiving Office

(a) Where, by the time they are due under Rules 14.1(c), 15.4 and 16.1(f), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the transmittal fee, the international filing fee and the search fee, the receiving Office shall, subject to paragraph (d), invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation.

(b) [Deleted]

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall, subject to paragraph (e):

- (i) make the applicable declaration under Article 14(3), and
- (ii) proceed as provided in Rule 29.

(d) Any payment received by the receiving Office before that Office sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.4 or 16.1(f), as the case may be.

(e) Any payment received by the receiving Office before that Office makes the applicable declaration under Article 14(3) shall be considered to have been received before the expiration of the time limit referred to in paragraph (a).

16bis.2 Late Payment Fee

(a) The payment of fees in response to an invitation under Rule 16bis.1(a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

- (i) 50% of the amount of unpaid fees which is specified in the invitation, or,

(ii) if the amount calculated under item (i) is less than the transmittal fee, an amount equal to the transmittal fee.

(b) The amount of the late payment fee shall not, however, exceed the amount of 50% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

Rule 17 The Priority Document

17.1 Obligation to Submit Copy of Earlier National or International Application

(a) Where the priority of an earlier national or international application is claimed under Article 8, a copy of that earlier application, certified by the authority with which it was filed ("the priority document"), shall, unless that priority document has already been filed with the receiving Office together with the international application in which the priority claim is made, and subject to paragraphs (b) and (b-bis), be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.

(b) Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request shall be made not later than 16 months after the priority date and may be subjected by the receiving Office to the payment of a fee.

(b-bis) Where the priority document is, in accordance with the Administrative Instructions, available to the receiving Office or to the International Bureau from a digital library, the applicant may, as the case may be, instead of submitting the priority document:

(i) request the receiving Office to obtain the priority document from such digital library and transmit it to the International Bureau; or

(ii) request the International Bureau to obtain the priority document from such digital library.

Such request shall be made not later than 16 months after the priority date and may be subjected by the receiving Office or the International Bureau to the payment of a fee.

(c) If the requirements of none of the three preceding paragraphs are complied with, any designated Office may, subject to paragraph (d), disregard the priority claim, provided that no designated Office shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances.

(d) No designated Office shall disregard the priority claim under paragraph (c) if the earlier application referred to in paragraph (a) was filed with it in its capacity as national Office or if the priority document is, in accordance with the Administrative Instructions, available to it from a digital library.

17.2 Availability of Copies

(a) Where the applicant has complied with Rule 17.1 (a), (b) or (b-bis), the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy. The applicant shall not be required to furnish a translation to the designated Office before the expiration of the applicable time limit under Article 22. Where the applicant makes an express request to the designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, at the specific request of the designated Office, furnish a copy of the priority document to that Office promptly after receiving it.

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application.

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any person upon request and subject to reimbursement of the cost unless, prior to that publication:

(i) the international application was withdrawn,

(ii) the relevant priority claim was withdrawn or considered, under Rule 26bis.2(b), not to have been made.

Rule 18 The Applicant

18.1 Residence and Nationality

(a) Subject to the provisions of paragraphs (b) and (c), the question whether an applicant is a resident or national of the Contracting State of which he claims to be a resident or national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case,

(i) possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State, and

(ii) a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

(c) Where the international application is filed with the International Bureau as receiving Office, the International Bureau shall, in the circumstances specified in the Administrative Instructions, request the national Office of, or acting for, the Contracting State concerned to decide the question referred to in paragraph (a). The International Bureau shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the national Office. The national Office shall decide the said question promptly.

*18.2 [Deleted]**18.3 Two or More Applicants*

If there are two or more applicants, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

*18.4 Information on Requirements under National Law as to Applicants**(a) and (b) [Deleted]*

(c) The International Bureau shall, from time to time, publish information on the various national laws in respect of the question who is qualified (inventor, successor in title of the inventor, owner of the invention, or other) to file a national application and shall accompany such information by a warning that the effect of the international application in any designated State may depend on whether the person designated in the international application as applicant for the purposes of that State is a person who, under the national law of that State, is qualified to file a national application.

**Rule 19
The Competent Receiving Office***19.1 Where to File*

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,

(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,

(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or

(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.

(b) Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State. Notwithstanding such agreement, the national Office of the former State shall be considered the competent receiving Office for the purposes of Article 15(5).

(c) In connection with any decision made under Article 9(2), the Assembly shall appoint the national Office or the intergovernmental organization which will act as receiving Office for applications of residents or nationals of States specified by the Assembly. Such appointment shall require the previous consent of the said national Office or intergovernmental organization.

19.2 Two or More Applicants

If there are two or more applicants:

(i) the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national;

(ii) the international application may be filed with the International Bureau under Rule 19.1(a)(iii) if at least one of the applicants is a resident or national of a Contracting State.

19.3 Publication of Fact of Delegation of Duties of Receiving Office

(a) Any agreement referred to in Rule 19.1(b) shall be promptly notified to the International Bureau by the Contracting State which delegates the duties of the receiving Office to the national Office of or acting for another Contracting State or an intergovernmental organization.

(b) The International Bureau shall, promptly upon receipt, publish the notification in the Gazette.

19.4 Transmittal to the International Bureau as Receiving Office

(a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty but

(i) that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, or

(ii) that international application is not in a language accepted under Rule 12.1 (a) by that national Office but is in a language accepted under that Rule by the International Bureau as receiving Office, or

(iii) that national Office and the International Bureau agree, for any reason other than those specified under items (i) and (ii), and with the authorization of the applicant, that the procedure under this Rule should apply,

that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) Where, pursuant to paragraph (a), an international application is received by a national Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii), that national Office shall, unless prescriptions concerning national security prevent the international application from being so transmitted, promptly transmit it to the International Bureau. Such transmittal may be subjected by the national Office to the payment of a fee, for its own benefit, equal to the transmittal fee charged by that Office under Rule 14. The international application so transmitted shall be considered to have been received by the International Bureau as receiving Office under Rule 19.1(a)(iii) on the date of receipt of the international application by that national Office.

(c) For the purposes of Rules 14.1(c), 15.4 and 16.1(f), where the international application was transmitted to the International Bureau under paragraph (b), the date of receipt of the international application shall be considered to be the date on which the international application was actually received by the International Bureau. For the purposes of this paragraph, the last sentence of paragraph (b) shall not apply.

Rule 20 Receipt of the International Application

20.1 Date and Number

(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 and the international application number on each sheet of each copy received.

(b) The place on each sheet where the date or number shall be marked, and other details, shall be specified in the Administrative Instructions.

20.2 Receipt on Different Days

(a) In cases where all the sheets pertaining to the same purported international application are not received on the same day by the receiving Office, that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the papers completing the international application were received, provided that

(i) where no invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within 30 days from the date on which sheets were first received;

(ii) where an invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within the applicable time limit under Rule 20.6;

(iii) in the case of Article 14(2), the missing drawings are received within 30 days from the date on which the incomplete papers were filed;

(iv) the absence or later receipt of any sheet containing the abstract or part thereof shall not, in itself, require any correction of the date marked on the request.

(b) Any sheet received on a date later than the date on which sheets were first received shall be marked by the receiving Office with the date on which it was received.

20.3 Corrected International Application

In the case referred to in Article 11(2)(b), the receiving Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the last required correction was received.

20.4 Determination under Article 11(1)

(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers comply with the requirements of Article 11(1).

(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows his identity to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.⁵

20.5 Positive Determination

(a) If the determination under Article 11(1) is positive, the receiving Office shall stamp 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.

(b) The copy whose request has been so stamped shall be the record copy of the international application.

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date. At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the record copy to the International Bureau under Rule 22.1 (a).

20.6 Invitation to Correct

(a) The invitation to correct under Article 11(2) shall specify the requirement provided for under Article 11(1) which, in the opinion of the receiving Office, has not been fulfilled.

(b) The receiving Office shall promptly mail the invitation to the applicant and shall fix a time limit, reasonable under the circumstances of the case, for filing the correction. The time limit shall not be less than 10 days, and shall not exceed one month, from the date of the invitation. If such time limit expires after the expiration of one year from the filing date of any application whose priority is claimed, the receiving Office may call this circumstance to the attention of the applicant.

20.7 Negative Determination

If the receiving Office does not, within the prescribed time limit, receive a reply to its invitation to correct, or if the correction offered by the applicant still does not fulfill the requirements provided for under Article 11(1), it shall:

(i) promptly notify the applicant that his application is not and will not be treated as an international application and shall indicate the reasons therefor,

(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number,

(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1, and

(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

20.8 Error by the Receiving Office

If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation to correct since the requirements provided for under Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.5.

⁵ Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

20.9 Certified Copy for the Applicant

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

Rule 21 Preparation of Copies

21.1 Responsibility of the Receiving Office

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for preparing the home copy and the search copy required under Article 12(1).

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

(c) If the international application is filed in less than the number of copies required under Rule 11.1(b), the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

Rule 22 Transmittal of the Record Copy and Translation

22.1 Procedure

(a) If the determination under Article 11(1) is positive, and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained. In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13th month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than five days prior to the expiration of the 13th month from the priority date.

(b) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.

(c) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.

(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.

(e) Any certification under paragraph (d) shall be free of charge and may be refused only on any of the following grounds:

(i) the copy which the receiving Office has been requested to certify is not identical with the international application as filed;

(ii) prescriptions concerning national security prevent the international application from being treated as such;

(iii) the receiving Office has already transmitted the record copy to the International Bureau and that Bureau has informed the receiving Office that it has received the record copy.

(f) Unless the International Bureau has received the record copy, or until it receives the record copy, the copy certified under paragraph (e) and received by the International Bureau shall be considered to be the record copy.

(g) If, by the expiration of the time limit applicable under Article 22, the applicant has performed the acts referred to in that Article but the designated Office has not been informed by the International Bureau of the receipt of the record copy, the designated Office shall inform the International Bureau. If the International Bureau is not in possession of the record copy, it shall promptly notify the applicant and the receiving Office unless it has already notified them under paragraph (c).

(h) Where the international application is to be published in the language of a translation furnished under Rule 12.3 or 12.4, that translation shall be transmitted by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

22.2 [Deleted]

22.3 Time Limit under Article 12(3)

The time limit referred to in Article 12(3) shall be three months from the date of the notification sent by the International Bureau to the applicant under Rule 22.1(c) or (g).

Rule 23 Transmittal of the Search Copy, Translation and Sequence Listing

23.1 Procedure

(a) Where no translation of the international application is required under Rule 12.3(a), the search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.

(b) Where a translation of the international application is furnished under Rule 12.3, a copy of that translation and of the request, which together shall be considered to be the search copy under Article 12(1), shall be transmitted by the receiving Office to the International Searching Authority, unless no search fee has been paid. In the latter case, a copy of the said translation and of the request shall be transmitted promptly after payment of the search fee.

(c) Any sequence listing in electronic form which is furnished for the purposes of Rule 13ter but submitted to the receiving Office instead of the International Searching Authority shall be promptly transmitted by that Office to that Authority.

Rule 24 Receipt of the Record Copy by the International Bureau

24.1 [Deleted]

24.2 Notification of Receipt of the Record Copy

(a) The International Bureau shall promptly notify:

- (i) the applicant,
- (ii) the receiving Office, and
- (iii) the International Searching Authority (unless it has informed the International Bureau that it wishes not to be so notified),

of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date and the name of the applicant, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain a list of the designated Offices and, in the case of a designated Office which is responsible for granting regional patents, of the Contracting States designated for such regional patent.

(b) [Deleted]

(c) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

Rule 25 Receipt of the Search Copy by the International Searching Authority

25.1 Notification of Receipt of the Search Copy

The International Searching Authority shall promptly notify the International Bureau, the applicant, and—unless the International Searching Authority is the same as the receiving Office—the receiving Office, of the fact and the date of receipt of the search copy.

Rule 26**Checking by, and Correcting before, the Receiving Office of Certain Elements of the International Application****26.1 Time Limit for Check**

(a) The receiving Office shall issue the invitation to correct provided for in Article 14(1)(b) as soon as possible, preferably within one month from the receipt of the international application.

(b) If the receiving Office issues an invitation to correct the defect referred to in Article 14(1)(a)(iii) or (iv) (missing title or missing abstract), it shall notify the International Searching Authority accordingly.

26.2 Time Limit for Correction

The time limit referred to in Article 14(1)(b) shall be reasonable under the circumstances and shall be fixed in each case by the receiving Office. It shall not be less than one month from the date of the invitation to correct. It may be extended by the receiving Office at any time before a decision is taken.

26.2bis Checking of Requirements under Article 14(1)(a)(i) and (ii)

(a) For the purposes of Article 14(1)(a)(i), if there is more than one applicant, it shall be sufficient that the request be signed by one of them.

(b) For the purposes of Article 14(1)(a)(ii), if there is more than one applicant, it shall be 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.

26.3 Checking of Physical Requirements under Article 14(1)(a)(v)

(a) Where the international application is filed in a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication;

(ii) any translation furnished under Rule 12.3 for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction.

(b) Where the international application is filed in a language which is not a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction;

(ii) any translation furnished under Rule 12.3 or 12.4 and the drawings for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.3bis Invitation under Article 14(1)(b) to Correct Defects under Rule 11

The receiving Office shall not be required to issue the invitation under Article 14(1)(b) to correct a defect under Rule 11 where the physical requirements referred to in that Rule are complied with to the extent required under Rule 26.3.

26.3ter Invitation to Correct Defects under Article 3(4)(i)

(a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless

(i) a translation of the international application is required under Rule 12.3(a), or

(ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published,

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published. Rules 26.1(a), 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply *mutatis mutandis*.

(b) If, on October 1, 1997, paragraph (a) is not compatible with the national law applied by the receiving Office, paragraph (a) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly

by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.⁶

(c) Where the request does not comply with Rule 12.1(c), the receiving Office shall invite the applicant to file a translation so as to comply with that Rule. Rules 3, 26.1 (a), 26.2, 26.5 and 29.1 shall apply *mutatis mutandis*.

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.⁶

26.4 Procedure

Any correction offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise, the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

26.5 Decision of the Receiving Office

The receiving Office shall decide whether the applicant has submitted the correction within the time limit under Rule 26.2 and, if the correction has been submitted within that time limit, whether the international application so corrected is or is not to be considered withdrawn, provided that no international application shall be considered withdrawn for lack of compliance with the physical requirements referred to in Rule 11 if it complies with those requirements to the extent necessary for the purpose of reasonably uniform international publication.

26.6 Missing Drawings

(a) If, as provided in Article 14(2), the international application refers to drawings which in fact are not included in that application, the receiving Office shall so indicate in the said application.

(b) The date on which the applicant receives the notification provided for in Article 14(2) shall have no effect on the time limit fixed under Rule 20.2(a)(iii).

Rule 26bis Correction or Addition of Priority Claim

26bis.1 Correction or Addition of Priority Claim

(a) The applicant may correct or add a priority claim by a notice submitted to the receiving Office or the International Bureau within a time limit of 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16-month period expires first, provided that such a notice may be submitted until the expiration of four months from the international filing date. The correction of a priority claim may include the addition of any indication referred to in Rule 4.10.

(b) Any notice referred to in paragraph (a) received by the receiving Office or the International Bureau after the applicant has made a request for early publication under Article 21(2)(b) shall be considered not to have been submitted, unless that request is withdrawn before the technical preparations for international publication have been completed.

(c) Where the correction or addition of a priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

⁶ Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

26bis.2 Invitation to Correct Defects in Priority Claims⁷

(a) Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds that a priority claim does not comply with the requirements of Rule 4.10 or that any indication in a priority claim is not the same as the corresponding indication appearing in the priority document, the receiving Office or the International Bureau, as the case may be, shall invite the applicant to correct the priority claim.

(b) If, in response to an invitation under paragraph (a), the applicant does not, before the expiration of the time limit under Rule 26bis.1(a), submit a notice correcting the priority claim so as to comply with the requirements of Rule 4.10, that priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made and the receiving Office or the International Bureau, as the case may be, shall so declare and shall inform the applicant accordingly, provided that a priority claim shall not be considered not to have been made only because the indication of the number of the earlier application referred to in Rule 4.10(a)(ii) is missing or because an indication in the priority claim is not the same as the corresponding indication appearing in the priority document.

(c) Where the receiving Office or the International Bureau has made a declaration under paragraph (b), the International Bureau shall, upon request made by the applicant and received by the International Bureau prior to the completion of the technical preparations for international publication, and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish, together with the international application, information concerning the priority claim which was considered not to have been made. A copy of that request shall be included in the communication under Article 20 where the international application is not published by virtue of Article 64(3).

Rule 26ter **Correction or Addition of Declarations under Rule 4.17**

26ter.1 Correction or Addition of Declarations

The applicant may correct or add to the request any declaration referred to in Rule 4.17 by a notice submitted to the International Bureau within a time limit of 16 months from the priority date, provided that any notice which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

26ter.2 Processing of Declarations

(a) Where the receiving Office or the International Bureau finds that any declaration referred to in Rule 4.17 is not worded as required or, in the case of the declaration of inventorship referred to in Rule 4.17(iv), is not signed as required, the receiving Office or the International Bureau, as the case may be, may invite the applicant to correct the declaration within a time limit of 16 months from the priority date.

(b) Where the International Bureau receives any declaration or correction under Rule 26ter.1 after the expiration of the time limit under Rule 26ter.1, the International Bureau shall notify the applicant accordingly and shall proceed as provided for in the Administrative Instructions.

Rule 27 **Lack of Payment of Fees**

27.1 Fees

(a) For the purposes of Article 14(3)(a), "fees prescribed under Article 3(4)(iv)" means: the transmittal fee (Rule 14), the international filing fee (Rule 15.1), the search fee (Rule 16), and, where required, the late payment fee (Rule 16bis.2).

(b) For the purposes of Article 14(3)(a) and (b), "the fee prescribed under Article 4(2)" means the international filing fee (Rule 15.1) and, where required, the late payment fee (Rule 16bis.2).

⁷ Editor's Note: Rule 26bis.2 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and whose communication under Article 20 is on or after April 1, 2006.

Rule 28
Defects Noted by the International Bureau

28.1 Note on Certain Defects

(a) If, in the opinion of the International Bureau, the international application contains any of the defects referred to in Article 14(1)(a)(i), (ii) or (v), the International Bureau shall bring such defects to the attention of the receiving Office.

(b) The receiving Office shall, unless it disagrees with the said opinion, proceed as provided in Article 14(1)(b) and Rule 26.

Rule 29
International Applications Considered Withdrawn

29.1 Finding by Receiving Office

If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1 (a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d) or 12.4(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant, to the International Bureau;

(ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify each designated Office which has already been notified of its designation;

(iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy.

29.2 [Deleted]

29.3 Calling Certain Facts to the Attention of the Receiving Office

If the International Bureau or the International Searching Authority considers that the receiving Office should make a finding under Article 14(4), it shall call the relevant facts to the attention of the receiving Office.

29.4 Notification of Intent to Make Declaration under Article 14(4)

Before the receiving Office issues any declaration under Article 14(4), it shall notify the applicant of its intent to issue such declaration and the reasons therefor. The applicant may, if he disagrees with the tentative finding of the receiving Office, submit arguments to that effect within one month from the notification.

Rule 30
Time Limit under Article 14(4)

30.1 Time Limit

The time limit referred to in Article 14(4) shall be four months from the international filing date.

Rule 31
Copies Required under Article 13

31.1 Request for Copies

(a) Requests under Article 13(1) may relate to all, some kinds of, or individual international applications in which the national Office making the request is designated. Requests for all or some kinds of such international applications must be renewed for each year by means of a notification addressed by that Office before November 30 of the preceding year to the International Bureau.

(b) Requests under Article 13(2)(b) shall be subject to the payment of a fee covering the cost of preparing and mailing the copy.

31.2 Preparation of Copies

The preparation of copies required under Article 13 shall be the responsibility of the International Bureau.

Rule 32

Extension of Effects of International Application to Certain Successor States

32.1 Extension of International Application to Successor State

(a) The effects of any international application whose international filing date falls in the period defined in paragraph (b) are extended to a State ("the successor State") whose territory was, before the independence of that State, part of the territory of a Contracting State designated in the international application which subsequently ceased to exist ("the predecessor State"), provided that the successor State has become a Contracting State through the deposit, with the Director General, of a declaration of continuation the effect of which is that the Treaty is applied by the successor State.

(b) The period referred to in paragraph (a) starts on the day following the last day of the existence of the predecessor State and ends two months after the date on which the declaration referred to in paragraph (a) was notified by the Director General to the Governments of the States party to the Paris Convention for the Protection of Industrial Property. However, where the date of independence of the successor State is earlier than the date of the day following the last day of the existence of the predecessor State, the successor State may declare that the said period starts on the date of its independence; such a declaration shall be made together with the declaration referred to in paragraph (a) and shall specify the date of independence.

(c) Information on any international application whose filing date falls within the applicable period under paragraph (b) and whose effect is extended to the successor State shall be published by the International Bureau in the Gazette.

32.2 Effects of Extension to Successor State

(a) Where the effects of the international application are extended to the successor State in accordance with Rule 32.1,

(i) the successor State shall be considered as having been designated in the international application, and

(ii) the applicable time limit under Article 22 or 39(1) in relation to that State shall be extended until the expiration of at least six months from the date of the publication of the information under Rule 32.1(c).

(b) The successor State may fix a time limit which expires later than that provided in paragraph (a)(ii). The International Bureau shall publish information on such time limits in the Gazette.

Rule 33

Relevant Prior Art for the International Search

33.1 Relevant Prior Art for the International Search

(a) For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date which is the same as, or later than, the international filing date.

(c) Any published application or any patent whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

33.2 Fields to Be Covered by the International Search

(a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

(b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.

(c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential function or use of the invention and not only the specific functions expressly indicated in the international application.

(d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

33.3 Orientation of the International Search

(a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.

(b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.

Rule 34 Minimum Documentation

34.1 Definition

(a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule.

(b) The documentation referred to in Article 15(4) ("minimum documentation") shall consist of:

- (i) the "national patent documents" as specified in paragraph (c),

- (ii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates,

- (iii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.

(c) Subject to paragraphs (d) and (e), the "national patent documents" shall be the following:

- (i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America,

- (ii) the patents issued by the Federal Republic of Germany and the Russian Federation,

- (iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

- (iv) the inventors' certificates issued by the former Soviet Union,

- (v) the utility certificates issued by, and the published applications for utility certificates of, France,

- (vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(d) Where an application is republished once (for example, an *Offenlegungsschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both

the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.

Rule 35 The Competent International Searching Authority

35.1 When Only One International Searching Authority Is Competent

Each receiving Office shall, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), inform the International Bureau which International Searching Authority is competent for the searching of the international applications filed with it, and the International Bureau shall promptly publish such information.

35.2 When Several International Searching Authorities Are Competent

(a) Any receiving Office may, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), specify several International Searching Authorities:

(i) by declaring all of them competent for any international application filed with it, and leaving the choice to the applicant, or

(ii) by declaring one or more competent for certain kinds of international applications filed with it, and declaring one or more others competent for other kinds of international applications filed with it, provided that, for those kinds of international applications for which several International Searching Authorities are declared to be competent, the choice shall be left to the applicant.

(b) Any receiving Office availing itself of the faculty provided in paragraph (a) shall promptly inform the International Bureau, and the International Bureau shall promptly publish such information.

35.3 When the International Bureau Is Receiving Office under Rule 19.1(a)(iii)

(a) Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), an International Searching Authority shall be competent for the searching of that international application if it would have been competent had that international application been filed with a receiving Office competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(b) Where two or more International Searching Authorities are competent under paragraph (a), the choice shall be left to the applicant.

(c) Rules 35.1 and 35.2 shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

Rule 36 Minimum Requirements for International Searching Authorities

36.1 Definition of Minimum Requirements

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(iv) that Office or organization must hold an appointment as an International Preliminary Examining Authority.

Rule 37 Missing or Defective Title

37.1 Lack of Title

If the international application does not contain a title and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

37.2 Establishment of Title

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

Rule 38 Missing or Defective Abstract

38.1 Lack of Abstract

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

38.2 Establishment of Abstract

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

(b) The applicant may, within one month from the date of mailing of the international search report, submit comments on the abstract established by the International Searching Authority. Where that Authority amends the abstract established by it, it shall notify the amendment to the International Bureau.

Rule 39 Subject Matter under Article 17(2)(a)(i)

39.1 Definition

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

**Rule 40
Lack of Unity of Invention (International Search)**

40.1 Invitation to Pay Additional Fees; Time Limit

The invitation to pay additional fees provided for in Article 17(3)(a) shall:

- (i) specify the reasons for which the international application is not considered as complying with the requirement of unity of invention;
- (ii) invite the applicant to pay the additional fees within one month from the date of the invitation, and indicate the amount of those fees to be paid; and
- (iii) invite the applicant to pay, where applicable, the protest fee referred to in Rule 40.2(e) within one month from the date of the invitation, and indicate the amount to be paid.

40.2 Additional Fees

(a) The amount of the additional fees due for searching under Article 17(3)(a) shall be determined by the competent International Searching Authority.

(b) The additional fees due for searching under Article 17(3)(a) shall be payable direct to the International Searching Authority.

(c) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive. Such protest shall be examined by a review body constituted in the framework of the International Searching Authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the designated Offices together with the international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(d) The membership of the review body referred to in paragraph (c) may include, but shall not be limited to, the person who made the decision which is the subject of the protest.

(e) The examination of a protest referred to in paragraph (c) may be subjected by the International Searching Authority to the payment to it, for its own benefit, of a protest fee. Where the applicant has not, within the time limit under Rule 40.1(iii), paid any required protest fee, the protest shall be considered not to have been made and the International Searching Authority shall so declare. The protest fee shall be refunded to the applicant where the review body referred to in paragraph (c) finds that the protest was entirely justified.

**Rule 41
Earlier Search Other than International Search**

41.1 Obligation to Use Results; Refund of Fee

If reference has been made in the request, in the form provided for in Rule 4.11, to an international-type search carried out under the conditions set out in Article 15(5) or to a search other than an international or international-type search, the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b) or in a communication addressed to and published in the Gazette by the International Bureau, if the international search report could wholly or partly be based on the results of the said search.

**Rule 42
Time Limit for International Search**

42.1 Time Limit for International Search

The time limit for establishing the international search report or the declaration referred to in Article 17(2)(a) shall be three months from the receipt of the search copy by the International Searching Authority, or nine months from the priority date, whichever time limit expires later.

Rule 43 The International Search Report

43.1 Identifications

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

43.2 Dates

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed or, if the priority of more than one earlier application is claimed, the filing date of the earliest among them.

43.3 Classification

- (a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.
- (b) Such classification shall be effected by the International Searching Authority.

43.4 Language

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

43.5 Citations

- (a) The international search report shall contain the citations of the documents considered to be relevant.
- (b) The method of identifying any cited document shall be regulated by the Administrative Instructions.
- (c) Citations of particular relevance shall be specially indicated.
- (d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.
- (e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears. If the entire document is relevant but some passages are of particular relevance, such passages shall be identified unless such identification is not practicable.

43.6 Fields Searched

(a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used.

(b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purposes of this paragraph, Article 2(ii) shall not apply.

(c) If the international search was based on, or was extended to, any electronic data base, the international search report may indicate the name of the data base and, where considered useful to others and practicable, the search terms used.

43.7 Remarks Concerning Unity of Invention

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only or on less than all the inventions (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

43.8 Authorized Officer

The international search report shall indicate the name of the officer of the International Searching Authority responsible for that report.

43.9 Additional Matter

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2, and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the Administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

43.10 Form

The physical requirements as to the form of the international search report shall be prescribed by the Administrative Instructions.

Rule 43bis Written Opinion of the International Searching Authority

43bis.1 Written Opinion

(a) Subject to Rule 69.1(b-bis), the International Searching Authority shall, at the same time as it establishes the international search report or the declaration referred to in Article 17(2)(a), establish a written opinion as to:

(i) whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable;

(ii) whether the international application complies with the requirements of the Treaty and these Regulations in so far as checked by the International Searching Authority.

The written opinion shall also be accompanied by such other observations as these Regulations provide for.

(b) For the purposes of establishing the written opinion, Articles 33(2) to (6), 35(2) and 35(3) and Rules 43.4, 64, 65, 66.1(e), 66.7, 67, 70.2(b) and (d), 70.3, 70.4(ii), 70.5(a), 70.6 to 70.10, 70.12, 70.14 and 70.15(a) shall apply *mutatis mutandis*.

(c) The written opinion shall contain a notification informing the applicant that, if a demand for international preliminary examination is made, the written opinion shall, under Rule 66.1bis(a) but subject to Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a), in which case the applicant is invited to submit to that Authority, before the expiration of the time limit under Rule 54bis.1(a), a written reply together, where appropriate, with amendments.

Rule 44 Transmittal of the International Search Report, Written Opinion, Etc.

44.1 Copies of Report or Declaration and Written Opinion

The International Searching Authority shall, on the same day, transmit one copy of the international search report or of the declaration referred to in Article 17(2)(a), and one copy of the written opinion established under Rule 43bis. 1 to the International Bureau and one copy to the applicant.

44.2 Title or Abstract

The international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

44.3 Copies of Cited Documents

(a) The request referred to in Article 20(3) may be presented any time during seven years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

(c) [Deleted]

(d) Any International Searching Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

**Rule 44bis
International Preliminary Report on Patentability
by the International Searching Authority**

44bis.1 Issuance of Report; Transmittal to the Applicant

(a) Unless an international preliminary examination report has been or is to be established, the International Bureau shall issue a report on behalf of the International Searching Authority (in this Rule referred to as "the report") as to the matters referred to in Rule 43bis.1(a). The report shall have the same contents as the written opinion established under Rule 43bis.1.

(b) The report shall bear the title "international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)" together with an indication that it is issued under this Rule by the International Bureau on behalf of the International Searching Authority.

(c) The International Bureau shall promptly transmit one copy of the report issued under paragraph (a) to the applicant.

44bis.2 Communication to Designated Offices

(a) Where a report has been issued under Rule 44bis.1, the International Bureau shall communicate it to each designated Office in accordance with Rule 93bis.1 but not before the expiration of 30 months from the priority date.

(b) Where the applicant makes an express request to a designated Office under Article 23(2), the International Bureau shall communicate a copy of the written opinion established by the International Searching Authority under Rule 43bis.1 to that Office promptly upon the request of that Office or of the applicant.

44bis.3 Translation for Designated Offices

(a) Any designated State may, where a report has been issued under Rule 44bis.1 in a language other than the official language, or one of the official languages, of its national Office, require a translation of the report into English. Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

(b) If a translation is required under paragraph (a), it shall be prepared by or under the responsibility of the International Bureau.

(c) The International Bureau shall transmit a copy of the translation to any interested designated Office and to the applicant at the same time as it communicates the report to that Office.

(d) In the case referred to in Rule 44bis.2(b), the written opinion established under Rule 43bis.1 shall, upon request of the designated Office concerned, be translated into English by or under the responsibility of the International Bureau. The International Bureau shall transmit a copy of the translation to the designated Office concerned within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

44bis.4 Observations on the Translation

The applicant may make written observations as to the correctness of the translation referred to in Rule 44bis.3(b) or (d) and shall send a copy of the observations to each of the interested designated Offices and to the International Bureau.

Rule 44ter**Confidential Nature of Written Opinion, Report, Translation and Observations****44ter.1 Confidential Nature**

(a) The International Bureau and the International Searching Authority shall not, unless requested or authorized by the applicant, allow access by any person or authority before the expiration of 30 months from the priority date:

(i) to the written opinion established under Rule 43bis.1, to any translation thereof prepared under Rule 44bis.3(d) or to any written observations on such translation sent by the applicant under Rule 44bis.4;

(ii) if a report is issued under Rule 44bis.1, to that report, to any translation of it prepared under Rule 44bis.3(b) or to any written observations on that translation sent by the applicant under Rule 44bis.4.

(b) For the purposes of paragraph (a), the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication.

Rule 45**Translation of the International Search Report****45.1 Languages**

International search reports and declarations referred to in Article 17(2)(a) shall, when not in English, be translated into English.

Rule 46**Amendment of Claims before the International Bureau****46.1 Time Limit**

The time limit referred to in Article 19 shall be two months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever time limit expires later, provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

46.2 Where to File

Amendments made under Article 19 shall be filed directly with the International Bureau.

46.3 Language of Amendments

If the international application has been filed in a language other than the language in which it is published, any amendment made under Article 19 shall be in the language of publication.

46.4 Statement

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language. The statement shall be identified as such by a heading, preferably by using the words "Statement under Article 19(1)" or their equivalent in the language of the statement.

(b) The statement shall contain no disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

46.5 Form of Amendments

The applicant shall be required to submit a replacement sheet for every sheet of the claims which, on account of an amendment or amendments under Article 19, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

Rule 47 Communication to Designated Offices

47.1 Procedure⁸

(a) The communication provided for in Article 20 shall be effected by the International Bureau to each designated Office in accordance with Rule 93bis.1 but, subject to Rule 47.4, not prior to the international publication of the international application.

(a-bis) The International Bureau shall notify each designated Office, in accordance with Rule 93bis.1, of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document.

(b) Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication provided for in Article 20 shall be communicated promptly to the designated Offices by the International Bureau, and the latter shall notify the applicant accordingly.

(c)⁹ The International Bureau shall, promptly after the expiration of 28 months from the priority date, send a notice to the applicant indicating:

(i) the designated Offices which have requested that the communication provided for in Article 20 be effected under Rule 93bis.1 and the date of such communication to those Offices; and

(ii) the designated Offices which have not requested that the communication provided for in Article 20 be effected under Rule 93bis.1.

(c-bis) The notice referred to in paragraph (c) shall be accepted by designated Offices:

(i) in the case of a designated Office referred to in paragraph (c)(i), as conclusive evidence that the communication provided for in Article 20 was effected on the date specified in the notice;

(ii) in the case of a designated Office referred to in paragraph (c)(ii), as conclusive evidence that the Contracting State for which that Office acts as designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

(d) Each designated Office shall, when it so requires, receive the international search reports and the declarations referred to in Article 17(2)(a) also in the translation referred to in Rule 45.1.

(e)⁹ Where any designated Office has not, before the expiration of 28 months from the priority date, requested the International Bureau to effect the communication provided for in Article 20 in accordance with Rule 93bis.1, the Contracting State for which that Office acts as designated Office shall be considered to have notified the International Bureau, under Rule 49.1(a-bis), that it does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

47.2 Copies

The copies required for communication shall be prepared by the International Bureau. Further details concerning the copies required for communication may be provided for in the Administrative Instructions.

⁸ Editor's Note: Rule 47.1 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and which are published under Article 21 on or after April 1, 2006.

⁹ Editor's Note: Rule 47.1(c) and (e) shall apply to any international application whose international filing date is on or after January 1, 2004 and in respect of a designated Office which has made a notification under paragraph (2) of the decisions of the Assembly set out in Annex IV of document PCT/A/30/7 (to the effect that the modification of the time limit fixed in Article 22(1) was not compatible with the national law applied by that Office on October 3, 2001), and which has not withdrawn that notification under paragraph (3) of those decisions, as though the reference in each of Rule 47.1(c) and (e) to "28 months" was a reference to "19 months," with the consequence that two notifications under Rule 47.1(c) shall, if applicable, be sent in respect of such an application.

Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO web site at:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

47.3 Languages

(a) The international application communicated under Article 20 shall be in the language in which it is published.

(b) Where the language in which the international application is published is different from the language in which it was filed, the International Bureau shall furnish to any designated Office, upon the request of that Office, a copy of that application in the language in which it was filed.

47.4 Express Request under Article 23 (2) prior to International Publication

Where the applicant makes an express request to a designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, upon request of the applicant or the designated Office, promptly effect the communication provided for in Article 20 to that Office.

Rule 48 International Publication

48.1 Form and Means¹⁰

The form in which and the means by which international applications are published shall be governed by the Administrative Instructions.

48.2 Contents¹¹

(a) The publication of the international application shall contain:

- (i) a standardized front page;
- (ii) the description;
- (iii) the claims;
- (iv) the drawings, if any;

(v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a);

(vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4;

(vii) any request for rectification referred to in the third sentence of Rule 91.1(f);

(viii) the indications in relation to deposited biological material furnished under Rule 13bis separately from the description, together with an indication of the date on which the International Bureau received such indications;

(ix) any information concerning a priority claim considered not to have been made under Rule 26bis.2(b), the publication of which is requested under Rule 26bis.2(c);

(x) any declaration referred to in Rule 4.17, and any correction thereof under Rule 26ter.1, which was received by the International Bureau before the expiration of the time limit under Rule 26ter.1.

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions,

(ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies,

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first,

(iv) an indication that the request contains any declaration referred to in Rule 4.17 which was received by the International Bureau before the expiration of the time limit under Rule 26ter.1.

(c) Where a declaration under Article 17(2)(a) has issued, the front page shall conspicuously refer to that fact and need include neither a drawing nor an abstract.

(d) The figure or figures referred to in paragraph (b)(ii) shall be selected as provided in Rule 8.2. Reproduction of such figure or figures on the front page may be in a reduced form.

¹⁰ Editor's Note: Rule 48.1 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and which are published under Article 21 on or after April 1, 2006.

¹¹ Editor's Note: Rule 48.2 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and which are published under Article 21 on or after April 1, 2006.

(e) If there is not enough room on the front page for the totality of the abstract referred to in paragraph (b)(iii), the said abstract shall appear on the back of the front page. The same shall apply to the translation of the abstract when such translation is required to be published under Rule 48.3(c).

(f) If the claims have been amended under Article 19, the publication of the international application shall contain the full text of the claims both as filed and as amended. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

(g) If, at the time of the completion of the technical preparations for international publication, the international search report is not yet available, the front page shall contain an indication to the effect that that report was not available and that the international search report (when it becomes available) will be separately published together with a revised front page.

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the front page shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after receipt by the International Bureau of such amendments within the time limit under Rule 46.1, the full text of the claims as amended will be published together with a revised front page. If a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

48.3 Languages of Publication

(a) If the international application is filed in Arabic, Chinese, English, French, German, Japanese, Russian or Spanish ("languages of publication"), that application shall be published in the language in which it was filed.

(b) If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3 or 12.4, that application shall be published in the language of that translation.

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

48.4 Earlier Publication on the Applicant's Request

(a) Where the applicant asks for publication under Articles 21(2)(b) and 64(3)(c)(i) and the international search report, or the declaration referred to in Article 17(2)(a), is not yet available for publication together with the international application, the International Bureau shall collect a special publication fee whose amount shall be fixed in the Administrative Instructions.

(b) Publication under Articles 21(2)(b) and 64(3)(c)(i) shall be effected by the International Bureau promptly after the applicant has asked for it and, where a special fee is due under paragraph (a), after receipt of such fee.

48.5 Notification of National Publication

Where the publication of the international application by the International Bureau is governed by Article 64(3)(c)(ii), the national Office concerned shall, promptly after effecting the national publication referred to in the said provision, notify the International Bureau of the fact of such national publication.

48.6 Announcing of Certain Facts

(a) If any notification under Rule 29.1(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

(b) [Deleted]

(c) If the international application, the designation of any designated State or the priority claim is withdrawn under Rule 90bis after the technical preparations for international publication have been completed, notice of the withdrawal shall be published in the Gazette.

Rule 49
Copy, Translation and Fee under Article 22

49.1 Notification

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 22, shall notify the International Bureau of:

- (i) the languages from which and the language into which it requires translation,
- (ii) the amount of the national fee.

(a-bis) Any Contracting State not requiring the furnishing, under Article 22, by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau under Rule 47 has not taken place by the expiration of the time limit applicable under Article 22) shall notify the International Bureau accordingly.

(a-ter) Any Contracting State which, pursuant to Article 24(2), maintains, if it is a designated State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 22 shall notify the International Bureau accordingly.

(b) Any notification received by the International Bureau under paragraphs (a), (a-bis) or (a-ter) shall be promptly published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to international applications filed later than two months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

49.2 Languages

The language into which translation may be required must be an official language of the designated Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

49.3 Statements under Article 19; Indications under Rule 13bis.4

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13bis.4 shall, subject to Rule 49.5(c) and (h), be considered part of the international application.

49.4 Use of National Form

No applicant shall be required to use a national form when performing the acts referred to in Article 22.

49.5 Contents of and Physical Requirements for the Translation

(a) For the purposes of Article 22, the translation of the international application shall contain the description (subject to paragraph (a-bis)), the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (c-bis) and (e),

- (i) contain the request,
- (ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended, and

- (iii) be accompanied by a copy of the drawings.

(a-bis) No designated Office shall require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such sequence listing part complies with Rule 12.1(d) and if the description complies with Rule 5.2(b).

(b) Any designated Office requiring the furnishing of a translation of the request shall furnish copies of the request form in the language of the translation free of charge to the applicants. The form and contents of the request form in the language of the translation shall not be different from those of the request under Rules 3 and 4; in particular, the request form in the language of the translation shall not ask for any information that is not in the request as filed. The use of the request form in the language of the translation shall be optional.

(c) Where the applicant did not furnish a translation of any statement made under Article 19(1), the designated Office may disregard such statement.

(c-bis) Where the applicant furnishes, to a designated Office which requires under paragraph (a)(ii) a translation of both the claims as filed and the claims as amended, only one of the required two translations, the designated Office may disregard the claims of which a translation has not been furnished or invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. Where the designated Office chooses to invite the applicant to furnish the missing translation and the latter is not furnished within the time limit fixed in the invitation, the designated Office may disregard those claims of which a translation has not been furnished or consider the international application withdrawn.

(d) If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22, invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(f) The expression "Fig." does not require translation into any language.

(g) Where any copy of the drawings or any drawing executed anew which has been furnished under paragraph (d) or (e) does not comply with the physical requirements referred to in Rule 11, the designated Office may invite the applicant to correct the defect within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(h) Where the applicant did not furnish a translation of the abstract or of any indication furnished under Rule 13bis.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(i) Information on any requirement and practice of designated Offices under the second sentence of paragraph (a) shall be published by the International Bureau in the Gazette.

(j) No designated Office shall require that the translation of the international application comply with physical requirements other than those prescribed for the international application as filed.

(k) Where a title has been established by the International Searching Authority pursuant to Rule 37.2, the translation shall contain the title as established by that Authority.

(l) If, on July 12, 1991, paragraph (c-bis) or paragraph (k) is not compatible with the national law applied by the designated Office, the paragraph concerned shall not apply to that designated Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.¹²

¹² Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

*49.6 Reinstatement of Rights after Failure to Perform the Acts Referred to in Article 22*¹³

(a) Where the effect of the international application provided for in Article 11(3) has ceased because the applicant failed to perform the acts referred to in Article 22 within the applicable time limit, the designated Office shall, upon request of the applicant, and subject to paragraphs (b) to (e) of this Rule, reinstate the rights of the applicant with respect to that international application if it finds that any delay in meeting that time limit was unintentional or, at the option of the designated Office, that the failure to meet that time limit occurred in spite of due care required by the circumstances having been taken.

(b) The request under paragraph (a) shall be submitted to the designated Office, and the acts referred to in Article 22 shall be performed, within whichever of the following periods expires first:

(i) two months from the date of removal of the cause of the failure to meet the applicable time limit under Article 22; or

(ii) 12 months from the date of the expiration of the applicable time limit under Article 22; provided that the applicant may submit the request at any later time if so permitted by the national law applicable by the designated Office.

(c) The request under paragraph (a) shall state the reasons for the failure to comply with the applicable time limit under Article 22.

(d) The national law applicable by the designated Office may require:

(i) that a fee be paid in respect of a request under paragraph (a);

(ii) that a declaration or other evidence in support of the reasons referred to in paragraph (c) be filed.

(e) The designated Office shall not refuse a request under paragraph (a) without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances.

(f) If, on October 1, 2002, paragraphs (a) to (e) are not compatible with the national law applied by the designated Office, those paragraphs shall not apply in respect of that designated Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by January 1, 2003. The information received shall be promptly published by the International Bureau in the Gazette.¹⁴

Rule 49bis Indications as to Protection Sought for Purposes of National Processing

49bis.1 Choice of Certain Kinds of Protection

(a) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 43 applies, as an application not for the grant of a patent but for the grant of another kind of protection referred to in that Article, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office.

(b) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 44 applies, as an application for the grant of more than one kind of protection

¹³ Editor's Note: Paragraphs (a) to (e) of Rule 49.6 do not apply to any international application whose international filing date is before January 1, 2003, provided that:

(i) those paragraphs shall, subject to item (iii), apply to any international application whose international filing date is before January 1, 2003, and in respect of which the applicable time limit under Article 22 expires on or after January 1, 2003;

(ii) to the extent that those paragraphs are applicable by virtue of Rule 76.5, the latter Rule shall, subject to item (iii), apply to any international application whose international filing date is before January 1, 2003, and in respect of which the applicable time limit under Article 39(1) expires on or after January 1, 2003;

(iii) where a designated Office has informed the International Bureau under paragraph (f) of Rule 49.6 that paragraphs (a) to (e) of that Rule are not compatible with the national law applied by that Office, items (i) and (ii) of this paragraph shall apply in respect of that Office except that each reference in those items to the date January 1, 2003, shall be read as a reference to the date of entry into force of Rule 49.6(a) to (e) in respect of that Office.

Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO web site at:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

¹⁴ Editor's Note: This information is also published on the WIPO web site at:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

referred to in Article 43, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate, if applicable, which kind of protection is sought primarily and which kind is sought subsidiarily.

(c) In the cases referred to in paragraphs (a) and (b), if the applicant wishes the international application to be treated, in a designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition, the applicant, when performing the acts referred to in Article 22, shall indicate the relevant parent application, parent patent or other parent grant.

(d) If the applicant wishes the international application to be treated, in a designated State, as an application for a continuation or a continuation-in-part of an earlier application, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate the relevant parent application.

(e) Where no express indication under paragraph (a) is made by the applicant when performing the acts referred to in Article 22 but the national fee referred to in Article 22 paid by the applicant corresponds to the national fee for a particular kind of protection, the payment of that fee shall be considered to be an indication of the wish of the applicant that the international application is to be treated as an application for that kind of protection and the designated Office shall inform the applicant accordingly.

49bis.2 Time of Furnishing Indications

(a) No designated Office shall require the applicant to furnish, before performing the acts referred to in Article 22, any indication referred to in Rule 49bis.1 or, where applicable, any indication as to whether the applicant seeks the grant of a national patent or a regional patent.

(b) The applicant may, if so permitted by the national law applicable by the designated Office concerned, furnish such indication or, if applicable, convert from one kind of protection to another, at any later time.

Rule 50 Faculty under Article 22(3)

50.1 Exercise of Faculty

(a) Any Contracting State allowing a time limit expiring later than the time limits provided for in Article 22(1) or (2) shall notify the International Bureau of the time limits so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to international applications filed after the expiration of three months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of international applications pending at the time or filed after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 51 Review by Designated Offices

51.1 Time Limit for Presenting the Request to Send Copies

The time limit referred to in Article 25(1)(c) shall be two months computed from the date of the notification sent to the applicant under Rule 20.7(i), 24.2(c) or 29.1(ii).

51.2 Copy of the Notice

Where the applicant, after having received a negative determination under Article 11(1), requests the International Bureau, under Article 25(1), to send copies of the file of the purported international application to any of the named Offices he has attempted to designate, he shall attach to his request a copy of the notice referred to in Rule 20.7(i).

51.3 Time Limit for Paying National Fee and Furnishing Translation

The time limit referred to in Article 25(2)(a) shall expire at the same time as the time limit prescribed in Rule 51.1.

Rule 51bis
Certain National Requirements Allowed under Article 27

51bis.1 Certain National Requirements Allowed

(a) Subject to Rule 51bis.2, the national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish, in particular:

(i) any document relating to the identity of the inventor,

(ii) any document relating to the applicant's entitlement to apply for or be granted a patent,

(iii) any document containing any proof of the applicant's entitlement to claim priority of an earlier application where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the date on which the earlier application was filed,

(iv) where the international application designates a State whose national law requires that national applications be filed by the inventor, any document containing an oath or declaration of inventorship,

(v) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time;

(vi) the confirmation of the international application by the signature of any applicant for the designated State who has not signed the request;

(vii) any missing indication required under Rule 4.5(a)(ii) and (iii) in respect of any applicant for the designated State.

(b) The national law applicable by the designated Office may, in accordance with Article 27(7), require that

(i) the applicant be represented by an agent having the right to represent applicants before that Office and/or have an address in the designated State for the purpose of receiving notifications,

(ii) the agent, if any, representing the applicant be duly appointed by the applicant.

(c) The national law applicable by the designated Office may, in accordance with Article 27(1), require that the international application, the translation thereof or any document relating thereto be furnished in more than one copy.

(d) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the translation of the international application furnished by the applicant under Article 22 be:

(i) verified by the applicant or the person having translated the international application in a statement to the effect that, to the best of his knowledge, the translation is complete and faithful;

(ii) certified by a public authority or sworn translator, but only where the designated Office may reasonably doubt the accuracy of the translation.

(e) The national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish a translation of the priority document, provided that such a translation may only be required where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

(f) If, on March 17, 2000, the proviso in paragraph (e) is not compatible with the national law applied by the designated Office, that proviso shall not apply in respect of that Office for as long as that proviso continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.¹⁵

51bis.2 Certain Circumstances in Which Documents or Evidence May Not Be Required

(a) Where the applicable national law does not require that national applications be filed by the inventor, the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request or if a declaration as to the identity of the inventor, in accordance with Rule 4.17(i), is contained in the request or is submitted directly to the designated Office;

¹⁵ Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(ii) relating to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rule 51bis.1(a)(ii)), if a declaration as to that matter, in accordance with Rule 4.17(ii), is contained in the request or is submitted directly to the designated Office;

(iii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51bis.1(a)(iii)), if a declaration as to that matter, in accordance with Rule 4.17(iii), is contained in the request or is submitted directly to the designated Office.

(b) Where the applicable national law requires that national applications be filed by the inventor, the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)) (other than a document containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv))), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request;

(ii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51bis.1(a)(ii)), if a declaration as to that matter, in accordance with Rule 4.17(iii), is contained in the request or is submitted directly to the designated Office;

(iii) containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if a declaration of inventorship, in accordance with Rule 4.17(iv), is contained in the request or is submitted directly to the designated Office.

(c) If, on March 17, 2000, paragraph (a) is not compatible, in relation to any item of that paragraph, with the national law applied by the designated Office, paragraph (a) shall not apply in respect of that Office in relation to that item for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.¹⁶

51bis.3 Opportunity to Comply with National Requirements

(a) Where any of the requirements referred to in Rule 51bis.1(a)(i) to (iv) and (c) to (e), or any other requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(1) or (2), is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the designated Office shall invite the applicant to comply with the requirement within a time limit which shall not be less than two months from the date of the invitation. Each designated Office may require that the applicant pay a fee for complying with national requirements in response to the invitation.

(b) Where any requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(6) or (7) is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the applicant shall have an opportunity to comply with the requirement after the expiration of that period.

(c) If, on March 17, 2000, paragraph (a) is not compatible with the national law applied by the designated Office in relation to the time limit referred to in that paragraph, the said paragraph shall not apply in respect of that Office in relation to that time limit for as long as the said paragraph continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.¹⁶

Rule 52 Amendment of the Claims, the Description, and the Drawings, before Designated Offices

52.1 Time Limit

(a) In any designated State in which processing or examination starts without special request, the applicant shall, if he so wishes, exercise the right under Article 28 within one month from the fulfillment of the requirements under Article 22, provided that, if the communication under Rule 47.1 has not been effected by the expiration of the time limit applicable under Article 22, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any later time if so permitted by the national law of the said State.

¹⁶ Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(b) In any designated State in which the national law provides that examination starts only on special request, the time limit within or the time at which the applicant may exercise the right under Article 28 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

PART C RULES CONCERNING CHAPTER II OF THE TREATY

Rule 53 The Demand

53.1 Form

(a) The demand shall be made on a printed form or be presented as a computer print-out. The particulars of the printed form and of a demand presented as a computer print-out shall be prescribed by the Administrative Instructions.

(b) Copies of printed demand forms shall be furnished free of charge by the receiving Office or by the International Preliminary Examining Authority.

53.2 Contents

(a) The demand shall contain:

- (i) a petition,
 - (ii) indications concerning the applicant and the agent if there is an agent,
 - (iii) indications concerning the international application to which it relates,
 - (iv) where applicable, a statement concerning amendments,
- (b) The demand shall be signed.

53.3 The Petition

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty."

53.4 The Applicant

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

53.5 Agent or Common Representative

If an agent or common representative is appointed, the demand shall so indicate. Rules 4.4 and 4.16 shall apply, and Rule 4.7 shall apply *mutatis mutandis*.

53.6 Identification of the International Application

The international application shall be identified by the name and address of the applicant, the title of the invention, the international filing date (if known to the applicant) and the international application number or, where such number is not known to the applicant, the name of the receiving Office with which the international application was filed.

53.7 Election of States

The filing of a demand shall constitute the election of all Contracting States which are designated and are bound by Chapter II of the Treaty.

53.8 Signature

- (a) Subject to paragraph (b), the demand shall be signed by the applicant or, if there is more than one applicant, by all applicants making the demand.
- (b) Where two or more applicants file a demand which elects a State whose national law requires that national applications be filed by the inventor and where an applicant for that elected State who is an inventor refused to sign the demand or could not be found or reached after diligent effort, the demand need not be signed by that applicant ("the applicant concerned") if it is signed by at least one applicant and
- (i) a statement is furnished explaining, to the satisfaction of the International Preliminary Examining Authority, the lack of signature of the applicant concerned, or
 - (ii) the applicant concerned did not sign the request but the requirements of Rule 4.15(b) were complied with.

53.9 Statement Concerning Amendments

- (a) If amendments under Article 19 have been made, the statement concerning amendments shall indicate whether, for the purposes of the international preliminary examination, the applicant wishes those amendments
- (i) to be taken into account, in which case a copy of the amendments shall preferably be submitted with the demand, or
 - (ii) to be considered as reversed by an amendment under Article 34.
- (b) If no amendments under Article 19 have been made and the time limit for filing such amendments has not expired, the statement may indicate that, should the International Preliminary Examining Authority wish to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant wishes the start of the international preliminary examination to be postponed in accordance with Rule 69.1(d).
- (c) If any amendments under Article 34 are submitted with the demand, the statement shall so indicate.

Rule 54 The Applicant Entitled to Make a Demand

54.1 Residence and Nationality

- (a) Subject to the provisions of paragraph (b), the residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rule 18.1(a) and (b).
- (b) The International Preliminary Examining Authority shall, in the circumstances specified in the Administrative Instructions, request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question whether the applicant is a resident or national of the Contracting State of which he claims to be a resident or national. The International Preliminary Examining Authority shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the Office concerned. The Office concerned shall decide the said question promptly.

54.2 Right to Make a Demand

The right to make a demand under Article 31(2) shall exist if the applicant making the demand or, if there are two or more applicants, at least one of them is a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II.

54.3 International Applications Filed with the International Bureau as Receiving Office

Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), the International Bureau shall, for the purposes of Article 31(2)(a), be considered to be acting for the Contracting State of which the applicant is a resident or national.

54.4 Applicant Not Entitled to Make a Demand

If the applicant does not have the right to make a demand or, in the case of two or more applicants, if none of them has the right to make a demand under Rule 54.2, the demand shall be considered not to have been submitted.

**Rule 54bis
Time Limit for Making a Demand**

54bis.1 Time Limit for Making a Demand

(a) A demand may be made at any time prior to the expiration of whichever of the following periods expires later:

(i) three months from the date of transmittal to the applicant of the international search report and the written opinion established under Rule 43bis.1, or of the declaration referred to in Article 17(2)(a); or

(ii) 22 months from the priority date.

(b) Any demand made after the expiration of the time limit applicable under paragraph (a) shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

**Rule 55
Languages (International Preliminary Examination)**

55.1 Language of Demand

The demand shall be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication. However, if a translation of the international application is required under Rule 55.2, the demand shall be in the language of that translation.

55.2 Translation of International Application

(a) Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

(i) a language accepted by that Authority, and

(ii) a language of publication.

(b) Where a translation of the international application into a language referred to in paragraph (a) was transmitted to the International Searching Authority under Rule 23.1(b) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish a translation under paragraph (a). In such a case, unless the applicant furnishes a translation under paragraph (a), the international preliminary examination shall be carried out on the basis of the translation transmitted under Rule 23.1(b).

(c) If the requirement of paragraph (a) is not complied with and paragraph (b) does not apply, the International Preliminary Examining Authority shall invite the applicant to furnish the required translation within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

55.3 Translation of Amendments

(a) Where a translation of the international application is required under Rule 55.2, any amendments which are referred to in the statement concerning amendments under Rule 53.9 and which the applicant wishes to be taken into account for the purposes of the international preliminary examination, and any amendments under Article 19 which are to be taken into account under Rule 66.1(c), shall be in the language of that translation. Where such amendments have been or are filed in another language, a translation shall also be furnished.

(b) Where the required translation of an amendment referred to in paragraph (a) is not furnished, the International Preliminary Examining Authority shall invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances. That time limit shall

not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(c) If the applicant fails to comply with the invitation within the time limit under paragraph (b), the amendment shall not be taken into account for the purposes of the international preliminary examination.

Rule 56

[Deleted]

Rule 57 The Handling Fee

57.1 Requirement to Pay

Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau ("handling fee") to be collected by the International Preliminary Examining Authority to which the demand is submitted.

57.2 Amount

(a) The amount of the handling fee is as set out in the Schedule of Fees.

(b) [Deleted]

(c) The handling fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority ("prescribed currency"), it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency. The amount of the handling fee shall be established, in each prescribed currency, for each International Preliminary Examining Authority which prescribes the payment of the handling fee in any currency other than Swiss currency, by the Director General after consultation with the Office with which consultation takes place under Rule 15.2(b) in relation to that currency, or, if there is no such Office, with the Authority which prescribes payment in that currency. The amount so established shall be the equivalent, in round figures, of the amount in Swiss currency set out in the Schedule of Fees. It shall be notified by the International Bureau to each International Preliminary Examining Authority prescribing payment in that prescribed currency and shall be published in the Gazette.

(d) Where the amount of the handling fee set out in the Schedule of Fees is changed, the corresponding amounts in the prescribed currencies shall be applied from the same date as the amount set out in the amended Schedule of Fees.

(e) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish the new amount in the prescribed currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that the interested International Preliminary Examining Authority and the Director General may agree on a date falling during the said two-month period in which case the said amount shall become applicable for that Authority from that date.

57.3 Time Limit for Payment; Amount Payable

(a) Subject to paragraphs (b) and (c), the handling fee shall be paid within one month from the date on which the demand was submitted or 22 months from the priority date, whichever expires later.

(b) Subject to paragraph (c), where the demand was transmitted to the International Preliminary Examining Authority under Rule 59.3, the handling fee shall be paid within one month from the date of receipt by that Authority or 22 months from the priority date, whichever expires later.

(c) Where, in accordance with Rule 69.1(b), the International Preliminary Examining Authority wishes to start the international preliminary examination at the same time as the international search, that Authority shall invite the applicant to pay the handling fee within one month from the date of the invitation.

(d) The amount of the handling fee payable shall be the amount applicable on the date of payment.

57.4 and 57.5 [Deleted]

57.6 Refund

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

- (i) if the demand is withdrawn before the demand has been sent by that Authority to the International Bureau, or
- (ii) if the demand is considered, under Rule 54.4 or 54bis.1(b), not to have been submitted.

Rule 58 The Preliminary Examination Fee

58.1 Right to Ask for a Fee

(a) Each International Preliminary Examining Authority may require that the applicant pay a fee ("preliminary examination fee") for its own benefit for carrying out the international preliminary examination and for performing all other tasks entrusted to International Preliminary Examining Authorities under the Treaty and these Regulations.

(b) The amount of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority. As to the time limit for payment of the preliminary examination fee and the amount payable, the provisions of Rule 57.3 relating to the handling fee shall apply *mutatis mutandis*.

(c) The preliminary examination fee shall be payable directly to the International Preliminary Examining Authority. Where that Authority is a national Office, it shall be payable in the currency prescribed by that Office, and where the Authority is an intergovernmental organization, it shall be payable in the currency of the State in which the intergovernmental organization is located or in any other currency which is freely convertible into the currency of the said State.

58.2 [Deleted]

58.3 Refund

The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted, and the International Bureau shall promptly publish such information.

Rule 58bis Extension of Time Limits for Payment of Fees

58bis.1 Invitation by the International Preliminary Examining Authority

(a) Where the International Preliminary Examining Authority finds:

- (i) that the amount paid to it is insufficient to cover the handling fee and the preliminary examination fee; or
- (ii) by the time they are due under Rules 57.3 and 58.1(b), that no fees were paid to it;

the Authority shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 58bis.2, within a time limit of one month from the date of the invitation.

(b) Where the International Preliminary Examining Authority has sent an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 58bis.2, the demand shall, subject to paragraph (c), be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(c) Any payment received by the International Preliminary Examining Authority before that Authority sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 57.3 or 58.1(b), as the case may be.

(d) Any payment received by the International Preliminary Examining Authority before that Authority proceeds under paragraph (b) shall be considered to have been received before the expiration of the time limit under paragraph (a).

58bis.2 Late Payment Fee

(a) The payment of fees in response to an invitation under Rule 58bis.1(a) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

- (i) 50% of the amount of unpaid fees which is specified in the invitation, or,
- (ii) if the amount calculated under item (i) is less than the handling fee, an amount equal to the handling fee.

(b) The amount of the late payment fee shall not, however, exceed double the amount of the handling fee.

Rule 59

The Competent International Preliminary Examining Authority

59.1 Demands under Article 31(2)(a)

(a) For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

(b) Where the international application was filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), Rule 35.3(a) and (b) shall apply *mutatis mutandis*. Paragraph (a) of this Rule shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

59.2 Demands under Article 31(2)(b)

As to demands made under Article 31(2)(b), the Assembly, in specifying the International Preliminary Examining Authority competent for international applications filed with a national Office which is an International Preliminary Examining Authority, shall give preference to that Authority; if the national Office is not an International Preliminary Examining Authority, the Assembly shall give preference to the International Preliminary Examining Authority recommended by that Office.

59.3 Transmittal of the Demand to the Competent International Preliminary Examining Authority

(a) If the demand is submitted to a receiving Office, an International Searching Authority, or an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, that Office or Authority shall mark the date of receipt on the demand and, unless it decides to proceed under paragraph (f), transmit the demand promptly to the International Bureau.

(b) If the demand is submitted to the International Bureau, the International Bureau shall mark the date of receipt on the demand.

(c) Where the demand is transmitted to the International Bureau under paragraph (a) or submitted to it under paragraph (b), the International Bureau shall promptly:

- (i) if there is only one competent International Preliminary Examining Authority, transmit the demand to that Authority and inform the applicant accordingly, or

- (ii) if two or more International Preliminary Examining Authorities are competent, invite the applicant to indicate, within the time limit applicable under Rule 54bis.1(a) or 15 days from the date of the invitation, whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted.

(d) Where an indication is furnished as required under paragraph (c)(ii), the International Bureau shall promptly transmit the demand to the competent International Preliminary Examining Authority indicated by the applicant. Where no indication is so furnished, the demand shall be considered not to have been submitted and the International Bureau shall so declare.

(e) Where the demand is transmitted to a competent International Preliminary Examining Authority under paragraph (c), it shall be considered to have been received on behalf of that Authority on the date marked on it under paragraph (a) or (b), as applicable, and the demand so transmitted shall be considered to have been received by that Authority on that date.

(f) Where an Office or Authority to which the demand is submitted under paragraph (a) decides to transmit that demand directly to the competent International Preliminary Examining Authority, paragraphs (c) to (e) shall apply *mutatis mutandis*.

Rule 60 Certain Defects in the Demand

60.1 Defects in the Demand

(a) Subject to paragraphs (a-bis) and (a-ter), if the demand does not comply with the requirements specified in Rules 53.1, 53.2(a)(i) to (iii), 53.2(b), 53.3 to 53.8 and 55.1, the International Preliminary Examining Authority shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(a-bis) For the purposes of Rule 53.4, if there are two or more applicants, it shall be sufficient that the indications referred to in Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who has the right according to Rule 54.2 to make a demand.

(a-ter) For the purposes of Rule 53.8, if there are two or more applicants, it shall be sufficient that the demand be signed by one of them.

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had been received on the actual filing date, provided that the demand as submitted permitted the international application to be identified; otherwise, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction.

(c) If the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(d) [Deleted]

(e) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (c).

(f) If the demand does not contain a statement concerning amendments, the International Preliminary Examining Authority shall proceed as provided for in Rules 66.1 and 69.1 (a) or (b).

(g) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall invite the applicant to submit the amendments within a time limit fixed in the invitation and shall proceed as provided for in Rule 69.1(e).

Rule 61 Notification of the Demand and Elections

61.1 Notification to the International Bureau and the Applicant

(a) The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly either send the demand to the International Bureau and keep a copy in its files or send a copy to the International Bureau and keep the demand in its files.

(b) The International Preliminary Examining Authority shall promptly notify the applicant of the date of receipt of the demand. Where the demand has been considered under Rules 54.4, 55.2(d), 58bis.1(b) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

61.2 Notification to the Elected Offices

(a) The notification provided for in Article 31(7) shall be effected by the International Bureau.

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant, the filing date of the application whose priority is claimed (where priority is claimed) and the date of receipt by the International Preliminary Examining Authority of the demand.

(c) The notification shall be sent to the elected Office together with the communication provided for in Article 20. Elections effected after such communication shall be notified promptly after they have been made.

(d) Where the applicant makes an express request to an elected Office under Article 40(2) prior to the international publication of the international application, the International Bureau shall, upon request of the applicant or the elected Office, promptly effect the communication provided for in Article 20 to that Office.

61.3 Information for the Applicant

The International Bureau shall inform the applicant in writing of the notification referred to in Rule 61.2 and of the elected Offices notified under Article 31(7).

61.4 Publication in the Gazette

The International Bureau shall, promptly after the filing of the demand but not before the international publication of the international application, publish in the Gazette information on the demand and the elected States concerned, as provided in the Administrative Instructions.

Rule 62

Copy of the Written Opinion by the International Searching Authority and of Amendments under Article 19 for the International Preliminary Examining Authority

62.1 Copy of Written Opinion by International Searching Authority and of Amendments Made before the Demand Is Filed

Upon receipt of a demand, or a copy thereof, from the International Preliminary Examining Authority, the International Bureau shall promptly transmit to that Authority:

(i) a copy of the written opinion established under Rule 43bis.1, unless the national Office or intergovernmental organization that acted as International Searching Authority is also acting as International Preliminary Examining Authority; and

(ii) a copy of any amendment under Article 19, and any statement referred to in that Article, unless that Authority has indicated that it has already received such a copy.

62.2 Amendments Made after the Demand Is Filed

If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments and any statement referred to in that Article. In any case, the International Bureau shall promptly transmit a copy of such amendments and statement to that Authority.

Rule 62bis

Translation for the International Preliminary Examining Authority of the Written Opinion of the International Searching Authority

62bis.1 Translation and Observations

(a) Upon request of the International Preliminary Examining Authority, the written opinion established under Rule 43bis.1 shall, when not in English or in a language accepted by that Authority, be translated into English by or under the responsibility of the International Bureau.

(b) The International Bureau shall transmit a copy of the translation to the International Preliminary Examining Authority within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

(c) The applicant may make written observations as to the correctness of the translation and shall send a copy of the observations to the International Preliminary Examining Authority and to the International Bureau.

Rule 63**Minimum Requirements for International Preliminary Examining Authorities****63.1 Definition of Minimum Requirements**

The minimum requirements referred to in Article 32(3) shall be the following:

- (i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out examinations;
- (ii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;
- (iii) that Office or organization must have a staff which is capable of examining in the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;
- (iv) that Office or organization must hold an appointment as an International Searching Authority.

Rule 64**Prior Art for International Preliminary Examination****64.1 Prior Art**

- (a) For the purposes of Article 33(2) and (3), everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) shall be considered prior art provided that such making available occurred prior to the relevant date.
- (b) For the purposes of paragraph (a), the relevant date will be:
 - (i) subject to item (ii), the international filing date of the international application under international preliminary examination;
 - (ii) where the international application under international preliminary examination validly claims the priority of an earlier application, the filing date of such earlier application.

64.2 Non-Written Disclosures

In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public on a date which is the same as, or later than, the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

64.3 Certain Published Documents

In cases where any application or any patent which would constitute prior art for the purposes of Article 33(2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published on a date which is the same as, or later than, the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Rule 65**Inventive Step or Non-Obviousness****65.1 Approach to Prior Art**

For the purposes of Article 33(3), the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim's relation not only to individual documents or parts thereof taken separately but also its relation to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

65.2 Relevant Date

For the purposes of Article 33(3), the relevant date for the consideration of inventive step (non-obviousness) is the date prescribed in Rule 64.1.

Rule 66

Procedure before the International Preliminary Examining Authority

66.1 Basis of the International Preliminary Examination

(a) Subject to paragraphs (b) to (d), the international preliminary examination shall be based on the international application as filed.

(b) The applicant may submit amendments under Article 34 at the time of filing the demand or, subject to Rule 66.4bis, until the international preliminary examination report is established.

(c) Any amendments under Article 19 made before the demand was filed shall be taken into account for the purposes of the international preliminary examination unless superseded, or considered as reversed, by an amendment under Article 34.

(d) Any amendments under Article 19 made after the demand was filed and any amendments under Article 34 submitted to the International Preliminary Examining Authority shall, subject to Rule 66.4bis, be taken into account for the purposes of the international preliminary examination.

(e) Claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination.

66.1 bis Written Opinion of the International Searching Authority

(a) Subject to paragraph (b), the written opinion established by the International Searching Authority under Rule 43bis.1 shall be considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a).

(b) An International Preliminary Examining Authority may notify the International Bureau that paragraph (a) shall not apply to the procedure before it in respect of written opinions established under Rule 43bis.1 by the International Searching Authority or Authorities specified in the notification, provided that such a notification shall not apply to cases where the national Office or intergovernmental organization that acted as International Searching Authority is also acting as International Preliminary Examining Authority. The International Bureau shall promptly publish any such notification in the Gazette.¹⁷

(c) Where the written opinion established by the International Searching Authority under Rule 43bis.1 is not, by virtue of a notification under paragraph (b), considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a), the International Preliminary Examining Authority shall notify the applicant accordingly in writing.

(d) A written opinion established by the International Searching Authority under Rule 43bis.1 which is not, by virtue of a notification under paragraph (b), considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a) shall nevertheless be taken into account by the International Preliminary Examining Authority in proceeding under Rule 66.2(a).

66.2 Written Opinion of the International Preliminary Examining Authority

(a) If the International Preliminary Examining Authority

(i) considers that any of the situations referred to in Article 34(4) exists,

(ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,

(iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,

(iv) considers that any amendment goes beyond the disclosure in the international application as filed,

¹⁷ Editor's Note: This information is also published on the WIPO web site at:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

(vi) considers that a claim relates to an invention in respect of which no international search report has been established and has decided not to carry out the international preliminary examination in respect of that claim, or

(vii) considers that a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out,

the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

(b) The notification shall fully state the reasons for the opinion of the International Preliminary Examining Authority.

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments.

(d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be two months after the date of notification. In no case shall it be shorter than one month after the said date. It shall be at least two months after the said date where the international search report is transmitted at the same time as the notification. It shall, subject to paragraph (e), not be more than three months after the said date.

(e) The time limit for replying to the notification may be extended if the applicant so requests before its expiration.

66.3 Formal Response to the International Preliminary Examining Authority

(a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or—if he disagrees with the opinion of that Authority—by submitting arguments, as the case may be, or do both.

(b) Any response shall be submitted directly to the International Preliminary Examining Authority.

66.4 Additional Opportunity for Submitting Amendments or Arguments

(a) If the International Preliminary Examining Authority wishes to issue one or more additional written opinions, it may do so, and Rules 66.2 and 66.3 shall apply.

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or arguments.

66.4bis Consideration of Amendments and Arguments

Amendments or arguments need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received after that Authority has begun to draw up that opinion or report.

66.5 Amendment

Any change, other than the rectification of obvious errors, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

66.6 Informal Communications with the Applicant

The International Preliminary Examining Authority may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant. The said Authority shall, at its discretion, decide whether it wishes to grant more than one personal interview if so requested by the applicant, or whether it wishes to reply to any informal written communication from the applicant.

66.7 Copy and Translation of Earlier Application Whose Priority Is Claimed

(a) If the International Preliminary Examining Authority needs a copy of the earlier application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy. If that copy is not furnished to the International Preliminary Examining Authority because the applicant failed to comply with the requirements of Rule 17.1, and if that earlier application was not filed with that Authority in its capacity as a national Office or the priority document is not available to that Authority from a digital library in accordance with the Administrative Instructions, the international preliminary examination report may be established as if the priority had not been claimed.

(b) If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the International Preliminary Examining Authority, that Authority may, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), invite the applicant to furnish a translation in the said language or one of the said languages within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

66.8 Form of Amendments

(a) Subject to paragraph (b), the applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets and shall preferably also explain the reasons for the amendment.

(b) Where the amendment consists in the deletion of passages or in minor alterations or additions, the replacement sheet referred to in paragraph (a) may be a copy of the relevant sheet of the international application containing the alterations or additions, provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter which shall preferably also explain the reasons for the amendment.

66.9 Language of Amendments

(a) Subject to paragraphs (b) and (c), if the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8, shall be submitted in the language of publication.

(b) If the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, any amendment, as well as any letter referred to in paragraph (a), shall be submitted in the language of that translation.

(c) Subject to Rule 55.3, if an amendment or letter is not submitted in a language as required under paragraph (a) or (b), the International Preliminary Examining Authority shall, if practicable having regard to the time limit for establishing the international preliminary examination report, invite the applicant to furnish the amendment or letter in the required language within a time limit which shall be reasonable under the circumstances.

(d) If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish an amendment in the required language, the amendment shall not be taken into account for the purposes of the international preliminary examination. If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish a letter referred to in paragraph (a) in the required language, the amendment concerned need not be taken into account for the purposes of the international preliminary examination.

Rule 67 Subject Matter under Article 34(4)(a)(i)

67.1 Definition

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games;

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods;

(v) mere presentations of information;

(vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs.

Rule 68

Lack of Unity of Invention (International Preliminary Examination)

68.1 No Invitation to Restrict or Pay

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall proceed with the international preliminary examination, subject to Article 34(4)(b) and Rule 66.1(e), in respect of the entire international application, but shall indicate, in any written opinion and in the international preliminary examination report, that it considers that the requirement of unity of invention is not fulfilled and it shall specify the reasons therefor.

68.2 Invitation to Restrict or Pay

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, the invitation shall:

(i) specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement;

(ii) specify the reasons for which the international application is not considered as complying with the requirement of unity of invention;

(iii) invite the applicant to comply with the invitation within one month from the date of the invitation;

(iv) indicate the amount of the required additional fees to be paid in case the applicant so chooses; and

(v) invite the applicant to pay, where applicable, the protest fee referred to in Rule 68.3(e) within one month from the date of the invitation, and indicate the amount to be paid.

68.3 Additional Fees

(a) The amount of the additional fees due for international preliminary examination under Article 34(3)(a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fees due for international preliminary examination under Article 34(3)(a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive. Such protest shall be examined by a review body constituted in the framework of the International Preliminary Examining Authority which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The membership of the review body referred to in paragraph (c) may include, but shall not be limited to, the person who made the decision which is the subject of the protest.

(e) The examination of a protest referred to in paragraph (c) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a protest fee. Where the applicant has not, within the time limit under Rule 68.2(v), paid any required protest fee, the protest shall be considered not to have been made and the International Preliminary Examining Authority shall so declare. The protest fee shall be refunded to the applicant where the review body referred to in paragraph (c) finds that the protest was entirely justified.

68.4 Procedure in the Case of Insufficient Restriction of the Claims

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34(3)(c).

68.5 Main Invention

In case of doubt which invention is the main invention for the purposes of Article 34(3)(c), the invention first mentioned in the claims shall be considered the main invention.

Rule 69

Start of and Time Limit for International Preliminary Examination

69.1 Start of International Preliminary Examination

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession of all of the following:

(i) the demand;

(ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58bis.2; and

(iii) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1; provided that the International Preliminary Examining Authority shall not start the international preliminary examination before the expiration of the applicable time limit under Rule 54bis.1(a) unless the applicant expressly requests an earlier start.

(b) If the national Office or intergovernmental organization that acts as International Searching Authority also acts as International Preliminary Examining Authority, the international preliminary examination may, if that national Office or intergovernmental organization so wishes and subject to paragraphs (d) and (e), start at the same time as the international search.

(b-bis) Where, in accordance with paragraph (b), the national Office or intergovernmental organization that acts as both International Searching Authority and International Preliminary Examining Authority wishes to start the international preliminary examination at the same time as the international search and considers that all of the conditions referred to in Article 34(2)(c)(i) to (iii) are fulfilled, that national Office or intergovernmental organization need not, in its capacity as International Searching Authority, establish a written opinion under Rule 43bis.1.

(c) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority shall not start the international preliminary examination before it has received a copy of the amendments concerned.

(d) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed (Rule 53.9(b)), the International Preliminary Examining Authority shall not start the international preliminary examination before whichever of the following occurs first:

(i) it has received a copy of any amendments made under Article 19;

(ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19; or

(iii) the expiration of the applicable time limit under Rule 46.1.

(e) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall not start the international preliminary examination before it has received the amendments or before the time limit fixed in the invitation referred to in Rule 60.1(g) has expired, whichever occurs first.

69.2 Time Limit for International Preliminary Examination

The time limit for establishing the international preliminary examination report shall be whichever of the following periods expires last:

(i) 28 months from the priority date; or

(ii) six months from the time provided under Rule 69.1 for the start of the international preliminary examination; or

(iii) six months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2.

Rule 70**International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report)****70.1 Definition**

For the purposes of this Rule, "report" shall mean international preliminary examination report.

70.2 Basis of the Report

(a) If the claims have been amended, the report shall issue on the claims as amended.

(b) If, pursuant to Rule 66.7(a) or (b), the report is established as if the priority had not been claimed, the report shall so indicate.

(c) If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure.

(d) Where claims relate to inventions in respect of which no international search report has been established and have therefore not been the subject of international preliminary examination, the international preliminary examination report shall so indicate.

70.3 Identifications

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

70.4 Dates

The report shall indicate:

(i) the date on which the demand was submitted, and

(ii) the date of the report; that date shall be the date on which the report is completed.

70.5 Classification

(a) The report shall repeat the classification given under Rule 43.3 if the International Preliminary Examining Authority agrees with such classification.

(b) Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct.

70.6 Statement under Article 35(2)

(a) The statement referred to in Article 35(2) shall consist of the words "YES" or "NO," or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35(2).

(b) If any of the three criteria referred to in Article 35(2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied.

70.7 Citations under Article 35(2)

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2), whether or not such documents are cited in the international search report. Documents cited in the international search report need only be cited in the report when they are considered by the International Preliminary Examining Authority to be relevant.

(b) The provisions of Rule 43.5(b) and (e) shall apply also to the report.

70.8 Explanations under Article 35(2)

The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35(2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

- (i) explanations shall be given whenever the statement in relation to any claim is negative;
- (ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;
- (iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6(b) obtains.

70.9 Non-Written Disclosures

Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public.

70.10 Certain Published Documents

Any published application or any patent referred to in the report by virtue of Rule 64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed.

70.11 Mention of Amendments

If, before the International Preliminary Examining Authority, amendments have been made, this fact shall be indicated in the report. Where any amendment has resulted in the cancellation of an entire sheet, this fact shall also be specified in the report.

70.12 Mention of Certain Defects and Other Matters

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

- (i) the international application contains any of the defects referred to in Rule 66.2(a)(iii), it shall include this opinion and the reasons therefor in the report;
- (ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion;
- (iii) any of the situations referred to in Article 34(4) exists, it shall state this opinion and the reasons therefor in the report;
- (iv) a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out, it shall so state in the report.

70.13 Remarks Concerning Unity of Invention

If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination. The report shall contain the indications provided for in Rule 68.1, where the International Preliminary Examining Authority chose not to invite the applicant to restrict the claims or to pay additional fees.

70.14 Authorized Officer

The report shall indicate the name of the officer of the International Preliminary Examining Authority responsible for that report.

70.15 Form; Title

(a) The physical requirements as to the form of the report shall be prescribed by the Administrative Instructions.

(b) The report shall bear the title "international preliminary report on patentability (Chapter II of the Patent Cooperation Treaty)" together with an indication that it is the international preliminary examination report established by the International Preliminary Examining Authority.

70.16 Annexes to the Report

(a) Each replacement sheet under Rule 66.8(a) or (b), each replacement sheet containing amendments under Article 19 and each replacement sheet containing rectifications of obvious errors authorized under Rule 91.1 (e)(iii) shall, unless superseded by later replacement sheets or amendments resulting in the cancellation of entire sheets under Rule 66.8(b), be annexed to the report. Replacement sheets containing amendments under Article 19 which have been considered as reversed by an amendment under Article 34 and letters under Rule 66.8 shall not be annexed.

(b) Notwithstanding paragraph (a), each superseded or reversed replacement sheet referred to in that paragraph shall also be annexed to the report where the International Preliminary Examining Authority considers that the relevant superseding or reversing amendment goes beyond the disclosure in the international application as filed and the report contains an indication referred to in Rule 70.2(c). In such a case, the superseded or reversed replacement sheet shall be marked as provided by the Administrative Instructions.

70.17 Languages of the Report and the Annexes

The report and any annex shall be in the language in which the international application to which they relate is published, or, if the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, in the language of that translation.

Rule 71 Transmittal of the International Preliminary Examination Report

71.1 Recipients

The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant.

71.2 Copies of Cited Documents

(a) The request under Article 36(4) may be presented any time during seven years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

(c) [Deleted]

(d) Any International Preliminary Examining Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

Rule 72

Translation of the International Preliminary Examination Report and of the Written Opinion of the International Searching Authority

72.1 Languages

(a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English.

(b) Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

72.2 Copy of Translation for the Applicant

The International Bureau shall transmit a copy of the translation referred to in Rule 72.1 (a) of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

72.2bis Translation of the Written Opinion of the International Searching Authority Established under Rule 43bis.1

In the case referred to in Rule 73.2(b)(ii), the written opinion established by the International Searching Authority under Rule 43bis.1 shall, upon request of the elected Office concerned, be translated into English by or under the responsibility of the International Bureau. The International Bureau shall transmit a copy of the translation to the elected Office concerned within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

72.3 Observations on the Translation

The applicant may make written observations as to the correctness of the translation of the international preliminary examination report or of the written opinion established by the International Searching Authority under Rule 43bis.1 and shall send a copy of the observations to each of the interested elected Offices and to the International Bureau.

Rule 73

Communication of the International Preliminary Examination Report or the Written Opinion of the International Searching Authority

73.1 Preparation of Copies

The International Bureau shall prepare the copies of the documents to be communicated under Article 36(3)(a).

73.2 Communication to Elected Offices

(a) The International Bureau shall effect the communication provided for in Article 36(3)(a) to each elected Office in accordance with Rule 93bis.1 but not before the expiration of 30 months from the priority date.

(b) Where the applicant makes an express request to an elected Office under Article 40(2), the International Bureau shall, upon the request of that Office or of the applicant,

(i) if the international preliminary examination report has already been transmitted to the International Bureau under Rule 71.1, promptly effect the communication provided for in Article 36(3)(a) to that Office;

(ii) if the international preliminary examination report has not been transmitted to the International Bureau under Rule 71.1, promptly communicate a copy of the written opinion established by the International Searching Authority under Rule 43bis.1 to that Office.

(c) Where the applicant has withdrawn the demand or any or all elections, the communication provided for in paragraph (a) shall nevertheless be effected, if the International Bureau has received the international preliminary examination report, to the elected Office or Offices affected by the withdrawal.

Rule 74

Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof

74.1 Contents of Translation and Time Limit for Transmittal Thereof

(a) Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report, unless such sheet is in the language of the required translation of the international application. The same time limit shall apply where the furnishing of a translation of the international application to the elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

(b) Where the furnishing under Article 39(1) of a translation of the international application is not required by the elected Office, that Office may require the applicant to furnish, within the time limit applicable under that Article, a translation into the language in which the international application was published of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report and is not in that language.

Rule 75*[Deleted]***Rule 76****Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices***76.1, 76.2 and 76.3 [Deleted]***76.4 Time Limit for Translation of Priority Document**

The applicant shall not be required to furnish to any elected Office a translation of the priority document before the expiration of the applicable time limit under Article 39.

76.5 Application of Certain Rules to Procedures before Elected Offices

Rules 13ter.3, 22.1(g), 47.1, 49, 49bis and 51bis shall apply, provided that:

- (i) any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;
- (ii) any reference in the said Rules to Article 22 or Article 24(2) shall be construed as a reference to Article 39(1) or Article 39(3), respectively;
- (iii) the words "international applications filed" in Rule 49.1(c) shall be replaced by the words "a demand submitted";
- (iv) for the purposes of Article 39(1), where an international preliminary examination report has been established, a translation of any amendment under Article 19 shall only be required if that amendment is annexed to that report;
- (v) the reference in Rule 47.1 (a) to Rule 47.4 shall be construed as a reference to Rule 61.2(d).

Rule 77**Faculty under Article 39(1)(b)****77.1 Exercise of Faculty**

(a) Any Contracting State allowing a time limit expiring later than the time limit provided for in Article 39(1)(a) shall notify the International Bureau of the time limit so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to demands submitted after the expiration of three months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of demands pending at the time or submitted after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 78**Amendment of the Claims, the Description, and the Drawings, before Elected Offices****78.1 Time Limit**

(a) The applicant shall, if he so wishes, exercise the right under Article 41 to amend the claims, the description and the drawings, before the elected Office concerned within one month from the fulfillment of the requirements under Article 39(1)(a), provided that, if the transmittal of the international preliminary examination report under Article 36(1) has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any later time if so permitted by the national law of the said State.

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

78.2 [Deleted]**78.3 Utility Models**

The provisions of Rules 6.5 and 13.5 shall apply, *mutatis mutandis*, before elected Offices. If the election was made before the expiration of the 19th month from the priority date, the reference to the time limit applicable under Article 22 is replaced by a reference to the time limit applicable under Article 39.

**PART D
RULES CONCERNING CHAPTER III OF THE TREATY****Rule 79
Calendar****79.1 Expressing Dates**

Applicants, national Offices, receiving Offices, International Searching and Preliminary Examining Authorities, and the International Bureau, shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if they use other eras and calendars, they shall also express any date in terms of the Christian era and the Gregorian calendar.

**Rule 80
Computation of Time Limits****80.1 Periods Expressed in Years**

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.2 Periods Expressed in Months

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.3 Periods Expressed in Days

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

80.4 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid.

80.5 Expiration on a Non-Working Day or Official Holiday

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day:

(i) on which such Office or organization is not open to the public for the purposes of the transaction of official business;

(ii) on which ordinary mail is not delivered in the locality in which such Office or organization is situated;

(iii) which, where such Office or organization is situated in more than one locality, is an official holiday in at least one of the localities in which such Office or organization is situated, and in circumstances where the national law applicable by that Office or organization provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day; or

(iv) which, where such Office is the government authority of a Contracting State entrusted with the granting of patents, is an official holiday in part of that Contracting State, and in circumstances where the national law applicable by that Office provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day;

the period shall expire on the next subsequent day on which none of the said four circumstances exists.

80.6 Date of Documents

Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts. Irrespective of the date on which such a document or letter was mailed, if the applicant offers to the national Office or intergovernmental organization evidence which satisfies the national Office or intergovernmental organization that the document or letter was received more than seven days after the date it bears, the national Office or intergovernmental organization shall treat the period starting from the date of the document or letter as expiring later by an additional number of days which is equal to the number of days which the document or letter was received later than seven days after the date it bears.

80.7 End of Working Day

(a) A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day.

(b) Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day.

Rule 81 Modification of Time Limits Fixed in the Treaty

81.1 Proposal

(a) Any Contracting State or the Director General may propose a modification under Article 47(2).

(b) Proposals made by a Contracting State shall be presented to the Director General.

81.2 Decision by the Assembly

(a) When the proposal is made to the Assembly, its text shall be sent by the Director General to all Contracting States at least two months in advance of that session of the Assembly whose agenda includes the proposal.

(b) During the discussion of the proposal in the Assembly, the proposal may be amended or consequential amendments proposed.

(c) The proposal shall be considered adopted if none of the Contracting States present at the time of voting votes against the proposal.

81.3 Voting by Correspondence

(a) When voting by correspondence is chosen, the proposal shall be included in a written communication from the Director General to the Contracting States, inviting them to express their vote in writing.

(b) The invitation shall fix the time limit within which the reply containing the vote expressed in writing must reach the International Bureau. That time limit shall not be less than three months from the date of the invitation.

(c) Replies must be either positive or negative. Proposals for amendments or mere observations shall not be regarded as votes.

(d) The proposal shall be considered adopted if none of the Contracting States opposes the amendment and if at least one-half of the Contracting States express either approval or indifference or abstention.

Rule 82 Irregularities in the Mail Service

82.1 Delay or Loss in Mail

(a) Any interested party may offer evidence that he has mailed the document or letter five days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within two days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

(b) If the mailing, in accordance with paragraph (a), of a document or letter is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well as the evidence concerning its identity with the document or letter lost shall be submitted within one month after the date on which the interested party noticed—or with due diligence should have noticed—the delay or the loss, and in no case later than six months after the expiration of the time limit applicable in the given case.

(d) Any national Office or intergovernmental organization which has notified the International Bureau that it will do so shall, where a delivery service other than the postal authorities is used to mail a document or letter, apply the provisions of paragraphs (a) to (c) as if the delivery service was a postal authority. In such a case, the last sentence of paragraph (a) shall not apply but evidence may be offered only if details of the mailing were recorded by the delivery service at the time of mailing. The notification may contain an indication that it applies only to mailings using specified delivery services or delivery services which satisfy specified criteria. The International Bureau shall publish the information so notified in the Gazette.

(e) Any national Office or intergovernmental organization may proceed under paragraph (d):

(i) even if, where applicable, the delivery service used was not one of those specified, or did not satisfy the criteria specified, in the relevant notification under paragraph (d), or

(ii) even if that Office or organization has not sent to the International Bureau a notification under paragraph (d).

82.2 Interruption in the Mail Service

(a) Any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

(b) If such circumstances are proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, provided that the interested party proves to the satisfaction of the said Office or organization that he effected the mailing within five days after the mail service was resumed. The provisions of Rule 82.1(c) shall apply *mutatis mutandis*.

Rule 82bis Excuse by the Designated or Elected State of Delays in Meeting Certain Time Limits

82bis.1 Meaning of "Time Limit" in Article 48(2)

The reference to "any time limit" in Article 48(2) shall be construed as comprising a reference:

(i) to any time limit fixed in the Treaty or these Regulations;

(ii) to any time limit fixed by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau or applicable by the receiving Office under its national law;

(iii) to any time limit fixed by, or in the national law applicable by, the designated or elected Office, for the performance of any act by the applicant before that Office.

82bis.2 Reinstatement of Rights and Other Provisions to Which Article 48(2) Applies

The provisions of the national law which is referred to in Article 48(2) concerning the excusing, by the designated or elected State, of any delay in meeting any time limit are those provisions which provide for reinstatement of rights, restoration, *restitutio in integrum* or further processing in spite of non-compliance with a time limit, and any other provision providing for the extension of time limits or for excusing delays in meeting time limits.

Rule 82ter**Rectification of Errors Made by the Receiving Office or by the International Bureau*****82ter.1 Errors Concerning the International Filing Date and the Priority Claim***

If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the priority claim has been erroneously considered by the receiving Office or the International Bureau not to have been made, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the priority claim had not been considered not to have been made.

**Rule 83
Right to Practice before International Authorities*****83.1 Proof of Right***

The International Bureau, the competent International Searching Authority, and the competent International Preliminary Examining Authority, may require the production of proof of the right to practice referred to in Article 49.

83.1bis Where the International Bureau Is the Receiving Office

(a) Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national shall be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office under Rule 19.1(a)(iii).

(b) Any person having the right to practice before the International Bureau in its capacity as receiving Office in respect of an international application shall be entitled to practice in respect of that application before the International Bureau in any other capacity and before the competent International Searching Authority and competent International Preliminary Examining Authority.

83.2 Information

(a) The national Office or the intergovernmental organization which the interested person is alleged to have a right to practice before shall, upon request, inform the International Bureau, the competent International Searching Authority, or the competent International Preliminary Examining Authority, whether such person has the right to practice before it.

(b) Such information shall be binding upon the International Bureau, the International Searching Authority, or the International Preliminary Examining Authority, as the case may be.

**PART E
RULES CONCERNING CHAPTER V OF THE TREATY****Rule 84
Expenses of Delegations*****84.1 Expenses Borne by Governments***

The expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it.

Rule 85 Absence of Quorum in the Assembly

85.1 Voting by Correspondence

In the case provided for in Article 53(5)(b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting States which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of that period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

Rule 86 The Gazette

86.1 Contents¹⁸

The Gazette referred to in Article 55(4) shall contain:

- (i) for each published international application, the data specified by the Administrative Instructions taken from the front page of the publication of the international application, the drawing (if any) appearing on the said front page, and the abstract;
- (ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities;
- (iii) notices the publication of which is required under the Treaty or these Regulations;
- (iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned;
- (v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

86.2 Languages; Form and Means of Publication; Timing¹⁹

(a) The Gazette shall be published in English and French at the same time. The translations shall be ensured by the International Bureau in English and French.

(b) The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

(c) The form in which and the means by which the Gazette is published shall be governed by the Administrative Instructions.

(d) The International Bureau shall ensure that, for each published international application, the information referred to in Rule 86.1(i) is published in the Gazette on, or as soon as possible after, the date of publication of the international application.

86.3 Frequency

The frequency of publication of the Gazette shall be determined by the Director General.

86.4 Sale

The subscription and other sale prices of the Gazette shall be determined by the Director General.

86.5 Title

The title of the Gazette shall be determined by the Director General.

¹⁸ Editor's Note: Rule 86.1 as in force from April 1, 2006, shall apply to issues of the Gazette published on or after April 1, 2006, regardless of the international filing dates of the international applications to which those issues relate.

¹⁹ Editor's Note: Rule 86.2 as in force from April 1, 2006, shall apply to issues of the Gazette published on or after April 1, 2006, regardless of the international filing dates of the international applications to which those issues relate.

86.6 Further Details

Further details concerning the Gazette may be provided for in the Administrative Instructions.

**Rule 87²⁰
Communication of Publications**

87.1 Communication of Publications on Request

The International Bureau shall communicate, free of charge, every published international application, the Gazette and any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations, to International Searching Authorities, International Preliminary Examining Authorities and national Offices upon request by the Authority or Office concerned. Further details concerning the form in which and the means by which publications are communicated shall be governed by the Administrative Instructions.

**Rule 88
Amendment of the Regulations**

88.1 Requirement of Unanimity

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

- (i) Rule 14.1 (Transmittal Fee),
- (ii) [deleted]
- (iii) Rule 22.3 (Time Limit under Article 12(3)),
- (iv) Rule 33 (Relevant Prior Art for International Search),
- (v) Rule 64 (Prior Art for International Preliminary Examination),
- (vi) Rule 81 (Modification of Time Limits Fixed in the Treaty),
- (vii) the present paragraph (i.e., Rule 88.1).

88.2 [Deleted]**88.3 Requirement of Absence of Opposition by Certain States**

Amendment of the following provisions of these Regulations shall require that no State referred to in Article 58(3)(a)(ii) and having the right to vote in the Assembly vote against the proposed amendment:

- (i) Rule 34 (Minimum Documentation),
- (ii) Rule 39 (Subject Matter under Article 17(2)(a)(i)),
- (iii) Rule 67 (Subject Matter under Article 34(4)(a)(i)),
- (iv) the present paragraph (i.e., Rule 88.3).

88.4 Procedure

Any proposal for amending a provision referred to in Rules 88.1 or 88.3 shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least two months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

**Rule 89
Administrative Instructions**

89.1 Scope

- (a) The Administrative Instructions shall contain provisions:
 - (i) concerning matters in respect of which these Regulations expressly refer to such Instructions,
 - (ii) concerning any details in respect of the application of these Regulations.

²⁰ Editor's Note: Rule 87 as in force from April 1, 2006, shall apply to the communication of international applications, the Gazette and other publications on or after April 1, 2006, regardless, where applicable, of the international filing dates of the international applications concerned.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

89.2 Source

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

89.3 Publication and Entry into Force

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

PART F RULES CONCERNING SEVERAL CHAPTERS OF THE TREATY

Rule 89bis

Filing, Processing and Communication of International Applications and Other Documents in Electronic Form or by Electronic Means

89bis.1 International Applications

(a) International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions, provided that any receiving Office shall permit the filing of international applications on paper.

(b) These Regulations shall apply *mutatis mutandis* to international applications filed in electronic form or by electronic means, subject to any special provisions of the Administrative Instructions.

(c) The Administrative Instructions shall set out the provisions and requirements in relation to the filing and processing of international applications filed, in whole or in part, in electronic form or by electronic means, including but not limited to, provisions and requirements in relation to acknowledgement of receipt, procedures relating to the according of an international filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with Offices and authorities, and the operation of Article 12 in relation to the home copy, the record copy and the search copy, and may contain different provisions and requirements in relation to international applications filed in different languages.

(d) No national Office or intergovernmental organization shall be obliged to receive or process international applications filed in electronic form or by electronic means unless it has notified the International Bureau that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions. The International Bureau shall publish the information so notified in the Gazette.

(e) No receiving Office which has given the International Bureau a notification under paragraph (d) may refuse to process an international application filed in electronic form or by electronic means which complies with the applicable requirements under the Administrative Instructions.

89bis.2 Other Documents

Rule 89bis.1 shall apply *mutatis mutandis* to other documents and correspondence relating to international applications.

89bis.3 Communication between Offices

Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal ("communication") of an international application, notification, communication, correspondence or other document by one national Office or intergovernmental organization to another, such communication may, where so agreed by both the sender and the receiver, be effected in electronic form or by electronic means.

Rule 89ter
Copies in Electronic Form of Documents Filed on Paper

89ter.1 Copies in Electronic Form of Documents Filed on Paper

Any national Office or intergovernmental organization may provide that, where an international application or other document relating to an international application is filed on paper, a copy thereof in electronic form, in accordance with the Administrative Instructions, may be furnished by the applicant.

Rule 90
Agents and Common Representatives

90.1 Appointment as Agent

(a) A person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the International Bureau as receiving Office may be appointed by the applicant as his agent to represent him before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

(b) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(c) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Preliminary Examining Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed or to practice in respect of the international application before the International Bureau as receiving Office, as the case may be;

(ii) specifically before the International Searching Authority or the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority or International Preliminary Examining Authority, as the case may be.

90.2 Common Representative

(a) Where there are two or more applicants and the applicants have not appointed an agent representing all of them (a "common agent") under Rule 90.1 (a), one of the applicants who is entitled to file an international application according to Article 9 may be appointed by the other applicants as their common representative.

(b) Where there are two or more applicants and all the applicants have not appointed a common agent under Rule 90.1 (a) or a common representative under paragraph (a), the applicant first named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office shall be considered to be the common representative of all the applicants.

90.3 Effects of Acts by or in Relation to Agents and Common Representatives

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants concerned.

(b) If there are two or more agents representing the same applicant or applicants, any act by or in relation to any of those agents shall have the effect of an act by or in relation to the said applicant or applicants.

(c) Subject to Rule 90bis.5(a), second sentence, any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

90.4 Manner of Appointment of Agent or Common Representative

(a) The appointment of an agent shall be effected by the applicant signing the request, the demand or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative shall be effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney.

(b) Subject to Rule 90.5, a separate power of attorney shall be submitted to either the receiving Office or the International Bureau, provided that, where a power of attorney appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be submitted to the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

(c) If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

(d) Subject to paragraph (e), any receiving Office, any International Searching Authority, any International Preliminary Examining Authority and the International Bureau may waive the requirement under paragraph (b) that a separate power of attorney be submitted to it, in which case paragraph (c) shall not apply.

(e) Where the agent or the common representative submits any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4, the requirement under paragraph (b) for a separate power of attorney shall not be waived under paragraph (d).

90.5 General Power of Attorney

(a) Appointment of an agent in relation to a particular international application may be effected by referring in the request, the demand or a separate notice to an existing separate power of attorney appointing that agent to represent the applicant in relation to any international application which may be filed by that applicant (i.e., a "general power of attorney"), provided that:

(i) the general power of attorney has been deposited in accordance with paragraph (b), and
(ii) a copy of it is attached to the request, the demand or the separate notice, as the case may be; that copy need not be signed.

(b) The general power of attorney shall be deposited with the receiving Office, provided that, where it appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be deposited with the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

(c) Any receiving Office, any International Searching Authority and any International Preliminary Examining Authority may waive the requirement under paragraph (a)(ii) that a copy of the general power of attorney is attached to the request, the demand or the separate notice, as the case may be.

(d) Notwithstanding paragraph (c), where the agent submits any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 to the receiving Office, the International Searching Authority or the International Preliminary Examining Authority, a copy of the general power of attorney shall be submitted to that Office or Authority.

90.6 Revocation and Renunciation

(a) Any appointment of an agent or common representative may be revoked by the persons who made the appointment or by their successors in title, in which case any appointment of a sub-agent under Rule 90.1(d) by that agent shall also be considered as revoked. Any appointment of a sub-agent under Rule 90.1(d) may also be revoked by the applicant concerned.

(b) The appointment of an agent under Rule 90.1 (a) shall, unless otherwise indicated, have the effect of revoking any earlier appointment of an agent made under that Rule.

(c) The appointment of a common representative shall, unless otherwise indicated, have the effect of revoking any earlier appointment of a common representative.

(d) An agent or a common representative may renounce his appointment by a notification signed by him.

(e) Rule 90.4(b) and (c) shall apply, *mutatis mutandis*, to a document containing a revocation or renunciation under this Rule.

**Rule 90bis
Withdrawals*****90bis.1 Withdrawal of the International Application***

(a) The applicant may withdraw the international application at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(c) No international publication of the international application shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

90bis.2 Withdrawal of Designations

(a) The applicant may withdraw the designation of any designated State at any time prior to the expiration of 30 months from the priority date. Withdrawal of the designation of a State which has been elected shall entail withdrawal of the corresponding election under Rule 90bis.4.

(b) Where a State has been designated for the purpose of obtaining both a national patent and a regional patent, withdrawal of the designation of that State shall be taken to mean withdrawal of only the designation for the purpose of obtaining a national patent, except where otherwise indicated.

(c) Withdrawal of the designations of all designated States shall be treated as withdrawal of the international application under Rule 90bis.1.

(d) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(e) No international publication of the designation shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

90bis.3 Withdrawal of Priority Claims

(a) The applicant may withdraw a priority claim, made in the international application under Article 8(1), at any time prior to the expiration of 30 months from the priority date.

(b) Where the international application contains more than one priority claim, the applicant may exercise the right provided for in paragraph (a) in respect of one or more or all of the priority claims.

(c) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(d) Where the withdrawal of a priority claim causes a change in the priority date, any time limit which is computed from the original priority date and which has not already expired shall, subject to paragraph (e), be computed from the priority date resulting from that change.

(e) In the case of the time limit referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau after the completion of the technical preparations for international publication.

90bis.4 Withdrawal of the Demand, or of Elections

(a) The applicant may withdraw the demand or any or all elections at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective upon receipt of a notice addressed by the applicant to the International Bureau.

(c) If the notice of withdrawal is submitted by the applicant to the International Preliminary Examining Authority, that Authority 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 submitted to the International Bureau on the date marked.

90bis.5 Signature

(a) Any notice of withdrawal referred to in Rules *90bis.1* to *90bis.4* shall, subject to paragraph (b), be signed by the applicant or, if there are two or more applicants, by all of them. An applicant who is considered to be the common representative under Rule 90.2(b) shall, subject to paragraph (b), not be entitled to sign such a notice on behalf of the other applicants.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor could not be found or reached after diligent effort, a notice of withdrawal referred to in Rules *90bis.1* to *90bis.4* need not be signed by that applicant ("the applicant concerned") if it is signed by at least one applicant and

(i) a statement is furnished explaining, to the satisfaction of the receiving Office, the International Bureau or the International Preliminary Examining Authority, as the case may be, the lack of signature of the applicant concerned, or

(ii) in the case of a notice of withdrawal referred to in Rule *90bis.1(b)*, *90bis.2(d)* or *90bis.3(c)*, the applicant concerned did not sign the request but the requirements of Rule 4.15(b) were complied with, or

(iii) in the case of a notice of withdrawal referred to in Rule *90bis.4(b)*, the applicant concerned did not sign the demand but the requirements of Rule 53.8(b) were complied with.

90bis.6 Effect of Withdrawal

(a) Withdrawal under Rule *90bis* of the international application, any designation, any priority claim, the demand or any election shall have no effect in any designated or elected Office where the processing or examination of the international application has already started under Article 23(2) or Article 40(2).

(b) Where the international application is withdrawn under Rule *90bis.1*, the international processing of the international application shall be discontinued.

(c) Where the demand or all elections are withdrawn under Rule *90bis.4*, the processing of the international application by the International Preliminary Examining Authority shall be discontinued.

90bis.7 Faculty under Article 37(4)(b)

(a) Any Contracting State whose national law provides for what is described in the second part of Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification referred to in paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than one month after the date of such publication.

Rule 91 Obvious Errors in Documents

91.1 Rectification²¹

(a) Subject to paragraphs (b) to (*g-quater*), obvious errors in the international application or other papers submitted by the applicant may be rectified.

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) Omissions of entire elements or sheets of the international application, even if clearly resulting from inattention, at the stage, for example, of copying or assembling sheets, shall not be rectifiable.

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error may invite the applicant to present a request for rectification as provided in paragraphs (e) to (*g-quater*). Rule 26.4 shall apply *mutatis mutandis* to the manner in which rectifications shall be requested.

²¹ Editor's Note: Rule 91.1 as in force from April 1, 2006, shall apply to international applications whose international filing date is on or after April 1, 2006, as well as to international applications whose international filing date is before April 1, 2006, and whose communication under Article 20 is on or after April 1, 2006.

(e) No rectification shall be made except with the express authorization:

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) Any authority which authorizes or refuses any rectification shall promptly notify the applicant of the authorization or refusal and, in the case of refusal, of the reasons therefor. The authority which authorizes a rectification shall promptly notify the International Bureau accordingly. Where the authorization of the rectification was refused, the International Bureau shall, upon request made by the applicant prior to the time relevant under paragraph (g-bis), (g-ter) or (g-quater) and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish the request for rectification together with the international application. A copy of the request for rectification shall be included in the communication under Article 20 where the international application is not published by virtue of Article 64(3).

(g) The authorization for rectification referred to in paragraph (e) shall, subject to paragraphs (g-bis), (g-ter) and (g-quater), be effective:

(i) where it is given by the receiving Office or by the International Searching Authority, if its notification to the International Bureau reaches that Bureau before the expiration of 17 months from the priority date;

(ii) where it is given by the International Preliminary Examining Authority, if it is given before the establishment of the international preliminary examination report;

(iii) where it is given by the International Bureau, if it is given before the expiration of 17 months from the priority date.

(g-bis) If the notification made under paragraph (g)(i) reaches the International Bureau, or if the rectification made under paragraph (g)(iii) is authorized by the International Bureau, after the expiration of 17 months from the priority date but before the technical preparations for international publication have been completed, the authorization shall be effective and the rectification shall be incorporated in the said publication.

(g-ter) Where the applicant has asked the International Bureau to publish his international application before the expiration of 18 months from the priority date, any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the completion of the technical preparations for international publication.

(g-quater) Where the international application is not published by virtue of Article 64(3), any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be authorized by, the International Bureau, in order for the authorization to be effective, not later than at the time of the communication of the international application under Article 20.

Rule 92 Correspondence

92.1 Need for Letter and for Signature

(a) Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application itself, shall, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant.

(b) If the requirements provided for in paragraph (a) are not complied with, the applicant shall be informed as to the non-compliance and invited to remedy the omission within a time limit fixed in the invitation. The time limit so fixed shall be reasonable in the circumstances; even where the time limit so fixed expires later than the time limit applying to the furnishing of the paper (or even if the latter time limit has already expired), it shall not be less than 10 days and not 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 shall be disregarded; otherwise, the applicant shall be informed that the paper has been disregarded.

(c) Where non-compliance with the requirements provided for in paragraph (a) has been overlooked and the paper taken into account in the international procedure, the non-compliance shall be disregarded.

92.2 Languages

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 23.1(b) or furnished under Rule 55.2, the language of such translation shall be used.

(b) Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

(c) [Deleted]

(d) Any letter from the applicant to the International Bureau shall be in English or French.

(e) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

92.3 Mailings by National Offices and Intergovernmental Organizations

Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within two days from mailing or where air mail service is not available.

92.4 Use of Telegraph, Teleprinter, Facsimile Machine, Etc.

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication resulting in the filing of a printed or written document.

(b) A signature appearing on a document transmitted by facsimile machine shall be recognized for the purposes of the Treaty and these Regulations as a proper signature.

(c) Where the applicant has attempted to transmit a document by any of the means referred to in paragraph (a) but part or all of the received document is illegible or part of the document is not received, the document shall be treated as not having been received to the extent that the received document is illegible or that the attempted transmission failed. The national Office or intergovernmental organization shall promptly notify the applicant accordingly.

(d) Any national Office or intergovernmental organization may require that the original of any document transmitted by any of the means referred to in paragraph (a) and an accompanying letter identifying that earlier transmission be furnished within 14 days from the date of the transmission, provided that such requirement has been notified to the International Bureau and the International Bureau has published information thereon in the Gazette. The notification shall specify whether such requirement concerns all or only certain kinds of documents.

(e) Where the applicant fails to furnish the original of a document as required under paragraph (d), the national Office or intergovernmental organization concerned may, depending on the kind of document transmitted and having regard to Rules 11 and 26.3,

(i) waive the requirement under paragraph (d), or

(ii) invite the applicant to furnish, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation, the original of the document transmitted, provided that, where the document transmitted contains defects, or shows that the original contains defects, in respect of which the national Office or intergovernmental organization may issue an invitation to correct, that Office or organization may issue such an invitation in addition to, or instead of, proceeding under item (i) or (ii).

(f) Where the furnishing of the original of a document is not required under paragraph (d) but the national Office or intergovernmental organization considers it necessary to receive the original of the said document, it may issue an invitation as provided for under paragraph (e)(ii).

(g) If the applicant fails to comply with an invitation under paragraph (e)(ii) or(f):

(i) where the document concerned is the international application, the latter shall be considered withdrawn and the receiving Office shall so declare;

(ii) where the document concerned is a document subsequent to the international application, the document shall be considered as not having been submitted.

(h) No national Office or intergovernmental organization shall be obliged to receive any document submitted by a means referred to in paragraph (a) unless it has notified the International Bureau that it is prepared to receive such a document by that means and the International Bureau has published information thereon in the Gazette.

Rule 92bis

Recording of Changes in Certain Indications in the Request or the Demand

92bis.1 Recording of Changes by the International Bureau

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

(i) person, name, residence, nationality or address of the applicant,

(ii) person, name or address of the agent, the common representative or the inventor.

(b) The International Bureau shall not record the requested change if the request for recording is received by it after the expiration of 30 months from the priority date.

Rule 93

Keeping of Records and Files

93.1 The Receiving Office

Each receiving Office shall keep the records relating to each international application or purported international application, including the home copy, for at least 10 years from the international filing date or, where no international filing date is accorded, from the date of receipt.

93.2 The International Bureau

(a) The International Bureau shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

(b) The basic records of the International Bureau shall be kept indefinitely.

93.3 The International Searching and Preliminary Examining Authorities

Each International Searching Authority and each International Preliminary Examining Authority shall keep the file of each international application it receives for at least 10 years from the international filing date.

93.4 Reproductions

For the purposes of this Rule, records, copies and files may be kept as photographic, electronic or other reproductions, provided that the reproductions are such that the obligations to keep records, copies and files under Rules 93.1 to 93.3 are met.

Rule 93bis

Manner of Communication of Documents

93bis.1 Communication on Request; Communication via Digital Library

(a) Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal ("communication") of an international application, notification, communication, correspondence or other document ("document") by the International Bureau to any designated or elected Office, such communication shall be effected only upon request by the Office concerned and at the time specified by that Office. Such request may be made in relation to individually specified documents or a specified class or classes of documents.

(b) A communication under paragraph (a) shall, where so agreed by the International Bureau and the designated or elected Office concerned, be considered to be effected at the time when the International Bureau makes the document available to that Office in electronic form in a digital library, in accordance with the Administrative Instructions, from which that Office is entitled to retrieve that document.

**Rule 94²²
Access to Files****94.1 Access to the File Held by the International Bureau**

(a) At the request of the applicant or any person authorized by the applicant, the International Bureau shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

(b) The International Bureau shall, at the request of any person but not before the international publication of the international application and subject to Article 38 and Rule 44ter.1, furnish, subject to the reimbursement of the cost of the service, copies of any document contained in its file.

(c)²³ The International Bureau shall, if so requested by an elected Office, furnish copies of the international preliminary examination report under paragraph (b) on behalf of that Office. The International Bureau shall promptly publish details of any such request in the Gazette.²⁴

94.2 Access to the File Held by the International Preliminary Examining Authority

At the request of the applicant or any person authorized by the applicant, or, once the international preliminary examination report has been established, of any elected Office, the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

94.3 Access to the File Held by the Elected Office

If the national law applicable by any elected Office allows access by third parties to the file of a national application, that Office may allow access to any documents relating to the international application, including any document relating to the international preliminary examination, contained in its file, to the same extent as provided by the national law for access to the file of a national application, but not before the international publication of the international application. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

**Rule 95
Availability of Translations****95.1 Furnishing of Copies of Translations**

(a) At the request of the International Bureau, any designated or elected Office shall provide it with a copy of the translation of the international application furnished by the applicant to that Office.

(b) The International Bureau may, upon request and subject to reimbursement of the cost, furnish to any person copies of the translations received under paragraph (a).

²² Editor's Note: Rule 94 as in force from July 1, 1998, applies only in respect of international applications filed on or after that date. Rule 94 as in force until June 30, 1998, continues to apply after that date in respect of international applications filed until that date. The text of Rule 94 as in force until June 30, 1998, is reproduced below:

"Rule 94**Furnishing of Copies by the International Bureau and the International Preliminary Examining Authority****94.1 Obligation to Furnish**

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application."

²³ Editor's Note: Rule 94.1(c) as in force from January 1, 2004, applies to international applications filed on or after that date. Rule 94.1(c) also applies to the furnishing on or after January 1, 2004, of copies of the international preliminary examination report in respect of any international application, whether the international filing date of the application is before, on or after January 1, 2004.

²⁴ Editor's Note: Information concerning which elected Offices have requested the International Bureau to furnish copies of international preliminary examination reports on their behalf is also published on the WIPO web site at:

www.wipo.int/pct/en/texts/pdf/access_iper.pdf.

Rule 96**The Schedule of Fees*****96.1 Schedule of Fees Annexed to Regulations***

The amounts of the fees referred to in Rules 15 and 57 shall be expressed in Swiss currency. They shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

SCHEDEULE OF FEES
(to enter into force on 12 October 2006)

Fees

1. International filing fee: (Rule 15.2)	1,400 Swiss francs plus 15 Swiss francs for each sheet of the international application in excess of 30 sheets
2. Handling fee: (Rule 57.2)	200 Swiss francs

Reductions

3. The international filing fee is reduced by the following amount if the international application is, as provided for in the Administrative Instructions, filed:
 - (a) on paper together with a copy in electronic form, in character coded format, of the request and the abstract: 100 Swiss francs
 - (b) in electronic form, the request not being in character coded format: 100 Swiss francs
 - (c) in electronic form, the request being in character coded format: 200 Swiss francs
 - (d) in electronic form, the request, description, claims and abstract being in character coded format: 300 Swiss francs
 4. The international filing fee (where applicable, as reduced under item 3) and the handling fee are reduced by 75% if the international application is filed by:
 - (a) an applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); or
 - (b) an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations;
- provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b).

**Pravilnik za izvajanje
Pogodbe o sodelovanju na področju patentov**
(veljaven od 1. aprila 2006)

Opomba izdajatelja: Podrobnosti v zvezi s spremembami Pravilnika za izvajanje Pogodbe o sodelovanju na področju patentov ter sklepe skupščine Mednarodne unije za sodelovanje na področju patentov (skupščina PCT) o njihovi uveljavitvi in o prehodnih ureditvah lahko najdete v posameznih poročilih skupščine PCT, ki so na voljo pri Mednarodnem uradu ali na Wipovi spletni strani: www.wipo.int/pct/en/meetings/assemblies/reports.htm. Podrobnosti v zvezi s prehodno ureditvijo pri tistih dopolnitvah, ki bi ob objavi tega besedila utegnile veljati za več mednarodnih prijav, so vključene v besedilo kot opombe izdajatelja.

Določbe, ki so bile izbrisane iz prej veljavnega besedila, so označene le, če je to potrebno, da ne nastane praznina pri oštrevljenju.

Pravilnik za izvajanje Pogodbe o sodelovanju na področju patentov

(veljaven od 1. aprila 2006)*

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* Sprejet 19. junija 1970 in spremenjen 14. aprila 1978, 3. oktobra 1978, 1. maja 1979, 16. junija 1980, 26. septembra 1980, 3. julija 1981, 10. septembra 1982, 4. oktobra 1983, 3. februarja 1984, 28. septembra 1984, 1. oktobra 1985, 12. julija 1991, 2. oktobra 1991, 29. septembra 1992, 29. septembra 1993, 3. oktobra 1995, 1. oktobra 1997, 15. septembra 1998, 29. septembra 1999, 17. marca 2000, 3. oktobra 2000, 3. oktobra 2001, 1. oktobra 2002, 1. oktobra 2003, 5. oktobra 2004 in 5. oktobra 2005.

** Prikaz vsebine in opombe izdajatelja so dodani za pomoč bralcu in niso sestavni del pravilnika.

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- 24.1 [črtano]*
- 24.2 Uradno obvestilo o prejemu arhivskega izvoda*

25. PRAVILO**PREJEM POIZVEDBENEGA IZVODA V USTANOVNI ZA MEDNARODNO POIZVEDBO**

- 25.1 Uradno obvestilo o prejemu poizvedbenega izvoda*

26. PRAVILO**PREVERJANJE IN POPRAVLJANJE NEKATERIH SESTAVIN MEDNARODNE PRIJAVE PRED PREJEMNIM URADOM**

- 26.1 Rok za preverjanje*
- 26.2 Rok za odpravo pomanjkljivosti*
- 26.2 a Preverjanje zahtev po točkah (i) in (ii) pododstavka (a) prvega odstavka 14. člena*
- 26.3 Preverjanje zahtev glede oblike po točki (v) pododstavka (a) prvega odstavka 14. člena*
- 26.3 a Poziv po pododstavku (b) prvega odstavka 14. člena za odpravo pomanjkljivosti po 11. pravilu*
- 26.3 b Poziv za odpravo pomanjkljivosti po točki (i) četrtega odstavka 3. člena*
- 26.4 Postopek*
- 26.5 Odločitev prejemnega urada*
- 26.6 Manjkajoče skice*

26. A PRAVILO**POPRAVLJANJE ALI DODAJANJE ZAHTEVE ZA PREDNOST**

- 26. a 1 Popravljanje ali dodajanje zahteve za prednost*
- 26. a 2 Poziv za odpravo pomanjkljivosti v zahtevah za prednost⁷*

26. B PRAVILO**POPRAVLJANJE ALI DODAJANJE IZJAV PO SEDEMNAJSTEM ODSTAVKU 4. PRAVILA**

- 26. b 1 Popravljanje ali dodajanje izjav*
- 26. b 2 Obravnavanje izjav*

27. PRAVILO

NEPLAČILO PRISTOJBIN

27.1 Pristojbine

28. PRAVILO

POMANJKLJIVOSTI, KI JIH UGOTOVI MEDNARODNI URAD

28.1 Opozorilo na nekatere pomanjkljivosti

29. PRAVILO

MEDNARODNA PRIJAVA, KI SE ŠTEJE ZA UMAKNJENO

*29.1 Ugotovitev prejemnega urada**29.2 [črtano]**29.3 Opozarjanje prejemnega urada na nekatera dejstva**29.4 Obvestilo o nameri za pripravo izjave po četrtem odstavku 14. člena*

30. PRAVILO

ROK PO ČETRTEM ODSTAVKU 14. ČLENA

30.1 Rok

31. PRAVILO

IZVODI, ZAHTEVANI PO 13. ČLENU

*31.1 Zahteva za izvode**31.2 Priprava izvodov*

32. PRAVILO

RAZŠIRITEV UČINKOV MEDNARODNE PRIJAVE NA NEKATERE DRŽAVE NASLEDNICE

*32.1 Razširitev mednarodne prijave na državo naslednico**32.2 Učinki razširitve na državo naslednico*

33. PRAVILO

STANJE TEHNIKE, KI SE UPOŠTEVA PRI MEDNARODNI POIZVEDBI

*33.1 Stanje tehnike, ki se upošteva pri mednarodni poizvedbi**33.2 Področja, ki jih mora zajeti mednarodna poizvedba**33.3 Smer mednarodne poizvedbe*

34. PRAVILO

NAJNUJNEJŠA DOKUMENTACIJA

34.1 Opredelitev

35. PRAVILO

PRISTOJNA USTANOVA ZA MEDNARODNO POIZVEDBO

*35.1 Kadar je pristojna samo ena ustanova za mednarodno poizvedbo**35.2 Kadar je pristojnih več ustanov za mednarodno poizvedbo**35.3 Kadar je Mednarodni urad prejemni urad po točki (iii) pododstavka (a) prvega odstavka 19. pravila*

36. PRAVILO

NAJNUJNEJŠE ZAHTEVE ZA USTANOVE ZA MEDNARODNO POIZVEDBO

36.1 Opredelitev najnujnejših zahtev

37. PRAVILO

MANJKAOČ ALI POMANJKLJIV NAZIV

*37.1 Manjkajoč naziv**37.2 Sestava naziva*

38. PRAVILO

MANJKAOČ ALI POMANJKLJIV POVZETEK

*38.1 Manjkajoč povzetek**38.2 Sestava povzetka*

39. PRAVILO

PREDMET IZUMA PO TOČKI (I) PODODSTAVKA (A) DRUGEGA ODSTAVKA 17. ČLENA

39.1 Opredelitev

40. PRAVILO

NEENOTNOST IZUMA (MEDNARODNA POIZVEDBA)

*40.1 Poziv za plačilo dodatnih pristojbin; rok**40.2 Dodatne pristojbine*

41. PRAVILO**PREJŠNJA POIZVEDBA, KI NI MEDNARODNA***41.1 Obvezna uporaba izsledkov; vračilo pristojbine***42. PRAVILO****ROK ZA MEDNARODNO POIZVEDBO***42.1 Rok za mednarodno poizvedbo***43. PRAVILO****POROČILO O MEDNARODNI POIZVEDBI***43.1 Oznake**43.2 Datumi**43.3 Klasifikacija**43.4 Jezik**43.5 Navedbe**43.6 Zajeta področja**43.7 Opombe, ki se nanašajo na enotnost izuma**43.8 Pooblaščeni uslužbenec**43.9 Dodatni elementi**43.10 Oblika***43. A PRAVILO****PISNO MNENJE USTANOVE ZA MEDNARODNO POIZVEDBO***43. a 1 Pisno mnenje***44. PRAVILO****POSREDOVANJE POROČILA O MEDNARODNI POIZVEDBI, PISNEGA MNENJA ITD.***44.1 Izvodi poročila ali izjave in pisnega mnenja**44.2 Naziv ali povzetek**44.3 Izvodi navedenih dokumentov***44. A PRAVILO****MEDNARODNO PREDHODNO POROČILA USTANOVE ZA MEDNARODNO POIZVEDBO O MOŽNOSTI PARENTIRANJA***44. a 1 Izdaja poročila; Posredovanje prijavitelju**44. a 2 Dostava imenovanim uradom**44. a 3 Prevod za imenovane urade**44. a 4 Pripombe k prevodu***44. B PRAVILO****ZAUPNOST PISNEGA MNENJA, POROČILA, PREVODA IN PRIPOMB***44. b 1 Zaupnost***45. PRAVILO****PREVOD POROČILA O MEDNARODNI POIZVEDBI***45.1 Jeziki***46. PRAVILO****SPREMEMBE PATENTNIH ZAHTEVKOV PRI MEDNARODNEM URADU***46.1 Rok**46.2 Kje vložiti**46.3 Jezik sprememb in dopolnitvev**46.4 Izjava**46.5 Oblika sprememb***47. PRAVILO****DOSTAVA IMENOVANIM URADOM***47.1 Postopek⁸**47.2 Izvodi**47.3 Jeziki**47.4 Izrecna zahteva po drugem odstavku 23. člena pred mednarodno objavo*

48. PRAVILO**MEDNARODNA OBJAVA***48.1 Oblika in način**48.2 Vsebina**48.3 Jeziki objave**48.4 Zgodnejša objava na zahtevo prijavitelja**48.5 Uradno obvestilo o državni objavi**48.6 Napoved nekaterih dejstev***49. PRAVILO****IZVOD, PREVOD IN PRISTOJBINA PO 22. ČLENU***49.1 Uradno obvestilo**49.2 Jeziki**49.3 Izjave po 19. členu; podatki po četrtem odstavku 13. a pravila**49.4 Uporaba državnega obrazca**49.6 Ponovna vzpostavitev pravic po neizpolnitvi dejanj iz 22. člena***49. A PRAVILO****PODATKI V ZVEZI Z VARSTVOM, ZAHTEVANIM ZARADI DRŽAVNEGA POSTOPKA***49. a 1 Izbira nekaterih vrst varstva**49. a 2 Čas za navedbo podatkov***50. PRAVILO****MOŽNOSTI PO TRETJEM ODSTAVKU 22. ČLENA***50.1 Izraba možnosti***51. PRAVILO****PREGLED, KI GA OPRAVLJAJO IMENOVANI URADI***51.1 Rok za predložitev zahteve za dostavo izvodov**51.2 Izvod obvestila**51.3 Rok za plačilo državne pristojbine in predložitev prevoda***51. A PRAVILO****NEKATERE DRŽAVNE ZAHTEVE, DOVOLJENE PO 27. ČLENU***51.a 1 Nekatere dovoljene državne zahteve**51. a 2 Okolišine, v katerih se dokumenti ali dokazi ne smejo zahtevati**51. a 3 Možnost za uskladitev z državnimi zahtevami***52. PRAVILO****SPREMENBA PATENTNIH ZAHTEVKOV, OPISA IN SKIC PRI IMENOVANIH URADIH***52.1 Rok***DEL C****PRAVILA, KI SE NANAŠAO NA II. POGLAVJE POGODEBE****53. PRAVILO****ZAHTEVA ZA MEDNARODNI PREDHODNI PREIZKUS***53.1 Obrazec**53.2 Vsebina**53.3 Zahtevek**53.4 Prijavitelj**53.5 Zastopnik ali skupni predstavnik**53.6 Označitev mednarodne prijave**53.7 Izbira držav**53.8 Podpis**53.9 Izjava o spremembah***54. PRAVILO****PRIJAVITELJ, KI IMA PRAVICO VLOŽITI ZAHTEVO***54.1 Sedež, stalno prebivališče in državljanstvo**54.2 Pravica do vložitve zahteve**54.3 Mednarodne prijave, vložene pri Mednarodnem uradu kot prejemnem uradu**54.4 Prijavitelj, ki nima pravice vložiti zahteve*

54. A PRAVILA

ROK ZA VLOŽITEV ZAHTEVE

54. a 1 Rok za vložitev zahteve

55. PRAVILA

JEZIKI (MEDNARODNI PREDHODNI PREIZKUS)

*55.1 Jezik zahteve**55.2 Prevod mednarodne prijave**55.3 Prevod sprememb*

56. PRAVILA

[črtano]

57. PRAVILA

MANIPULATIVNA PRISTOJBINA

*57.1 Obveznost plačila**57.2 Znesek**57.3 Plaćilni rok; znesek za plaćilo**57.4 in 57.5 [črtano]**57.6 Vračilo*

58. PRAVILA

PRISTOJBINA ZA PREDHODNI PREIZKUS

*58.1 Pravica do zaračunavanja pristojbine**58.2 [črtano]**58.3 Vračilo*

58. A PRAVILA

PODALJŠANJE ROKOV ZA PLAČILO PRISTOJBIN

*58. a 1 Poziv ustanove za mednarodni predhodni preizkus**58. a 2 Pristojbina za zamudo pri plaćilu*

59. PRAVILA

PRISTOJNA USTANOVA ZA MEDNARODNI PREDHODNI PREIZKUS

*59.1 Zahteve po pododstavku (a) drugega odstavka 31. člena**59.2 Zahteve po pododstavku (b) drugega odstavka 31. člena**59.3 Posredovanje zahteve pristojni ustanovi za mednarodni predhodni preizkus*

60. PRAVILA

NEKATERE POMANJKLJIVOSTI V ZAHTEVI

60.1 Pomanjkljivosti v zahtevi

61. PRAVILA

OBVESTILO O ZAHTEVI IN IZBIRI

*61.1 Obvestilo Mednarodnemu uradu in prijavitelju**61.2 Obvestilo izbranim uradom**61.3 Informacija za prijavitelja**61.4 Objava v Glasniku*

62. PRAVILA

IZVOD PISNEGA MNENJA USTANOVE ZA MEDNARODNO POIZVEDBO IN SPREMEMB PO 19. ČLENU ZA USTANOVO ZA MEDNARODNI PREDHODNI PREIZKUS

*62.1 Izvod pisnega mnenja ustanove za mednarodno poizvedbo in sprememb, opravljenih pred vložitvijo zahteve**62.2 Spremembe, opravljene po vložitvi zahteve*

62. A PRAVILA

PREVOD PISNEGA MNENJA USTANOVE ZA MEDNARODNO POIZVEDBO ZA USTANOVO ZA MEDNARODNI PREDHODNI PREIZKUS

62. a 1 Prevod in pripombe

63. PRAVILA

NAJNUJNEJŠE ZAHTEVE ZA USTANOVE ZA MEDNARODNI PREDHODNI PREIZKUS

63.1 Opredelitev najnujnejših zahtev

64. PRAVILO**STANJE TEHNIKE ZA MEDNARODNI PREDHODNI PREIZKUS***64.1 Stanje tehnike**64.2 Nepisna razkritja**64.3 Nekateri objavljeni dokumenti***65. PRAVILO****USTVARJALNO DELO, KI OČITNO NE IZHAJA IZ ZNANEGA STANJA TEHNIKE***65.1 Pristop do stanja tehnike**65.2 Ustrezni datum***66. PRAVILO****POSTOPEK PRI USTANOVNI ZA MEDNARODNI PREDHODNI PREIZKUS***66.1 Podlaga za mednarodni predhodni preizkus**66.1. a Pisno mnenje ustanove za mednarodno poizvedbo**66.2 Pisno mnenje ustanove za mednarodni predhodni preizkus**66.3 Uradni odgovor ustanovi za mednarodni predhodni preizkus**66.4 Dodatna možnost za predložitev sprememb ali dokazov**66.4. a Upoštevanje sprememb in dokazov**66.5 Sprememba**66.6 Neuradni stiki s prijaviteljem**66.7 Izvod in prevod prejšnje prijave, katere prednost se zahteva**66.8 Oblika sprememb**66.9 Jezik sprememb***67. PRAVILO****PREDMET PREIZKUSA PO TOČKI (I) PODODSTAVKA (A) ČETRTEGA ODSTAVKA 34. ČLENA***67.1 Opredelitev***68. PRAVILO****NEENOTNOST IZUMA (MEDNARODNI PREDHODNI PREIZKUS)***68.1 Ni poziva za omejitve ali plačilo**68.2 Poziv za omejitve ali plačilo**68.3 Dodatne pristojbine**68.4 Postopek ob nezadostni omejitvi patentnih zahtevkov**68.5 Glavni izum***69. PRAVILO****ZAČETEK MEDNARODNEGA PREDHODNEGA PREIZKUSA IN ROK ZANJ***69.1 Začetek mednarodnega predhodnega preizkusa**69.2 Rok za mednarodni predhodni preizkus***70. PRAVILO****MEDNARODNO PREDHODNO POROČILO USTANOVE ZA MEDNARODNI PREDHODNI PREIZKUS O MOŽNOSTI PATENTIRANJA (POROČILO O MEDNARODNEM PREDHODNEM PREIZKUSU)***70.1 Opredelitev**70.2 Podlaga za poročilo**70.3 Identifikacije**70.4 Datumi**70.5 Klasifikacija**70.6 Izjava po drugem odstavku 35. člena**70.7 Navedbe po drugem odstavku 35. člena**70.8 Pojasnila po drugem odstavku 35. člena**70.9 Nepisna razkritja**70.10 Nekateri objavljeni dokumenti**70.11 Omemba sprememb**70.12 Omemba nekaterih pomanjkljivosti in druge**70.13 Opombe, ki se nanašajo na enotnost izuma**70.14 Pooblaščeni uslužbenec**70.15 Oblika, naslov**70.16 Priloge k poročilu**70.17 Jeziki poročila in prilog*

71. PRAVILA**POSREDOVANJE POROČILA O MEDNARODNEM PREDHODNEM PREIZKUSU***71.1 Prejemniki**71.2 Izvodi navedenih dokumentov***72. PRAVILA****PREVOD POROČILA O MEDNARODNEM PREDHODNEM PREIZKUSU IN PISNEGA MNENJA USTANOVE ZA MEDNARODNO POIZVEDBO***72.1 Jeziki**72.2 Izvod prevoda za prijavitelja**72.2 a Prevod pisnega mnenja ustanove za mednarodno poizvedbo, ki se sestavlja po prvem odstavku 43. a pravila**72.3 Pripombe k prevodu***73. PRAVILA****DOSTAVA POROČILA O MEDNARODNEM PREDHODNEM PREIZKUSU ALI PISNEGA MNENJA USTANOVE ZA MEDNARODNO POIZVEDBO***73.1 Priprava izvodov**73.2 Dostava izbranim uradom***74. PRAVILA****PREVOD PRILOG K POROČILU O MEDNARODNEM PREDHODNEM PREIZKUSU IN NJIHOVO POSREDOVANJE***74.1 Vsebina prevoda in rok za posredovanje***75. PRAVILA***[črtano]***76. PRAVILA****PREVOD DOKUMENTA O PREDNOSTI; UPORABA NEKATERIH PRAVIL ZA POSTOPKE PRI IZBRANIH URADIH***76.1, 76.2 in 76.3 [črtano]**76.4 Rok za prevod dokumenta o prednosti**76.5 Uporaba nekaterih pravil za postopke pri izbranih uradih***77. PRAVILA****MOŽNOSTI PO PODODSTAVKU (B) PRVEGA ODSTAVKA 39. ČLENA***77.1 Izraba možnosti***78. PRAVILA****SPREMENJAVA PATENTNIH ZAHTEVKOV, OPISA IN SKIC PRI IZBRANIH URADIH***78.1 Rok**78.2 [črtano]**78.3 Uporabni modeli***DEL D****PRAVILA, KI SE NANAŠAO NA III. POGLAVJE POGODEBE****79. PRAVILA****KOLEDAR***79.1 Navedba datumov***80. PRAVILA****IZRAČUN ROKOV***80.1 Obdobja, izražena v letih**80.2 Obdobja, izražena v mesecih**80.3 Obdobja, izražena v dnevih**80.4 Lokalni datumi**80.5 Potek roka na dela prost dan ali praznik**80.6 Datumi dokumentov**80.7 Konec delovnika***81. PRAVILA****SPREMENBE ROKOV, DOLOČENIH V POGODBI***81.1 Predlog**81.2 Sklep skupščine**81.3 Glasovanje po pošti*

82. PRAVILO**NEPRAVILNOSTI V POŠTNEM PROMETU***82.1 Zamuda ali izguba pošiljke**82.2 Motnje v poštnem prometu***82. A PRAVILO****ZAMUDE NEKATERIH ROKOV, KI JIH IMENOVANA ALI IZBRANA DRŽAVA OPRAVIČI***82. a 1 Pomen besede "rok" v drugem odstavku 48. člena**82. a 2 Ponovna vzpostavitev pravic in druge določbe, na katere se nanaša drugi odstavek 48. člena***82. B PRAVILO****POPRAVEK NAPAK PREJEMNEGA URADA ALI MEDNARODNEGA URADA***82. b 1 Napake, ki se nanašajo na datum vložitve mednarodne prijave in zahtevo za prednost***83. PRAVILO****PRAVICA DO UDELEŽBE V POSTOPKU PRI MEDNARODNIH USTANOVAH***83.1 Dokaz o pravici**83.1. Mednarodni urad kot prejemni urad**83.2 Informacije***DEL E****PRAVILA, KI SE NANAŠAO NA V. POGLAVJE POGODE****84. PRAVILO****STROŠKI DELEGACIJ***84.1 Stroški, ki jih krije vlada***85. PRAVILO****NESKLEPČNOST V SKUPŠČINI***85.1 Glasovanje po pošti***86. PRAVILO****GLASNIK***86.1 Vsebina¹⁸**86.2 Jeziki; oblika in način objave; časovna razporeditev¹⁹**86.3 Izhajanje**86.4 Prodaja**86.5 Naslov**86.6 Druge podrobnosti***87. PRAVILO****DOSTAVA PUBLIKACIJ***87.1 Dostava publikacij na zahtevo***88. PRAVILO****SPREMENJAVA PRAVILNIKA***88.1 Pogoj soglasnosti**88.2 [črtano]**88.3 Pogoj nenasprotovanja nekaterih držav**88.4 Postopek***89. PRAVILO****UPRAVNA NAVODILA***89.1 Obseg**89.2 Vir**89.3 Objava in začetek veljavnosti***DEL F****PRAVILA, KI SE NANAŠAO NA VEČ POGLAVIJ POGODE****89. A PRAVILO****VLAGANJE, OBRAVNAVANJE IN DOSTAVA MEDNARODNIH PRIJAV IN DRUGIH DOKUMENTOV V ELEKTRONSKI OBLIKI ALI PO ELEKTRONSKIH SREDSTVIH***89. a 1 Mednarodne prijave**89. a 2 Drugi dokumenti**89. a 3 Dostava med uradi*

89. B PRAVILA

IZVODI ELEKTRONSKIH DOKUMENTOV, VLOŽENIH V PAPIRNI OBLIKI

89. b 1 Izvodi elektronskih dokumentov, vloženih v papirni obliki

90. PRAVILA

ZASTOPNIKI IN DRUGI PREDSTAVNIKI

90.1 Imenovanje za zastopnika

90.2 Skupni predstavnik

90.3 Učinki dejanj zastopnikov in skupnih predstavnikov

90.4 Način imenovanja zastopnika ali skupnega predstavnika

90.5 Splošno pooblastilo

90.6 Preklic ali odpoved

90. A PRAVILA

UMIKI

90. a 1 Umik mednarodne prijave

90. a 2 Umik navedb

90. a 3 Umik zahtev za prednost

90. a 4 Umik zahteve za mednarodni predhodni preizkus ali izbir

90. a 5 Podpis

90. a 6 Učinek umika

90. a 7 Možnosti po pododstavku (b) četrtega odstavka 37. člena

91. PRAVILA

OČITNE NAPAKE V DOKUMENTIH

91.1 Popravek²¹

92. PRAVILA

KORESPONDENCA

92.1 Nujnost pisem in podpisov

92.2 Jeziki

92.3 Odpošiljanje pošte v državnih uradih in medvladnih organizacijah

92.4 Uporaba telegrafa, teleprinterja, telefaksa ipd.

92. A PRAVILA

EVIDENTIRANJE SPREMEMB DOLOČENIH PODATKOV V ZAHTEVI ZA PRIZNANJE PRAVIC ALI ZAHTEVI ZA MEDNARODNI PREDHODNI PREIZKUS

92. a 1 Evidentiranje sprememb v Mednarodnem uradu

93. PRAVILA

HRANJENJE ARHIVOV IN SPISOV

93.1 Prejemni urad

93.2 Mednarodni urad

93.4 Reprodukcije

93. A PRAVILA

NAČIN DOSTAVLJANJA DOKUMENTOV

93. a 1 Dostava na zahtevo; dostava prek digitalne knjižnice

94. PRAVILA

DOSTOP DO SPISOV

94.1 Dostop do spisa Mednarodnega urada

94.2 Dostop do spisa ustanove za mednarodni predhodni preizkus

94.3 Dostop do spisa izbranega urada

95. PRAVILA

DOSTOPNOST PREVODOV

95.1 Pošiljanje izvodov prevodov

96. PRAVILA

CENIK PRISTOJBIN

96.1 Cenik pristojbin, priložen pravilniku

DEL A UVODNA PRAVILA

1. pravilo Skrajšani izrazi

1.1 Pomen skrajšanih izrazov

- (a) V tem pravilniku beseda "pogodba" pomeni Pogodbo o sodelovanju na področju patentov.
- (b) V tem pravilniku se besedi "poglavlje" in "člen" nanašata na določeno poglavje ali člen pogodbe.

2. pravilo Pomen posameznih besed

2.1 "Prijavitelj"

Kadar je uporabljena beseda "prijavitelj", pomeni tudi zastopnika ali drugega predstavnika prijavitelja, razen če to ni v očitnem nasprotju z besedilom ali naravo določbe ali sobesedilom, v katerem je ta beseda uporabljen, še zlasti v tistih primerih, ko se določba nanaša na prebivališče ali narodnost prijavitelja.

2.2 "Zastopnik"

Kadar je uporabljena beseda "zastopnik", pomeni zastopnika, imenovanega po prvem odstavku 90. pravila, razen če to ni v očitnem nasprotju z besedilom ali naravo določbe ali sobesedilom, v katerem je ta beseda uporabljen.

2.2 a "Skupni predstavnik"

Kadar je uporabljen izraz "skupni predstavnik", pomeni prijavitelja, ki je imenovan ali se šteje kot skupni predstavnik po drugem odstavku 90. pravila.

2.3 "Podpis"

Kadar je uporabljena beseda "podpis", se razume, da za potrebe prejemnega urada ali pristojne ustanove za mednarodno poizvedbo ali predhodni preizkus pomeni žig, če notranja zakonodaja, ki jo uporablja ta urad ali ustanova, zahteva žig namesto podpisa.

DEL B PRAVILA, KI SE NANAŠAO NA I. POGLAVJE POGODEBE

3. pravilo Zahteva za priznanje pravic (obrazec)

3.1 Obrazec zahteve

Zahteva se izpolni na tiskanem obrazcu ali predloži kot računalniški izpis.

3.2 Dostopnost obrazcev

Izvode tiskanega obrazca prijaviteljem brezplačno pošlje prejemni urad ali na željo prejemnega urada Mednarodni urad.

3.3 Kontrolni seznam

- (a) Zahteva mora vsebovati seznam, iz katerega so razvidni:

- (i) skupno število listov mednarodne prijave in število listov posameznih sestavin mednarodne prijave: zahteve, opisa (posebej se vpiše število listov vseh prikazov zaporedij v opisu), patentnih zahtevkov, skic, povzetka;

- (ii) kadar je potrebno, da je vloženi mednarodni prijavi priloženo pooblastilo (tj. dokument o imenovanju zastopnika ali skupnega predstavnika), kopija splošnega pooblastila, dokument o prednosti, prikaz zaporedij v elektronski obliku, dokument, ki se nanaša na plačilo pristojbin, ali kateri koli drug dokument (ki mora biti vpisan na kontrolnem seznamu);

(iii) številka tiste slike iz skic, ki jo prijavitelj predlaga za objavo skupaj s povzetkom; izjemoma pa prijavitelj lahko predlaga več kot eno sliko.

(b) Seznam naredi prijavitelj, kadar pa tega ne stori, potrebne podatke vpiše prejemni urad, ki pa ne vpiše številke iz točke (iii) pododstavka (a).

3.4 Podrobnosti

Ob upoštevanju tretjega odstavka 3. pravila podrobnosti glede tiskanega obrazca in zahteve v obliki računalniškega izpisa predpisujejo upravna navodila.

4. pravilo Zahteva za priznanje pravic (vsebina)

4.1 Obvezna in izbirna vsebina; podpis

(a) Zahteva mora vsebovati:

(i) zahtevek,

(ii) naziv izuma,

(iii) podatke o prijavitelju in morebitnem zastopniku,

(iv) podatke o izumitelju, kadar notranja zakonodaja vsaj ene imenovane države zahteva, da se ime izumitelja navede že, ko se vloži državna prijava.

(b) Kadar je potrebno, mora zahteva vsebovati:

(i) zahtevo za prednost,

(ii) sklicevanje na prejšnje mednarodne poizvedbe, poizvedbe mednarodne vrste ali druge poizvedbe,

(iii) sklicevanje na osnovno prijavo ali osnovni patent,

(iv) pristojno ustanovo za mednarodno poizvedbo po izbiri prijavitelja.

(c) Zahteva lahko vsebuje:

(i) podatke o izumitelju, kadar notranja zakonodaja nobene imenovane države ne zahteva, da se ime izumitelja navede že, ko se vloži državna prijava,

(ii) zahtevo, da prejemni urad pripravi dokument o prednosti in ga posreduje Mednarodnemu uradu, kadar je prijava, na podlagi katere se zahteva prednost, vložena pri državnem uradu ali medvladni ustanovi, ki je prejemni urad,

(iii) izjave, predvidene v sedemnajstem odstavku 4. pravila.

(d) Zahteva mora biti podpisana.

4.2 Zahtevek

Zahtevek ima naslednji namen in naj se po možnosti glasi: "Podpisani prosim, da se ta mednarodna prijava obravnava v skladu s Pogodbo o sodelovanju na področju patentov."

4.3 Naziv izuma

Naziv izuma mora biti kratek (po možnosti od dve do sedem besed, če je v angleškem jeziku ali preveden v angleški jezik) in natančen.

4.4 Imena in naslovi

(a) Imena fizičnih oseb se navajajo s priimkom in osebnim imenom ali imeni, pri čemer se priimek vpiše pred osebnim imenom ali imeni.

(b) Imena pravnih oseb se navajajo s polnim uradnim nazivom.

(c) Naslovi se navajajo tako, da ustrezajo običajnim zahtevam za takojšnjo dostavo pošte na navedeni naslov, in morajo vedno vsebovati vse pomembne upravne podatke do morebitne hišne številke in vključno z njo. Kadar notranja zakonodaja imenovane države ne zahteva navedbe hišne številke, v tej državi ne bo nobenih posledic, če se taka številka ne navede. Zaradi možnosti vzpostavitev hitre komunikacije s prijaviteljem je priporočljivo, da se vpiše teleprinterski naslov, številki telefona in telefaksa ali ustrezni podatki za podobna komunikacijska sredstva prijavitelja oziroma zastopnika ali skupnega predstavnika.

(d) Za posameznega prijavitelja, izumitelja ali zastopnika se lahko vpiše samo en naslov, če pa za predstavljanje prijavitelja ali vseh prijaviteljev, če jih je več, ni bil imenovan noben zastopnik, prijavitelj ali skupni predstavnik prijaviteljev, če jih je več, se lahko v zahtevo poleg vseh drugih naslovov vpiše tudi naslov za obveščanje.

4.5 Prijavitelj

(a) V zahtevi morajo biti navedeni:

- (i) ime in priimek,
- (ii) naslov in

(iii) državljanstvo in stalno prebivališče prijavitelja ali posameznega prijavitelja, če jih je več.

(b) Državljanstvo prijavitelja se vpiše z imenom države, katere državljan je.

(c) Stalno prebivališče prijavitelja se vpiše z imenom države, v kateri prebiva.

(d) V zahtevi so lahko za različne imenovane države navedeni različni prijavitelji. V takem primeru mora biti v zahtevi naveden prijavitelj ali prijavitelji za vsako imenovano državo ali skupino imenovanih držav.

(e) Kadar je prijavitelj vpisan pri državnem uradu, ki dela kot prejemni urad, mora biti v zahtevi vpisana številka ali druga oznaka, pod katero je prijavitelj vpisan.

4.6 Izumitelj

(a) Kadar se uporablja točka (iv) pododstavka (a) ali točka (i) pododstavka (c) prvega odstavka 4. pravila, morajo biti v zahtevi vpisani ime in priimek ter naslov izumitelja ali posameznega izumitelja, če jih je več.

(b) Ce je izumitelj tudi prijavitelj, mora zahteva namesto podatkov iz pododstavka (a) vsebovati ustrezno izjavo.

(c) V zahtevi so lahko za različne imenovane države kot izumitelji navedene različne osebe, kadar zahteve notranje zakonodaje imenovanih držav glede tega niso enake. V takem primeru mora zahteva vsebovati ločeno izjavo za vsako imenovano državo ali skupino držav, v kateri se neka oseba ali ista oseba šteje za izumitelja ali v kateri se nekatere osebe ali iste osebe štejejo za izumitelje.

4.7 Zastopnik

(a) Če je zastopnik imenovan, mora biti to iz zahteve razvidno, in sicer morata biti vpisana njegovo ime in naslov.

(b) Kadar je zastopnik vpisan pri državnem uradu, ki dela kot prejemni urad, mora biti v zahtevi vpisana številka ali druga oznaka, pod katero je zastopnik vpisan.

4.8 Skupni predstavnik

Če je imenovan skupni predstavnik, mora biti to iz zahteve razvidno.

4.9 Imenovanje držav; vrste varstva; državni in regionalni patent

(a) Pri vložitvi zahteve je treba:

(i) imenovati vse države pogodbenice, ki jih na dan vložitve mednarodne prijave zavezuje pogodba;

(ii) navesti v zvezi z vsako imenovano državo, za katero velja 43. ali 44. člen, da se mednarodna prijava vlaga zaradi izdaje vseh vrst varstva, ki jih omogoča imenovanje te države;

(iii) navesti v zvezi z vsako imenovano državo, za katero velja prvi odstavek 45. člena, da se mednarodna prijava vlaga zaradi izdaje regionalnega patent, in če zanjo ne velja drugi odstavek 45. člena, tudi državnega patent.

(b) Če 5. oktobra 2005 notranja zakonodaja neke države pogodbenice določa, da zaradi vložitve mednarodne prijave, ki vsebuje imenovanje te države in zahtevo za prednost na podlagi prejšnje državne prijave z učinkom v tej državi, prejšnja državna prijava ne glede na točko (i) pododstavka (a) preneha učinkovati, in to z enakimi posledicami, kot če bi bila umaknjena, lahko vsaka zahteva, ki uveljavlja prednost na podlagi prejšnje državne prijave, vložene v tej državi, vsebuje navedbo, da ta država ni bila imenovana, pod pogojem, da imenovani urad do 5. januarja 2006 uradno obvestilo Mednarodni urad, da se ta pododstavek uporablja za imenovanja te države, in da je uradno obvestilo še veljavno na dan vložitve mednarodne prijave. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.¹

¹ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

4.10 Zahteva za prednost²

(a) Z izjavo iz prvega odstavka 8. člena ("zahteva za prednost") se lahko zahteva prednost na podlagi ene ali več prejšnjih prijav, vloženih v kateri koli državi članici Pariške konvencije o varstvu industrijske lastnine oziroma za katero koli tako državo članico ali v kateri koli članici Svetovne trgovinske organizacije, ki ni članica te konvencije, oziroma za katero koli tako članico. Zahteva za prednost se ob upoštevanju prvega odstavka 26. a pravila vključi v zahtevo; oblikuje se kot izjava, da se zahteva prednost na podlagi prejšnje prijave, ter navede:

(i) dan vložitve prejšnje prijave, ki mora biti znotraj dvanajstmesečnega obdobja pred dnevom vložitve mednarodne prijave;

(ii) številko prejšnje prijave;

(iii) kadar je prejšnja prijava državna prijava, tisto državo članico Pariške konvencije o varstvu industrijske lastnine ali članico Svetovne trgovinske organizacije, ki ni članica te konvencije, v kateri je bila vložena;

(iv) kadar je prejšnja prijava regionalna prijava, ustanovo, pristojno za izdajanje regionalnih patentov po veljavni pogodbi o regionalnem patentu;

(v) kadar je prejšnja prijava mednarodna prijava, prejemni urad, pri katerem je bila vložena.

(b) Poleg podatkov, potrebnih po točki (iv) ali (v) pododstavka (a):

(i) kadar je prejšnja prijava regionalna prijava ali mednarodna prijava, se v zahtevo za prednost lahko vpiše ena ali več držav članic Pariške konvencije o varstvu industrijske lastnine, za katere je bila vložena prejšnja prijava;

(ii) kadar je prejšnja prijava regionalna prijava, pri čemer vsaj ena od držav članic pogodbe o regionalnem patentu ni niti članica Pariške konvencije o varstvu industrijske lastnine niti članica Svetovne trgovinske organizacije, mora biti v zahtevi za prednost navedena vsaj ena država članica te konvencije ali ena članica te organizacije, za katero je bila vložena prejšnja prijava.

(c) Za pododstavka (a) in (b) ne velja točka (vi) 2. člena.

(d) Če 29. septembra 1999 pododstavka (a) in (b) s spremembami, ki se začnejo uporabljati 1. januarja 2000, nista skladna z notranjo zakonodajo, ki jo uporablja imenovani urad, se tako, kot sta veljala do 31. decembra 1999, uporabljata tudi po tem datumu za ta imenovani urad, dokler sta oba spremenjena pododstavka neskladna s to zakonodajo, pod pogojem, da navedeni urad o tem obvesti Mednarodni urad do 31. oktobra 1999. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.³

² Opomba izdajatelja: Točki (a) in (b) desetega odstavka 4. pravila, spremenjeni z začetkom veljavnosti 1. januarja 2000, ne veljata za noben imenovani urad, ki je obvestil Mednarodni urad o neskladnosti z notranjo zakonodajo, ki jo uporablja, kot je predvideno v točki (d) istega pravila. Točki (a) in (b) se taki, kot sta veljali do 31. decembra 1999, uporabljata tudi po tem datumu za vsak tak imenovani urad, dokler sta ti spremenjeni točki neskladni z veljavno notranjo zakonodajo. Vse informacije, ki jih prejme Mednarodni urad o takih neskladnostih, se objavijo v Glasniku in na Wipovi spletni strani: www.wipo.int/pct/en/texts/reservations/res_incomp.pdf. Spodaj je predstavljeno besedilo točk (a) in (b), kakršno je veljalo do 31. decembra 1999:

"4.10 Zahteva za prednost

(a) Izjavo iz prvega odstavka 8. člena ("zahteva za prednost") je treba ob upoštevanju prvega odstavka 26. a pravila podati v zahtevi; vsebovati mora navedbo, da se zahteva prednost na podlagi prejšnje prijave, ter:

(i) dan vložitve prejšnje prijave, ki mora biti znotraj dvanajstmesečnega obdobja pred vložitvijo mednarodne prijave;

(ii) številko prejšnje prijave;

(iii) kadar je prejšnja prijava državna prijava, državo članico Pariške konvencije o varstvu industrijske lastnine, v kateri je bila vložena;

(iv) kadar je prejšnja prijava regionalna prijava, ustanovo, pristojno za izdajanje regionalnih patentov po veljavni pogodbi o regionalnem patentu;

(v) kadar je prejšnja prijava mednarodna prijava, prejemni urad pri katerem je bila vložena.

(b) Poleg potrebnih navedb po podtočki (iv) ali (v) točke (a):

(i) kadar je prejšnja prijava regionalna prijava ali mednarodna prijava, se v zahtevo za prednost lahko vpiše ena ali več držav članic Pariške konvencije o varstvu industrijske lastnine, za katere je bila vložena prejšnja prijava;

(ii) kadar je prejšnja prijava regionalna prijava, pri čemer države članice pogodbe o regionalnem patentu niso vse članice Pariške konvencije o varstvu industrijske lastnine, se v zahtevo za prednost vpiše vsaj ena država članica te konvencije, za katero je bila vložena prejšnja prijava."

³ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

4.11 Sklicevanje na prejšnjo poizvedbo, nadaljevanje oziroma delno nadaljevanje ali na osnovno prijavo oziroma podelitev

(a) Če:

(i) se ob prijavi zahteva mednarodna poizvedba ali poizvedba mednarodne vrste po petem odstavku 15. člena;

(ii) prijavitelj želi, da ustanova za mednarodno poizvedbo naredi poročilo o mednarodni poizvedbi v celoti ali delno na podlagi rezultatov poizvedbe državnega urada, ki ni mednarodna poizvedba ali poizvedba mednarodne vrste, ali medvladne organizacije, ki je ustanova za mednarodno poizvedbo, pristojna za to mednarodno prijavo;

(iii) prijavitelj v skladu s pododstavkom (a) ali (b) prvega odstavka 49. a pravila namerava navesti željo, naj se mednarodna prijava v kateri koli imenovani državi obravnava kot prijava za dopolnilni patent, dopolnilno spričevalo, dopolnilno izumiteljsko spričevalo ali dopolnilno spričevalo o koristnosti, ali

(iv) prijavitelj v skladu s pododstavkom (d) prvega odstavka 49. a pravila namerava navesti željo, naj se mednarodna prijava v kateri koli imenovani državi obravnava kot prijava za nadaljevanje ali delno nadaljevanje prejšnje prijave,

mora biti to v zahtevi navedeno oziroma morajo biti vpisani podatki o prijavi, ki je bila predmet prejšnje poizvedbe, ali neki drugi podatki o poizvedbi ali pa navedena ustrezna osnovna prijava ali osnovni patent ali druga osnovna podelitev.

(b) Vključitev podatka po točki (iii) ali (iv) pododstavka (a) v zahtevo ne vpliva na izvajanje devetega odstavka 4. pravila.

4.12, 4.13 in 4.14 [črtano]

4.14 a Izbira ustanove za mednarodno poizvedbo

Če sta za poizvedbo o mednarodni prijavi pristojni dve ali več ustanov za mednarodno poizvedbo, prijavitelj vpiše izbrano ustanovo za mednarodno poizvedbo v zahtevo.

4.15 Podpis

(a) Ob upoštevanju pododstavka (b) zahtevo podpiše prijavitelj, ali če jih je več, vsi prijavitelji.

(b) Kadar dva ali več prijaviteljev vloži mednarodno prijavo, v kateri je imenovana država, katere notranja zakonodaja zahteva, da morajo državne prijave vlagati izumitelji, in kadar prijavitelj za to imenovano državo, ki je tudi izumitelj, zavrne podpis zahteve ali ga kljub prizadevanjem ni bilo mogoče najti ali priti v stik z njim, podpis tega prijavitelja na zahtevi ni potreben, če jo je podpisal vsaj en prijavitelj in če je priložena izjava, ki prejemnemu uradu zadovoljivo razloži, zakaj ni tega podpisa.

4.16 Prečrkovanje ali prevod nekaterih besed

(a) Kadar je neko ime ali naslov napisan z nelatiničnimi znaki, ga je treba napisati tudi v latinici bodisi samo s prečrkovanjem bodisi s prevodom v angleščino. Prijavitelj se odloči, katere besede bodo samo prečrkovane in katere prevedene.

(b) Tudi ime države, napisano z nelatiničnimi znaki, je treba navesti v angleščini.

4.17 Izjave v zvezi z državnimi zahtevami iz točk (i) do (v) pododstavka (a) prvega odstavka 51. a pravila

Zahteva lahko zaradi notranje zakonodaje, ki jo uporablja ena ali več imenovanih držav, vsebuje eno ali več od naslednjih izjav, katerih besedilo predpisujejo upravna navodila:

(i) v skladu s točko (i) pododstavka (a) prvega odstavka 51. a pravila izjavo o identiteti izumitelja;

(ii) v skladu s točko (ii) pododstavka (a) prvega odstavka 51. a pravila izjavo, da ima prijavitelj na dan vložitve mednarodne prijave pravico zahtevati in pridobiti patent;

(iii) v skladu s točko (iii) pododstavka (a) prvega odstavka 51. a pravila izjavo, da ima prijavitelj pravico na dan vložitve mednarodne prijave zahtevati prednost na podlagi prejšnje prijave;

(iv) v skladu s točko (iv) pododstavka (a) prvega odstavka 51. a pravila izjavo o izumiteljstvu, ki mora biti podpisana v skladu z upravnimi navodili;

(v) v skladu s točko (v) pododstavka (a) prvega odstavka 51. a pravila izjavo o neškodljivih razkritijih ali o izjemah pri neizpolnjevanju pogojev glede novosti.

4.18 Dodatni elementi

(a) Zahteva ne sme vsebovati elementov, ki niso določeni v prvem do sedemnajstem odstavku 4. pravila, pri čemer upravna navodila lahko dovoljujejo, da se zahtevi dodajo tudi v njih določeni elementi, ki pa niso obvezni.

(b) Če zahteva vsebuje elemente, ki niso določeni v prvem do sedemnajstem odstavku 4. pravila ali dovoljeni v upravnih navodilih v skladu s pododstavkom (a), prejemni urad po uradni dolžnosti dodatne elemente izbriše.

5. pravilo Opis

5.1 Oblika in vsebina opisa

(a) V opisu se najprej navede naziv izuma, kakršen je v zahtevi, nato se:

(i) določi tehnično področje, na katero se izum nanaša;

(ii) navede dotedanje stanje tehnike, ki, kolikor je prijavitelju znano, utegne biti koristno za razumevanje, poizvedbo in preizkus izuma, ter po možnosti dobesedno navedejo dokumenti, iz katerih je tako stanje tehnike razvidno;

(iii) razkrije izum, kot je naveden v patentnem zahtevku, s takimi izrazi, da je mogoče razumeti tehnični problem (tudi če ni izrecno tako imenovan) in njegovo rešitev, ter navedejo vsi morebitni prednostni učinki izuma glede na dotedanje stanje tehnike;

(iv) na kratko opišejo morebitne slike iz skic;

(v) predstavi vsaj tisti način izvedbe izuma, za katerega se zahteva varstvo, ki je po mnenju prijavitelja najboljši; to se naredi s primeri, kadar je potrebno, in s sklicevanjem na morebitne skice; kadar notranja zakonodaja imenovane države ne zahteva opisa najboljšega načina, ampak zadostuje že opis katerega koli načina (če se zdi najboljši ali ne), potem dejstvo, da ni opisan tisti način, ki se zdi najboljši, v tej državi nima učinka;

(vi) izrecno navedeta način, na katerega je mogoče izum industrijsko izkorisčati, če to ni očitno iz opisa ali narave izuma, in način, kako se izdela in uporablja, oziroma če se lahko samo uporablja, kako se uporablja; besedo "industrija" je treba razumeti v njenem najširšem pomenu kot v Pariški konvenciji o varstvu industrijske lastnine.

(b) Opis se izdela na način in po vrstnem redu, ki sta določena v pododstavku (a), razen če zaradi narave izuma drug način ali drug vrstni red ne bi omogočil boljšega razumevanja in smotrnejše predstavitev.

(c) Ob upoštevanju določb pododstavka (b) naj pred vsakim delom iz pododstavka (a) po možnosti stoji ustrezen naziv, kakršnega predlagajo upravna navodila.

5.2 Razkritje zaporedja nukleotidov in/ali aminokislin

(a) Kadar je v mednarodni prijavi razkrito eno ali več zaporedij nukleotidov in/ali aminokislin, je v opisu zaporedje prikazano v skladu z merili iz upravnih navodil in predloženo kot ločen del opisa v skladu s temi merili.

(b) Kadar prikaz zaporedij v opisu vsebuje prosto besedilo, kot je opredeljeno v merilih iz upravnih navodil, mora biti to prosto besedilo navedeno tudi v glavnem delu opisa, in sicer v njegovem jeziku.

6. pravilo Patentni zahtevki

6.1 Število in oštevilčenje patentnih zahtevkov:

(a) Število patentnih zahtevkov mora biti v razumnih mejah, pri čemer se upošteva narava izuma, za katerega se zahteva varstvo.

(b) Če je patentnih zahtevkov več, se po vrsti oštevilčijo z arabskimi številkami.

(c) Način oštevilčenja pri spremembah patentnih zahtevkov določajo upravna navodila.

6.2 Sklicevanje na druge dele mednarodne prijave

(a) Patentni zahtevki se glede tehničnih značilnosti izuma ne smejo sklicevati na opis ali skice, če ni res nujno. Zlasti se ne smejo nanje sklicevati z besedami, kot so: "kot je opisano v delu ... opisa" ali "kot je prikazano na sliki ... skic".

(b) Kadar mednarodna patentna prijava vsebuje skice, naj tehničnim značilnostim, navedenim v patentnih zahtevkih, sledijo sklicevalne oznake, ki se nanašajo na te značilnosti. Kadar se sklicevalne oznake uporabijo, naj bodo v oklepajih. Če sklicevalna oznaka ne pomaga posebno hitreje razumeti patentni zahtevek, se ne navede. Imenovani urad zaradi objave lahko take sklicevalne oznake odstrani.

6.3 Oblika in vsebina patentnih zahtevkov

- (a) Predmet, za katerega se zahteva varstvo, je opredeljen s tehničnimi značilnostmi izuma.
- (b) Kadar koli je potrebno, patentni zahtevki vsebujejo:
 - (i) izjavo, ki navaja tiste tehnične značilnosti izuma, potrebne za opredelitev predmeta, za katerega se zahteva varstvo, vendar so v medsebojni povezavi že del prejšnjega stanja tehnike;
 - (ii) označevalni del – ki ga uvajajo besede "za katerega je značilno, da" ali "katerega značilnost je", "ki vsebuje izboljšavo" ali drug izraz z istim učinkom – ki vsebuje zgoščen opis tehničnih značilnosti, za katere se želi varstvo v povezavi z značilnostmi, navedenimi v pododstavku (a).
- (c) Kadar notranja zakonodaja imenovane države ne zahteva oblike in vsebine patentnih zahtevkov, kot sta predvideni v pododstavku (b), neizpolnjevanje teh pogojev ne bo imelo nobenih posledic v tej državi, če bosta dejanski oblika in vsebina v skladu z notranjo zakonodajo te države.

6.4 Odvisni patentni zahtevki

- (a) Vsak patentni zahtevek, ki vključuje vse značilnosti enega ali več drugih patentnih zahtevkov (patentni zahtevek v odvisni obliki, v nadaljevanju: "odvisni patentni zahtevek"), se mora po možnosti na začetku sklicevati na ta drugi ali te druge patentne zahtevke, nato pa navesti dodatne značilnosti, za katere se zahteva varstvo. Odvisni patentni zahtevek, ki se nanaša na več kot en drug patentni zahtevek ("večkrat odvisni patentni zahtevek"), se na take patentne zahtevke sklicuje samo alternativno. Večkrat odvisni patentni zahtevki ne smejo biti podlaga za drug večkrat odvisni patentni zahtevek. Kadar notranja zakonodaja državnega urada, ki dela kot ustanova za mednarodno poizvedbo, ne dovoljuje, da bi bili večkrat odvisni patentni zahtevki sestavljeni drugače, kot je predvideno v prejšnjih dveh stavkih, lahko nespoštovanje take oblike in vsebine patentnega zahtevka pomeni, da se v skladu s pododstavkom (b) drugega odstavka 17. člena vnese opomba v poročilo o mednarodni poizvedbi. Nespoštovanje navedene oblike in vsebine patentnega zahtevka ne bo imelo nobenih posledic v imenovani državi, če bosta dejanski oblika in vsebina v skladu z notranjo zakonodajo te države.

(b) Za vsak odvisni patentni zahtevek velja, da vsebuje vse omejitve iz patentnega zahtevka, na katerega se nanaša, ali če je odvisni patentni zahtevek večkrat odvisni patentni zahtevek, vse omejitve iz določenega patentnega zahtevka, v zvezi s katerim se obravnava.

(c) Vsi odvisni patentni zahtevki, ki se nanašajo na en predhodni patentni zahtevek, in vsi odvisni patentni zahtevki, ki se nanašajo na več predhodnih patentnih zahtevkov, se združijo v skupine na najboljši mogoči praktični način.

6.5 Uporabni modeli

Vsaka imenovana država, v kateri se varstvo uporabnega modela zahteva na podlagi mednarodne prijave, lahko po tem, ko se v tej državi začne postopek v zvezi z mednarodno prijavo, uporablja določbe svoje notranje zakonodaje s področja uporabnih modelov za vprašanja, ki jih sicer urejajo prvi do četrti odstavek 6. pravila, pod pogojem, da ima prijavitelj po poteku roka, veljavnega po 22. členu, vsaj še dva meseca časa, da prijavo prilagodi zahtevam iz teh določb notranje zakonodaje.

7. pravilo Skice

7.1 Diagrami poteke in grafikoni

Diagrami poteke in grafikoni se štejejo za skice.

7.2 Rok

Rok iz točke (ii) drugega odstavka 7. člena mora biti v danih okoliščinah posameznih primerov smiseln in nikakor ne sme biti krajši kot dva meseca od pisnega poziva za predložitev skic ali dodatnih skic po tej določbi.

8. pravilo Povzetek

8.1 Vsebina in oblika povzetka

(a) Povzetek vsebuje:

(i) kratek pregled tega, kar je razkrito v opisu, patentnih zahtevkih in skicah; iz kratke vsebine mora biti razvidno tehnično področje, s katerega je izum, omogočati pa mora tudi jasno razumevanje tehničnega problema, bistva rešitve tega problema s pomočjo izuma in glavno uporabo ali uporabe izuma;

(ii) kemično formulo, kadar je potrebno, ki med formulami v mednarodni prijavi najbolje označuje izum.

(b) Povzetek mora biti tako zgoščen, kot to dovoljuje razkritje (po možnosti 50 do 150 besed, če je v angleščini ali kadar je preveden v angleščino).

(c) Povzetek ne sme vsebovati domnevnih odlik ali vrednosti izuma, za katerega se zahteva varstvo, ali teoretičnih možnosti uporabe.

(d) Vsem glavnim tehničnim značilnostim izuma, ki so navedene v povzetku in ponazorjene s skico, mora slediti sklicevalna oznaka v okroglem oklepaju.

8.2 Slika

(a) Če prijavitelj ne navede podatka iz točke (iii) pododstavka (a) tretjega odstavka 3. pravila ali če ustanova za mednarodno poizvedbo ugotovi, da bi med vsemi slikami iz vseh skic neka druga slika ali slike bolje označevala izum kot tista ali tiste, ki jih je predlagal prijavitelj, ta ustanova ob upoštevanju pododstavka (b) navede sliko ali slike, ki naj bi jih Mednarodni urad objavil skupaj s povzetkom. V takem primeru se povzetku priloži slika ali slike, ki jih je navedla ustanova za mednarodno poizvedbo. Sicer pa se povzetku ob upoštevanju pododstavka (b) priložijo slika ali slike, ki jih je predlagal prijavitelj.

(b) Če ustanova za mednarodno poizvedbo ugotovi, da se za razumevanje povzetka ne da uporabiti nobena slika iz skic, obvesti o tem Mednarodni urad. V takem primeru je povzetek, ko ga Mednarodni urad objavi, objavljen brez slike iz skic, tudi če je prijavitelj dal predlog po točki (iii) pododstavka (a) tretjega odstavka 3. pravila.

8.3 Temeljna načela za sestavo

Povzetek se sestavi tako, da je lahko učinkovito sredstvo pri poizvedbah na določenem tehničnem področju, zlasti pa tako, da je v pomoč znanstvenikom, inženirjem ali raziskovalcem, da na njegovi podlagi oblikujejo mnenje, ali je potreben vpogled v mednarodno prijavo.

9. pravilo Nedovoljeni izrazi itd.

9.1 Opredelitev

Mednarodna prijava ne sme vsebovati:

- (i) izrazov ali skic, ki so v nasprotju z moralom;
- (ii) izrazov ali skic, ki so v nasprotju z javnim redom;

(iii) omalovažajočih izjav o proizvodih ali postopkih osebe, ki ni prijavitelj, ali o vrednosti ali veljavnosti prijav ali patentov take osebe (samo primerjave s prejšnjim stanjem tehnike same po sebi ne pomenijo omalovaževanja);

(iv) izjav ali drugih elementov, ki so v danih okolišinah očitno nepomembni ali nepotrebni.

9.2 Ugotavljanje pomanjkljivosti

Prejemni urad in ustanova za mednarodno poizvedbo lahko ugotovita, da mednarodna prijava ni popolnoma v skladu z določbami prvega odstavka 9. pravila, in lahko predlagata prijavitelju, da jo ustrezno popravi. Če to ugotovi prejemni urad, obvesti pristojno ustanovo za mednarodno poizvedbo in Mednarodni urad; če pa to ugotovi ustanova za mednarodno poizvedbo, obvesti prejemni urad in Mednarodni urad.

9.3 Sklicevanje na šesti odstavek 21. člena

"Nesprejemljive izjave" iz šestega odstavka 21. člena imajo pomen, kot je opredeljen v točki (iii) prvega odstavka 9. pravila.

10. pravilo Izrazi in znaki

10.1 Izrazi in znaki

(a) Merske enote so izražene v metrskem sistemu ali tudi v tem sistemu, če so prvotno izražene v drugem sistemu.

(b) Temperature so izražene v stopinjah Celzija ali tudi v stopinjah Celzija, če so prvotno izražene na drug način.

(c) [črtano]

(d) Pri navajanju toplote, energije, svetlobe, zvoka in magnetizma ter matematičnih formul in električnih enot se upoštevajo pravila mednarodne prakse; uporabljajo se tiste kemijske formule, simboli, atomske teže in molekulske formule, ki so v splošni rabi.

(e) Na splošno je treba uporabljati samo take tehnične izraze, znake in simbole, ki so na tehničnem področju splošno sprejeti.

(f) Kadar je mednarodna prijava ali njen prevod v kitajskem, angleškem ali japonskem jeziku, se decimalna števila pišejo s piko, medtem ko se v mednarodnih prijavah ali prevodih, ki niso v kitajskem, angleškem ali japonskem jeziku, pišejo z vejico.

10.2 Enotnost

Izrazi in znaki morajo biti v vsej mednarodni prijavi enotni.

11. pravilo Zahteve glede oblike mednarodne prijave

11.1 Število izvodov

(a) Ob upoštevanju določb pododstavka (b) se mednarodna prijava in posamezni dokumenti s kontrolnega seznama (točka (ii) pododstavka (a) tretjega odstavka 3. pravila) predložijo v enem izvodu.

(b) Vsak prejemni urad lahko zahteva, da se mednarodna prijava in kateri koli dokument s kontrolnega seznama (točka (ii) pododstavka (a) tretjega odstavka 3. pravila), razen potrdila o plačilu pristojbine ali čeka za plačilo pristojbine, predloži v dveh ali treh izvodih. V tem primeru mora prejemni urad preveriti istovetnost drugega in tretjega izvoda z arhivskim izvodom.

11.2 Možnost razmnoževanja

(a) Vse sestavine mednarodne prijave (npr. zahteva, opis, patentni zahtevki, skice, povzetek) se predložijo v obliki, ki omogoča neposredno razmnoževanje s fotografiranjem, elektrostatičnimi postopki, fotooffsetnim tiskom in mikrofilmanjem, in sicer v katerem koli številu izvodov.

(b) Listi ne smejo biti zmečkani ali strgani in ne prepognjeni.

(c) Uporablja se samo ena stran listov.

(d) Ob upoštevanju pododstavka (d) desetega odstavka 11. pravila in pododstavka (j) trinajstega odstavka 11. pravila se vsak list uporablja v pokončnem formatu (tj., ožji stranici sta zgoraj in spodaj).

11.3 Zahtevani material

Vse sestavine mednarodne prijave morajo biti na papirju, ki je upogiben, močan, bel, gladek, brez sijaja in obstojen.

11.4 Posamični listi itd.

(a) Vsaka sestavina mednarodne prijave (zahteva, opis, patentni zahtevki, skice, povzetek) se začne na novem listu.

(b) Vsi listi v mednarodni prijavi morajo biti spojeni tako, da se pri pregledovanju zlahka obračajo ter zlahka ločujejo in ponovno sestavlajo, če se izločijo zaradi razmnoževanja.

11.5 Velikost listov

Listi so v formatu A 4 (29,7 cm x 21 cm). Vendar prejemni urad lahko sprejema mednarodne prijave na listih drugačnih formatov pod pogojem, da sta arhivski izvod, posredovan Mednarodnemu uradu, in poizvedbeni izvod, če pristojna ustanova za mednarodno poizvedbo tako želi, v formatu A 4.

11.6 Robovi

(a) Najmanjši robovi listov, na katerih so opis, patentni zahtevki in povzetek, morajo biti:

– zgornji: 2 cm

– levi: 2,5 cm

– desni: 2 cm

– spodnji: 2 cm.

(b) Priporočene največje mere za robove iz pododstavka (a) so:

– zgornji: 4 cm

– levi: 4 cm

- desni: 3 cm
- spodnji: 3 cm.

(c) Na listih, na katerih so skice, uporabna površina ne sme biti večja od 26,2 cm x 17,0 cm. Listi ne smejo imeti nobenih okvirov okoli delovne ali uporabljenе površine. Najmanjši robovi so:

- zgornji: 2,5 cm
- levi: 2,5 cm
- desni: 1,5 cm
- spodnji: 1 cm.

(d) Robovi iz pododstavkov (a) do (c) veljajo za liste formata A 4, tako da morajo biti kljub temu, da prejemni urad sprejme drugačne formate, pri arhivskem izvodu v formatu A 4, in če je taka zahteva, pri poizvedbenem izvodu v formatu A 4 puščeni zgoraj navedeni robovi.

(e) Ob upoštevanju pododstavka (f) in pododstavka (b) osmega odstavka 11. pravila morajo biti ob predložitvi robovi mednarodne prijave popolnoma prazni.

(f) V levem kotu zgornjega roba je lahko navedena številka prijave pod pogojem, da je napisana v okviru 1,5 cm od zgornjega roba lista. Število znakov v številki prijave ne sme presegati največjega števila, določenega v upravnih navodilih.

11.7 Oštevilčenje listov

- (a) Vsi listi v mednarodni prijavi se oštevilčijo z zaporednimi arabskimi številkami.
- (b) Številke morajo biti na sredini zgornjega ali spodnjega dela lista, vendar ne na površini roba.

11.8 Oštevilčenje vrstic

(a) Zelo je priporočljivo oštevilčiti vsako peto vrstico vsakega lista opisa in vsakega lista patentnih zahtevkov.

- (b) Številke morajo biti napisane na desni polovici levega roba.

11.9 Pisanje besedila

(a) Zahteva, opis, patentni zahtevki in povzetek morajo biti natipkani ali natisnjeni.

(b) Samo grafični simboli in znaki, kemijske ali matematične formule ter nekateri znaki iz kitajske in japonske pisowni so lahko po potrebi napisani ročno ali narisani.

(c) Pri tipkanju mora biti razmik 1½ vrstice.

(d) Vsa besedila morajo biti napisana s črkami, od katerih so velike črke visoke vsaj 0,21 cm, in morajo biti v temni barvi, ki se ne da izbrisati, da izpolnjujejo zahteve iz drugega odstavka 11. pravila.

(e) Pododstavka (c) in (d) ne veljata za razmik med vrsticami in velikost črk v kitajskih ali japonskih besedilih.

11.10 Skice, formule in preglednice v besedilu

(a) Zahteva, opis, patentni zahtevki in povzetek ne smejo vsebovati skic.

(b) Opis, patentni zahtevki in povzetek lahko vsebujejo kemijske in matematične formule.

(c) V opisu in povzetku so lahko preglednice; v patentnih zahtevkih so lahko preglednice le, če je predmet zahtevka tak, da je zaželena uporaba preglednic.

(d) Preglednice in kemijske ali matematične formule so lahko na listu podolžno, če jih ni mogoče zadovoljivo predstaviti navpično; listi, na katerih so preglednice ali kemijske ali matematične formule predstavljene podolžno, morajo biti postavljeni tako, da je glava preglednic ali formul na levi strani lista.

11.11 Besede v skicah

(a) V skicah ne sme biti besedila, razen posameznih besed, kot so "voda", "para", "odprt", "zaprto", "prerez AB", kadar je to nujno, oziroma nekaj ključnih besed pri shemah električnih tokokrogov, blokovnih diagramih ali diagramih poteka, ki so nujne za razumevanje.

(b) Take besede morajo biti postavljeni tako, da se lahko prekrijejo z morebitnim prevodom, ne da bi se pri tem prekrile črte skic.

11.12 Spremembe itn.

Če je le mogoče, na listih ne sme biti brisanja in sprememb ter pisanja čez besedilo in med vrsticami. Odstopanje od tega pravila je lahko dovoljeno, če zaradi tega ne postane vprašljiva verodostojnost vsebine in če to ne ogroža kakovostnega razmnoževanja.

11.13 Posebne zahteve za skice

- (a) Skice se izdelujejo z obstojnimi, črnimi, dovolj izraženimi in temnimi, enakomerno debelimi in jasnimi črtami brez barvanja.
- (b) Prerezi se označijo z zabrisanim senčenjem, kar pa ne sme zmanjšati vidnosti sklicevalnih oznak in glavnih črt.
- (c) Merilo skic in jasnost njihove grafične izdelave morata biti taka, da je mogoče na fotografiski reprodukciji z linearnim pomanjšanjem velikosti na 2/3 brez težav razpozнатi vse podrobnosti.
- (d) Če je merilo izjemoma navedeno na skici, mora biti prikazano grafično.
- (e) Vse številke, črke in sklicevalne oznake na skicah morajo biti enostavne in jasne. Oklepaji, krogi ali narekovaji se pri številkah in črkah ne uporabljujajo.
- (f) Vse črte na skicah se praviloma narišejo s priborom za tehnično risanje.
- (g) Sestavni deli vsake slike morajo biti v pravilnem razmerju do vseh drugih sestavnih delov slike, razen če razlika v razmerju ni nujna zaradi jasnosti slike.
- (h) Številke in črke morajo biti visoke vsaj 0,32 cm. Za črkovanje na skicah se uporablja latinska, in kadar je to običajno, grška abeceda.
- (i) Na istem listu skic je lahko več slik. Kadar je ena slika kot celota izdelana na dveh ali več listih, je treba slike na posameznih listih razporediti tako, da je mogoče sestaviti celotno sliko, ne da bi bil zakrit kateri koli del katere koli slike na posameznih listih.
- (j) Različne slike je treba razporediti brez nepotrebnega vmesnega prostora, po možnosti pokončno, in jih jasno ločiti med seboj. Če slike niso razporejene pokončno, jih je treba predstaviti podolžno z zgornjim delom slike na levi strani lista.
- (k) Posamezne slike se po vrsti oštreljčijo z arabskimi številkami ne glede na to, kako so oštreljčeni listi.
- (l) V skicah ne sme biti sklicevalnih oznak, ki niso omenjene v opisu, in obratno.
- (m) Iste značilnosti, ki so označene s sklicevalnimi oznakami, morajo imeti v vsej mednarodni prijavi iste oznake.
- (n) Če je na skicah veliko sklicevalnih oznak, je zelo priporočljivo pripeti poseben list, na katerem so navedene vse sklicevalne oznake in značilnosti, ki jih označujejo.

11.14 Pozneje vloženi dokumenti

10. pravilo in prvi do trinajsti odstavek 11. pravila veljajo za vse dokumente – npr. popravljene strani, spremenjene patentne zahtevke, prevode – vložene po vložitvi mednarodne prijave.

12. pravilo**Jezik mednarodne prijave in prevod za potrebe mednarodne poizvedbe in mednarodne objave***12.1 Sprejeti jeziki pri vlaganju mednarodnih prijav*

- (a) Mednarodna prijava se vloži v katerem koli jeziku, ki ga prejemni urad sprejme za ta namen.
- (b) Vsak prejemni urad pri vložitvi mednarodne prijave sprejme vsaj en jezik, ki je hkrati:
 - (i) jezik, ki ga sprejema ustanova za mednarodno poizvedbo, ali če je potrebno, vsaj ena od ustanov za mednarodno poizvedbo, pristojnih za mednarodno poizvedbo v zvezi z mednarodnimi prijavami, vloženimi pri tistem prejemnem uradu, in
 - (ii) jezik objave.
- (c) Zahteva se ne glede na pododstavek (a) vloži v katerem koli jeziku objave, ki ga prejemni urad sprejme za namene tega pododstavka.
- (d) Ne glede na pododstavek (a) se besedilo iz prikaza zaporedij v opisu, navedenega v pododstavku (a) drugega odstavka 5. pravila, navede v skladu z merili iz upravnih navodil.

12.2 Jezik sprememb mednarodne prijave

- (a) Vse spremembe mednarodne prijave morajo biti ob upoštevanju tretjega odstavka 46. pravila, tretjega odstavka 55. pravila in devetega odstavka 66. pravila napisane v jeziku, v katerem je vložena prijava.
- (b) Vsi popravki očitnih napak v mednarodni prijavi v skladu s prvim odstavkom 91. pravila morajo biti napisani v jeziku, v katerem je vložena prijava, pri čemer:
 - (i) kadar mora biti mednarodna prijsava po pododstavku (a) tretjega odstavka 12. pravila, pododstavku (a) četrtega odstavka 12. pravila ali pododstavku (a) drugega odstavka 55. pravila prevedena, morajo biti popravki iz točk (ii) in (iii) pododstavka (e) prvega odstavka 91. pravila vloženi v obeh jezikih, tj. v jeziku prijave in jeziku prevoda;

(ii) kadar mora biti zahteva po pododstavku (c) tretjega b odstavka 26. pravila prevedena, je treba popravke iz točke (i) pododstavka (e) prvega odstavka 91. pravila vložiti samo v jeziku prevoda.

(c) Pomanjkljivosti mednarodne prijave po 26. pravilu je treba odpraviti v jeziku, v katerem je vložena prijava. Pomanjkljivosti mednarodne prijave po 26. pravilu, ki se nanašajo na prevod mednarodne prijave, predložen po tretjem odstavku 12. pravila ali po pododstavku (a) drugega odstavka 55. pravila, ali na prevod zahteve, predložen po pododstavku (c) tretjega b odstavka 26. pravila, je treba odpraviti v jeziku prevoda.

12.3 Prevod za potrebe mednarodne poizvedbe

(a) Kadar ustanova za mednarodno poizvedbo, ki izvaja mednarodno poizvedbo, ne sprejema jezika, v katerem je vložena mednarodna prijava, mora prijavitelj v enem mesecu od dneva, ko prejemni urad prejme mednarodno prijavo, predložiti temu uradu prevod mednarodne prijave v jeziku, ki je hkrati:

- (i) jezik, ki ga sprejema ta ustanova, in
- (ii) jezik objave ter

(iii) jezik, ki ga sprejema prejemni urad po pododstavku (a) prvega odstavka 12. pravila, razen če je mednarodna prijava vložena v jeziku objave.

(b) Pododstavek (a) ne velja za zahtevo in za prikaze zaporedij v opisu.

(c) Kadar prijavitelj do trenutka, ko mu prejemni urad pošlje uradno obvestilo po pododstavku (c) petega odstavka 20. pravila, ne predloži prevoda v skladu s pododstavkom (a), prejemni urad pozove prijavitelja po možnosti skupaj s tem uradnim obvestilom:

- (i) da predloži zahtevani prevod v roku iz pododstavka (a);

(ii) če zahtevani prevod ni predložen v roku iz pododstavka (a), da ga predloži in po potrebi plača zamudno pristojbino iz pododstavka (e) v enem mesecu od poziva oziroma v dveh mesecih od dneva, ko prejemni urad prejme mednarodno prijavo, če ta poteče pozneje.

(d) Kadar prejemni urad pošlje prijavitelju poziv v skladu s pododstavkom (c), prijavitelj pa ne predloži zahtevanega prevoda in ne plača zahtevane zamudne pristojbine v veljavnem roku iz toče (ii) pododstavka (c), se šteje, da je mednarodna prijava umaknjena, prejemni urad pa da o tem izjavo. Šteje se, da sta vsak prevod in vsako plačilo, ki ju prejemni urad prejme, preden da izjavo po prejšnjem stavku in preden poteče 15 mesecev od prednognega datuma, prejeta pred potekom tega roka.

(e) Za predložitev prevoda po poteku roka iz pododstavka (a) lahko prejemni urad zase in za svojo korist določi plačilo zamudne pristojbine v višini 25 % mednarodne prijavne pristojbine iz točke 1 cenika pristojbin, pri čemer ni upoštevana pristojbina za posamezne liste mednarodne prijave nad 30.

12.4 Prevod za potrebe mednarodne objave

(a) Kadar mednarodna prijava ni vložena v jeziku objave in po pododstavku (a) tretjega odstavka 12. pravila prevod ni potreben, prijavitelj v 14 mesecih od prednognega datuma predloži prejemnemu uradu prevod mednarodne prijave v jezik objave, ki ga prejemni urad sprejme za namene tega pododstavka.

(b) Pododstavek (a) ne velja za zahtevo in za prikaze zaporedij v opisu.

(c) Kadar prijavitelj ne predloži prevoda, zahtevanega po pododstavku (a), v roku iz tega pododstavka, prejemni urad pozove prijavitelja, da v 16 mesecih od prednognega datuma ta prevod predloži in po potrebi plača zamudno pristojbino iz pododstavka (e). Šteje se, da je vsak prevod, ki ga prejemni urad prejme, preden pošlje poziv po prejšnjem stavku, prejet pred potekom roka iz pododstavka (a).

(d) Kadar prijavitelj ne predloži zahtevanega prevoda in ne plača zahtevane zamudne pristojbine v roku iz pododstavka (c), se šteje, da je mednarodna prijava umaknjena, prejemni urad pa da o tem izjavo. Šteje se, da sta vsak prevod in vsako plačilo, ki ju prejemni urad prejme, preden da izjavo po prejšnjem stavku in preden poteče 17 mesecev od prednognega datuma, prejeta pred potekom tega roka.

(e) Za predložitev prevoda po poteku roka iz pododstavka (a) lahko prejemni urad zase in za svojo korist določi plačilo zamudne pristojbine v višini 25 % mednarodne prijavne pristojbine iz točke 1 cenika pristojbin, pri čemer ni upoštevana pristojbina za posamezne liste mednarodne prijave nad 30.

13. pravilo Enotnost izuma

13.1 Pogoj

Mednarodna prijava se mora nanašati samo na en izum ali na skupino izumov, ki so povezani tako, da sestavlja eno samo splošno izumiteljsko zamisel ("pogoj enotnosti izuma").

13.2 Okoliščine, v katerih se šteje, da je izpolnjen pogoj enotnosti izuma

Kadar se varstvo za skupino izumov zahteva v eni in isti mednarodni prijavi, je pogoj za enotnost izuma iz prvega odstavka 13. pravila izpolnjen le, če je med temi izumi tehnična povezava, ki vključuje eno ali več enakih ali podobnih posebnih tehničnih značilnosti. Izraz "posebne tehnične značilnosti" pomeni tiste značilnosti, ki določajo prispevek, s katerim vsak od izumov, za katere se zahteva varstvo, kot celota nadgradi prejšnje stanje tehnike.

13.3 Ugotavljanje enotnosti izuma brez vpliva oblike in vsebine patentnih zahtevkov

Za določitev, ali je skupina izumov povezana tako, da sestavlja eno samo splošno izumiteljsko zamisel, ni pomembno, ali se varstvo za izume zahteva v ločenih patentnih zahtevkih ali kot različica v enem samem patentnem zahtevku.

13.4 Odvisni patentni zahtevki

Ob upoštevanju prvega odstavka 13. pravila je v isto mednarodno prijavo dovoljeno vključiti razumno število odvisnih patentnih zahtevkov, s katerimi se zahteva varstvo za posebne oblike izuma, ki je predmet neodvisnega patentnega zahtevka, čeprav se lahko šteje, da so značilnosti odvisnega patentnega zahtevka same zase izum.

13.5 Uporabni modeli

Vsaka imenovana država, v kateri se varstvo uporabnega modela zahteva na podlagi mednarodne prijave, lahko namesto prvega do četrtega odstavka 13. pravila za vprašanja, ki jih urejajo ti odstavki, uporablja določbe svoje notranje zakonodaje s področja uporabnih modelov, potem ko se v tej državi postopek v zvezi z mednarodno prijavo začne, pri čemer mora imeti prijavitelj po poteku roka, veljavnega po 22. členu, vsaj še dva meseca časa, da prijavo uskladi z zahtevami iz teh določb notranje zakonodaje.

13. a pravilo Izumi, ki se nanašajo na biološki material

13. a 1 Opredelitev

V tem pravilu "sklicevanje na deponirani biološki material" pomeni podatke iz mednarodne prijave o deponiranju biološkega materiala pri depozitni ustanovi ali o tako deponiranem biološkem materialu.

13. a 2 Sklicevanje (splošno)

Na deponirani biološki material se je treba vedno sklicevati v skladu s tem pravilom, pri čemer se šteje, da so izpolnjene zahteve notranje zakonodaje posamezne imenovane države.

13. a 3 Sklicevanje: vsebina; izpuščen sklic ali podatek

- (a) Pri sklicevanju na deponirani biološki material je treba navesti:
 - (i) ime in naslov depozitne ustanove, pri kateri je bil material deponiran;
 - (ii) dan deponiranja biološkega materiala pri tej ustanovi;
 - (iii) številko, ki jo depozitu dodeli ta ustanova, in
 - (iv) vse dodatne elemente, o katerih je bil Mednarodni urad uradno obveščen skladno s točko (i) pododstavka (a) sedmega odstavka 13. a pravila, pod pogojem, da je bila zahteva za navedbo teh elementov objavljena v Glasniku v skladu s pododstavkom (c) sedmega odstavka 13. a pravila vsaj dva meseca pred vložitvijo mednarodne prijave.

(b) Če ni sklicevanja na deponirani biološki material ali če pri sklicevanju na deponirani biološki material manjka neki podatek iz pododstavka (a), ne bo nikakršnih posledic v imenovanih državah, katerih notranja zakonodaja ne zahteva takega sklicevanja ali takih podatkov v državni prijavi.

13. a 4 Sklicevanje: rok za predložitev podatkov⁴

(a) Če ob upoštevanju pododstavkov (b) in (c) sklicevanje na deponirani biološki material v vloženi mednarodni prijavi ne vsebuje nobenega podatka iz pododstavka (a) tretjega odstavka 13. a pravila, ampak so ti predloženi Mednarodnemu uradu:

(i) v 16 mesecih od prednostnega datuma, jih imenovani uradi upoštevajo, kot da so bili predloženi pravočasno;

(ii) po poteku 16 mesecev od prednostnega datuma, jih imenovani uradi upoštevajo, kot da so bili predloženi zadnji dan tega roka, če prispejo v Mednarodni urad pred končanimi tehničnimi pripravami za mednarodno objavo.

(b) Če notranja zakonodaja, ki jo uporablja imenovani urad, za državne prijave zahteva, da se podatki predložijo prej kot v 16 mesecih od prednostnega datuma, lahko ta urad enako zahteva za podatke iz pododstavka (a) tretjega odstavka 13. a pravila pod pogojem, da je bil Mednarodni urad o tem uradno obveščen skladno s točko (ii) pododstavka (a) sedmega odstavka 13. a pravila in je to zahtevo objavil v Glasniku v skladu s pododstavkom (c) sedmega odstavka 13. a pravila vsaj dva meseca pred vložitvijo mednarodne prijave.

(c) Kadar prijavitelj zaprosi za predčasno objavo po pododstavku (b) drugega odstavka 21. člena, imenovani uradi lahko upoštevajo, da podatki, ki niso bili predloženi pred končanimi tehničnimi pripravami za mednarodno objavo, niso bili predloženi pravočasno.

(d) Mednarodni urad uradno obvesti prijavitelja, katerega dne je prejel podatke, predložene po pododstavku (a), in:

(i) če je podatke, predložene po pododstavku (a), prejel pred končanimi tehničnimi pripravami za mednarodno objavo, jih objavi skupaj z datumom prejema in mednarodno prijavo;

(ii) če je podatke prejel po končanih tehničnih pripravah za mednarodno objavo, uradno sporoči ta datum in pomembne podatke iz predloženih podatkov imenovanim uradom.

13. a 5 Sklicevanje in podatki za potrebe ene ali več imenovanih držav; različni depoziti za različne imenovane države; depoziti pri depozitnih ustanovah, ki niso uradno sporočene

(a) Šteje se, da je sklicevanje na deponirani biološki material namenjeno za potrebe vseh imenovanih držav, razen če je izrecno namenjeno samo za potrebe ene od imenovanih držav; isto velja za podatke v sklicu.

(b) Pri različnih imenovanih državah se je mogoče sklicevati na različne depozite biološkega materiala.

(c) Ni nujno, da imenovani uradi upoštevajo depozit pri depozitni ustanovi, ki je niso uradno sporočili po pododstavku (b) sedmega odstavka 13. a pravila.

13. a 6 Predložitev vzorcev

Skladno s 23. in 40. členom se vzorci deponiranega biološkega materiala, navedenega v mednarodni prijavi, ne predložijo pred potekom veljavnih rokov, po katerih se lahko začne državni postopek po navedenih členih, razen če prijavitelj to dovoli. Kadar pa prijavitelj dejanja iz 22. ali 39. člena opravi po mednarodni objavi in pred potekom navedenih rokov, se vzorci deponiranega biološkega materiala lahko predložijo, ko so navedena dejanja že opravljena. Ne glede na prejšnje določbe se vzorci deponiranega biološkega materiala lahko predložijo po notranji zakonodaji, ki jo uporablajo imenovani uradi, takoj ko ima po tej zakonodaji mednarodna objava učinek obvezne državne objave nepreizkušenih državnih prijav.

13. a 7 Državne zahteve: uradno obveščanje in objava

(a) Vsak državni urad lahko uradno sporoči Mednarodnemu uradu vse zahteve notranje zakonodaje:

(i) da mora sklicevanje na deponirani biološki material v državni prijavi vsebovati vse elemente, določene v uradnem obvestilu, poleg tistih iz točk (i), (ii) in (iii) pododstavka (a) tretjega odstavka 13. a pravila;

(ii) da mora vložena državna prijava vsebovati en ali več podatkov iz pododstavka (a) tretjega odstavka 13. a pravila ali da jih je treba predložiti v času, določenem v uradnem obvestilu, kar je prej kot v 16 mesecih od prednostnega datuma.

⁴ Opomba izdajatelja: Četrti odstavek 13. a pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, kot tudi za mednarodne prijave, ki so bile vložene pred 1. aprilom 2006, in ki so objavljene po 21. členu 1. aprila 2006 ali kasneje.

(b) Vsak državni urad uradno sporoči Mednarodnemu uradu depozitne ustanove, pri katerih je po notranji zakonodaji dovoljeno deponirati biološki material za izvedbo patentnega postopka pri tem uradu, ali če po notranji zakonodaji taki depoziti niso predvideni ali dovoljeni, mu sporoči to dejstvo.

(c) Mednarodni urad zahteve, o katerih je dobil uradno obvestilo po pododstavku (a), in informacije, o katerih je dobil uradno obvestilo po pododstavku (b), takoj objavi v Glasniku.

13. b pravilo Prikazi zaporedja nukleotidov in/ali aminokislin

13. b 1 Postopek pri ustanovi za mednarodno poizvedbo

(a) Kadar je v mednarodni prijavi razkrit en ali več nukleotidov in/ali prikazov zaporedij aminokislin, ustanova za mednarodno poizvedbo lahko pozove prijavitelja, da ji za potrebe mednarodne poizvedbe predloži prikaz zaporedij v elektronski obliki, ki je v skladu z merili iz upravnih navodil, razen če tak prikaz v elektronski obliki že ima na voljo v sprejemljivi obliki, in da ji po potrebi plača zamudno pristojbino iz pododstavka (c) v roku, ki je določen v pozivu.

(b) Kadar je vsaj del mednarodne prijave vložen na papirju in ustanova za mednarodne poizvedbe ugotovi, da opis ni v skladu s pododstavkom (a) drugega odstavka 5. pravila, lahko pozove prijavitelja, da ji za potrebe mednarodne poizvedbe predloži prikaz zaporedij v papirni obliki, ki je v skladu z merili iz upravnih navodil, razen če tak prikaz v papirni obliki že ima na voljo v sprejemljivi obliki, ne glede na to ali je bil v skladu s pododstavkom (a) dan poziv za predložitev prikaza zaporedij v elektronski obliki, in da ji po potrebi plača zamudno pristojbino iz pododstavka (c) v roku, ki je določen v pozivu.

(c) Za prikaz zaporedij, predložen na podlagi poziva po pododstavku (a) ali (b), lahko ustanova za mednarodno poizvedbo zahteva zase plačilo zamudne pristojbine, ki jo sama določi, vendar največ v višini 25 % mednarodne prijavne pristojbine iz točke 1 cenika pristojbin, pri čemer ni upoštevana pristojbina za posamezne liste mednarodne prijave nad 30, pod pogojem, da je zaračunana zamudna pristojbina bodisi po pododstavku (a) ali (b), ne pa po obeh.

(d) Če prijavitelj v roku, določenem v pozivu po pododstavku (a) ali (b), ne predloži zahtevanega prikaza zaporedij in ne plača zahtevane zamudne pristojbine, mora ustanova za mednarodne poizvedbe opraviti poizvedbo o mednarodni prijavi samo v taki meri, kolikor je brez prikaza zaporedij smotrno.

(e) Prikaz zaporedij, ki manjka v vloženi mednarodni prijavi, ni del mednarodne prijave ne glede na to, ali je predložen na podlagi poziva po pododstavku (a) ali (b) ali kako drugače, vendar ta pododstavek ne preprečuje prijavitelju, da spremeni opis glede na prikaz zaporedij v skladu s pododstavkom (b) drugega odstavka 34. člena.

(f) Kadar ustanova za mednarodno poizvedbo ugotovi, da opis ni v skladu s pododstavkom (b) drugega odstavka 5. pravila, pozove prijavitelja, da predloži potreben popravek. Za vsak popravek, ki ga ponudi prijavitelj, se smiselnouporablja četrti odstavek 26. pravila. Ustanova za mednarodno poizvedbo posreduje popravek prejemnemu uradu in Mednarodnemu uradu.

13. b 2 Postopek pri ustanovi za mednarodni predhodni preizkus

Za postopek pri ustanovi za mednarodni predhodni preizkus se smiselnouporablja prvi odstavek 13. b pravila.

13. b 3 Prikaz zaporedja za imenovani urad

Noben imenovani urad ne sme zahtevati, da mu prijavitelj predloži prikaz zaporedij, ki ni v skladu z merili iz upravnih navodil.

14. pravilo Pristojbina za posredovanje

14.1 Pristojbina za posredovanje

(a) Vsak prejemni urad lahko zahteva, da mu prijavitelj plača za prejem mednarodne prijave, za posredovanje izvodov Mednarodnemu uradu in pristojni ustanovi za mednarodno poizvedbo ter za vse druge naloge, ki jih mora kot prejemni urad opravljati v zvezi z mednarodno prijavo ("pristojbina za posredovanje").

(b) Višino morebitne pristojbine za posredovanje določi prejemni urad.

(c) Pristojbina za posredovanje se plača v enem mesecu od dneva prejema mednarodne prijave. Plača se znesek, ki velja na dan prejema.

15. pravilo Mednarodna prijavna pristojbina

15.1 Mednarodna prijavna pristojbina

Za vsako mednarodno prijavo je treba plačati pristojbino za Mednarodni urad ("mednarodna prijavna pristojbina"), ki jo pobere prejemni urad.

15.2 Znesek

(a) Znesek mednarodne prijavne pristojbine je naveden v ceniku pristojbin.

(b) Mednarodna prijavna pristojbina se plača v valuti ali v eni od valut, ki jo predpiše prejemni urad ("predpisana valuta"), pri čemer se razume, da je takrat, ko jo prejemni urad prenese Mednarodnemu uradu, prosto zamenljiva v švicarsko valuto. Znesek mednarodne prijavne pristojbine za vsak prejemni urad, ki predpisuje plačilo te pristojbine v valuti, ki ni švicarska, določi generalni direktor po posvetovanju s prejemnim uradom države, ki ima isto uradno valuto, kot je predpisana, oziroma dela za tako državo po pododstavku (b) prvega odstavka 19. pravila. Tako določen znesek mora biti zaokrožen in enakovreden znesku v švicarski valuti, ki je določen v ceniku pristojbin. Mednarodni urad ga uradno sporoči vsakemu prejemnemu uradu, ki predpisuje plačilo v tisti predpisani valuti, in ga objavi v Glasniku.

(c) Kadar se višina mednarodne prijavne pristojbine iz cenika pristojbin spremeni, se pri predpisani valuti od istega dneva dalje uporablja znesek, ki ustreza znesku iz spremenjenega cenika pristojbin.

(d) Kadar se menjalni tečaj med švicarsko valuto in predpisano valuto spremeni glede na zadnji uporabljeni tečaj, generalni direktor določi novi znesek v predpisani valuti v skladu z napotki skupščine. Novodoločeni znesek začne veljati dva meseca po objavi v Glasniku, pri čemer se prejemni urad iz drugega stavka pododstavka (b) in generalni direktor lahko dogovorita za neki datum znotraj dvomesečnega obdobja in v tem primeru novi znesek začne veljati tega dne.

15.3 [črtano]

15.4 Plaćilni rok; znesek za placilo

Mednarodna prijavna pristojbina se plača v enem mesecu od dneva prejema mednarodne prijave. Plača se znesek, ki velja na dan prejema.

15.5 [črtano]

15.6 Vračilo

Prejemni urad vrne mednarodno prijavno pristojbino prijavitelju:

- (i) če je ugotovitev po prvem odstavku 11. člena negativna,
- (ii) če je pred posredovanjem arhivskega izvoda Mednarodnemu uradu mednarodna prijava umaknjena ali se šteje, da je umaknjena, ali
- (iii) če se zaradi predpisov o državni varnosti mednarodna prijava ne obravnava kot taka.

16. pravilo Pristojbina za poizvedbo

16.1 Pravica do zaračunavanja pristojbine

(a) Vsaka ustanova za mednarodno poizvedbo lahko zahteva, da ji prijavitelj plača pristojbino ("pristojbina za poizvedbo") za izvedbo mednarodne poizvedbe in za vse druge naloge, ki jih ustanovi za mednarodno poizvedbo poverjata pogodba in ta pravilnik.

(b) Pristojbino za poizvedbo pobira prejemni urad. Navedena pristojbina se plača v valuti ali v eni od valut, ki jo predpiše ta urad ("valuta prejemnega urada"), pri čemer se razume, da će valuta prejemnega urada ni tista ali ena od tistih, v kateri je ustanova za mednarodno poizvedbo določila to pristojbino ("določena valuta"), je takrat, ko jo prejemni urad prenese ustanovi za mednarodno poizvedbo, prosto zamenljiva v valuto države, v kateri ima ustanova za mednarodno poizvedbo svoj sedež ("valuta sedeža"). Znesek pristojbine za poizvedbo v valuti prejemnega urada, ki ni določena valuta, določi generalni direktor po posvetovanju s prejemnim uradom države, ki ima isto uradno valuto, kot je valuta prejemnega urada, oziroma dela za tako državo po pododstavku (b) prvega odstavka 19. pravila. Tako določeni zneski morajo biti zaokroženi in enakovredni znesku, ki ga ustanova za mednarodno

poizvedbo določi v valuti sedeža. Mednarodni urad jih mora uradno sporočiti vsakemu prejemnemu uradu, ki predpisuje plačilo v tisti valuti prejemnega urada, in jih objaviti v Glasniku.

(c) Kadar se spremeni višina pristojbine za poizvedbo v valuti sedeža, se pri valuti prejemnega urada, ki ni ena ali več določenih valut, od istega dneva dalje uporabljajo zneski, ki ustrezajo spremenjenim zneskom v valuti sedeža.

(d) Kadar se menjalni tečaj med valuto sedeža in katero koli valuto prejemnega urada spremeni glede na zadnji uporabljeni tečaj, generalni direktor določi novi znesek v tisti valuti prejemnega urada v skladu z napotki skupščine. Novodoločeni znesek začne veljati dva meseca po objavi v Glasniku, pri čemer se prejemni urad iz tretjega stavka pododstavka (b) in generalni direktor lahko dogovorita za neki datum znotraj tega dvomesečnega obdobja in v tem primeru novi znesek začne za ta urad veljati tega dne.

(e) Kadar pri plačilu pristojbine za poizvedbo v valuti prejemnega urada, ki ni ena ali več določenih valut, ustanova za mednarodno poizvedbo prejme dejansko nižji znesek v valuti sedeža, kot ga je določila, ji razliko plača Mednarodni urad, če pa je dejansko prejeti znesek višji, razlika pripada Mednarodnemu uradu.

(f) Glede roka za plačilo pristojbine za poizvedbo in zneska plačila smiselno veljajo določbe četrtega odstavka 15. pravila o mednarodni prijavni pristojbini.

16.2 Vračilo

Prejemni urad vrne pristojbino za poizvedbo prijavitelju:

- (i) če je ugotovitev po prvem odstavku 11. člena negativna,
- (ii) če je pred posredovanjem poizvedbenega izvoda ustanovi za mednarodno poizvedbo mednarodna prijava umaknjena ali se šteje, da je umaknjena, ali
- (iii) če se zaradi predpisov o državni varnosti mednarodna prijava ne obravnava kot taka.

16.3 Delno vračilo

Kadar se z mednarodno prijavo zahteva prednost na podlagi prejšnje mednarodne prijave, za katero je mednarodno poizvedbo opravila ista ustanova za mednarodno poizvedbo, ta ustanova vrne pristojbino za poizvedbo, plačano za poznejo mednarodno prijavo, v višini in pod pogoji, predvidenimi v sporazumu po pododstavku (b) tretjega odstavka 16. člena, če poročilo o mednarodni poizvedbi za poznejo mednarodno prijavo lahko v celoti ali delno temelji na ugotovitvah mednarodne poizvedbe, opravljene za prejšnjo mednarodno prijavo.

16. a pravilo **Podaljšanje rokov plačil pristojbin**

16. a 1 Poziv prejemnega urada

(a) Kadar prejemni urad pred rokom plačila pristojbin po pododstavku (c) prvega odstavka 14. člena, četrtem odstavku 15. člena in pododstavku (f) prvega odstavka 16. člena ugotovi, da ni bila plačana nobena pristojbina ali da plačani znesek ne zadostuje za kritje pristojbine za posredovanje, mednarodne prijavne pristojbine in pristojbine za poizvedbo, v skladu s pododstavkom (d) pozove prijavitelja, da mu v enem mesecu od poziva plača znesek, ki krije te pristojbine, po potrebi skupaj s pristojbino za zamudo pri plačilu po drugem odstavku 16. a pravila.

(b) [črtano]

(c) Kadar prejemni urad pošlje prijavitelju poziv po pododstavku (a) in prijavitelj v roku iz tega pododstavka ne plača celega dolgovanega zneska, vključno s pristojbino za zamudo pri plačilu po drugem odstavku 16. a pravila, kadar je potrebno, ob upoštevanju pododstavka (e):

- (i) pripravi ustreznou izjavo po tretjem odstavku 14. člena in
- (ii) nadalje ravna v skladu z 29. pravilom.

(d) Šteje se, da je vsako plačilo, ki ga prejemni urad prejme, preden pošlje poziv v skladu s pododstavkom (a), prejeto pred potekom roka po pododstavku (c) prvega odstavka 14. člena, četrtem odstavku 15. člena oziroma pododstavku (f) prvega odstavka 16. člena.

(e) Šteje se, da je vsako plačilo, ki ga prejemni urad prejme, preden pripravi ustreznou izjavo po tretjem odstavku 14. člena, prejeto pred potekom roka iz pododstavka (a).

16. a 2 Pristojbina za zamudo pri plačilu

(a) Za pristojbine, plačane na podlagi poziva iz pododstavka (a) prvega odstavka 16. a pravila, lahko prejemni urad zahteva plačilo pristojbine za zamudo pri plačilu za svojo korist. Pristojbina znaša:

(i) 50 % zneska neplačanih pristojbin, ki je določen v pozivu, ali
(ii) če je znesek, izračunan po točki (i), manjši od pristojbine za posredovanje, znesek, ki je enak pristojbini za posredovanje.

(b) Znesek pristojbine za zamudo pri plačilu pa ne sme preseči 50 % zneska mednarodne prijavne pristojbine iz točke 1 cenika pristojbin, pri čemer ni upoštevana pristojbina za posamezne liste mednarodne prijave nad 30.

17. pravilo

Dokument o prednosti

17.1 Obvezna predložitev izvoda prejšnje državne ali mednarodne prijave

(a) Kadar se zahteva prednost na podlagi prejšnje državne ali mednarodne prijave v skladu z 8. členom, prijavitelj izvod prejšnje prijave, ki ga je potrdil organ, pri katerem je bila ta vložena ("dokument o prednosti"), razen če je bil ta dokument o prednosti že vložen pri prejemnem uradu skupaj z mednarodno prijavo, v kateri se zahteva prednost, in ob upoštevanju pododstavkov (b) in (b a), pošlje Mednarodnemu uradu ali prejemnemu uradu najpozneje v 16 mesecih od predostnega datuma, pri čemer se šteje, da je vsak izvod prejšnje prijave, ki ga Mednarodni urad prejme po poteku tega roka, prejet zadnji dan roka, če prispe v Mednarodni urad pred dnevom mednarodne objave mednarodne prijave.

(b) Kadar dokument o prednosti izda prejemni urad, prijavitelj lahko, namesto da dokument o prednosti predloži, zaprosi prejemni urad, da pripravi in posreduje dokument o prednosti Mednarodnemu uradu. To lahko zaprosi najpozneje v 16 mesecih po predostnem datumu, prejemni urad pa za to lahko zahteva plačilo pristojbine.

(b a) Kadar je v skladu z upravnimi navodili dokument o prednosti na razpolago prejemnemu uradu ali Mednarodnemu uradu v digitalni knjižnici, lahko glede na primer prijavitelj, namesto da predloži dokument o prednosti:

(i) zaprosi prejemni urad, da pridobi dokument o prednosti iz digitalne knjižnice in ga posreduje Mednarodnemu uradu, ali

(ii) zaprosi Mednarodni urad, da pridobi dokument o prednosti iz take digitalne knjižnice.

To lahko zaprosi najpozneje v 16 mesecih po predostnem datumu, prejemni urad ali Mednarodni urad pa za to lahko zahteva plačilo pristojbine.

(c) Če ni izpolnjena nobena od zahtev iz prejšnjih treh pododstavkov, imenovanemu uradu ob upoštevanju pododstavka (d) ni treba upoštevati zahteve za prednost, pri čemer noben imenovani urad tega ne stori, ne da bi prej dal prijavitelju priložnost, da predloži dokument o prednosti v roku, ki mora biti v danih okoliščinah smiseln.

(d) Noben imenovani urad se ne more odločiti, da ne bi upošteval zahteve za prednost po pododstavku (c), če je bila prejšnja prijava iz pododstavka (a) vložena pri tem uradu kot državnem uradu ali če ima v skladu z upravnimi navodili dokument o prednosti na razpolago v digitalni knjižnici.

17.2 Dostopnost izvodov

(a) Kadar prijavitelj izpolni pogoje iz pododstavkov (a), (b) ali (b a) prvega odstavka 17. pravila, Mednarodni urad na posebno zahtevo imenovanega urada takoj predloži izvod dokumenta o prednosti temu uradu, vendar ne pred mednarodno objavo mednarodne prijave. Noben tak urad ne zahteva, da mu prijavitelj sam predloži izvod. Prijavitelju ni treba predložiti prevoda imenovanemu uradu pred potekom roka, veljavnega po 22. členu. Kadar prijavitelj pred mednarodno objavo mednarodne prijave da imenovanemu uradu izrecno zahtevo v skladu z drugim odstavkom 23. člena, Mednarodni urad na posebno zahtevo imenovanega urada predloži izvod dokumenta o prednosti temu uradu, takoj ko ga dobi.

(b) Mednarodni urad ne sme dati izvodov dokumenta o prednosti na razpolago javnosti pred mednarodno objavo mednarodne prijave.

(c) Kadar je mednarodna prijava objavljena po 21. členu, Mednarodni urad predloži izvod dokumenta o prednosti vsakomur, ki to zahteva, in povrne stroške, razen če je bila pred prijavo:

(i) mednarodna prijava umaknjena,

(ii) ustrezna zahteva za prednost umaknjena ali se po pododstavku (b) drugega odstavka 26. a pravila šteje, da ni bila podana.

18. pravilo Prijavitelj

18.1 Sedež, stalno prebivališče in državljanstvo

(a) Ob upoštevanju določb pododstavkov (b) in (c) je rešitev vprašanja, ali ima prijavitelj glede na svoje trditve sedež ali stalno prebivališče v državi pogodbenici ali je državljan te države, odvisna od notranje zakonodaje te države, odločitev o tem pa sprejme prejemni urad.

(b) V vsakem primeru

(i) se lastništvo resničnega in dejanskega industrijskega obrata ali trgovske poslovalnice v državi pogodbenici šteje kot sedež ali stalno prebivališče v tej državi in

(ii) se pravna oseba, ustanovljena po notranji zakonodaji države pogodbenice, šteje kot državljan te države.

(c) Kadar se mednarodna prijava vloži pri Mednarodnem uradu kot prejemnem uradu, Mednarodni urad v okolišinah, določenih v upravnih navodilih, zaprosi državni urad te države pogodbenice oziroma urad, ki dela zanjo, da odloči v zvezi z vprašanjem iz pododstavka (a). Mednarodni urad obvesti prijavitelja o vsakem takem zaprosilu. Prijavitelj ima možnost dati pripombe neposredno državnemu uradu. Državni urad o takem vprašanju odloča takoj.

18.2 [črtano]

18.3 Dva ali več prijaviteljev

Če sta prijavitelja dva ali več, pravica do vložitve mednarodne prijave obstaja, če ima vsaj eden od njiju pravico vložiti mednarodno prijavo v skladu z 9. členom.

18.4 Zahteve notranje zakonodaje glede prijaviteljev

(a) in (b) [črtano]

(c) Mednarodni urad občasno izda informacijo o razni notranji zakonodaji v zvezi z vprašanjem, kdo (izumitelj, izumiteljev pravni naslednik, lastnik izuma ali kdo drug) izpolnjuje pogoje za vložitev državne prijave, in opremi tako informacijo z opozorilom, da je učinek mednarodne prijave v imenovani državi lahko odvisen od dejstva, ali je oseba, navedena v mednarodni prijavi kot prijavitelj za to državo, oseba, ki po notranji zakonodaji te države izpolnjuje pogoje za vložitev državne prijave.

19. pravilo Pristojni prejemni urad

19.1 Kje vložiti

(a) Ob upoštevanju določb pododstavka (b) se mednarodna prijava po izbiri prijavitelja vloži

(i) pri državnem uradu države pogodbenice, v kateri ima prijavitelj sedež ali stalno prebivališče, oziroma uradu, ki dela za to državo,

(ii) pri državnem uradu države pogodbenice, katere državljan je prijavitelj, oziroma uradu, ki dela za to državo, ali

(iii) ne glede na državo pogodbenico, v kateri ima prijavitelj sedež ali stalno prebivališče ali je njen državljan, pri Mednarodnem uradu.

(b) Vsaka država pogodbenica se lahko dogovori z drugo državo pogodbenico ali medvladno organizacijo, da državni urad te države ali medvladna organizacija opravlja vsa ali nekatera dela namesto njenega državnega urada, in sicer kot prejemni urad za prijavitelje, ki imajo v njej sedež ali stalno prebivališče, ali pa so njeni državljeni. Ne glede na tak dogovor se v petem odstavku 15. člena državni urad te države šteje kot pristojni prejemni urad.

(c) V zvezi s katero koli odločitvijo po drugem odstavku 9. člena skupščina imenuje državni urad ali medvladno organizacijo, ki bo delala kot prejemni urad za prijave oseb, ki imajo sedež ali stalno prebivališče v državah, ki jih določi skupščina, ali so njihovi državljeni. Za tako imenovanje je potrebno predhodno soglasje navedenega državnega urada ali medvladne organizacije.

19.2 Dva ali več prijaviteljev

Če sta prijavitelja dva ali več:

(i) se šteje, da so zahteve prvega odstavka 19. člena izpolnjene, če je državni urad, pri katerem je vložena mednarodna prijava, državni urad države pogodbenice, v kateri ima vsaj en prijavitelj sedež ali stalno prebivališče, oziroma dela za to državo;

(ii) se mednarodna prijava lahko vloži pri Mednarodnem uradu po točki (iii) pododstavka (a) prvega odstavka 19. pravila, če ima vsaj en prijavitelj sedež ali stalno prebivališče v državi pogodbenici oziroma je njen državljan.

19.3 Objava prejemu objave

(a) Država pogodbenica, ki naloge prejemnega urada prenese na državni urad druge države pogodbenice oziroma urad, ki dela za to državo, ali na medvladno organizacijo, takoj uradno obvesti Mednarodni urad o vsakem dogovoru iz pododstavka (b) prvega odstavka 19. pravila.

(b) Mednarodni urad sporočilo takoj po prejemu objavi v Glasniku.

19.4 Posredovanje Mednarodnemu uradu kot prejemnemu uradu

(a) Kadar se mednarodna prijava vloži pri državnem uradu, ki dela kot prejemni urad v skladu s pogodbo, toda

(i) ta državni urad ni pristojen za prejemanje mednarodnih prijav po prvem ali drugem odstavku 19. pravila ali

(ii) ta mednarodna prijava ni v jeziku, ki ga po pododstavku (a) prvega odstavka 12. pravila sprejema ta državni urad, je pa v jeziku, ki ga po tem pravilu sprejema Mednarodni urad kot prejemni urad, ali

(iii) se ta državni urad in Mednarodni urad zaradi katerega koli razloga, ki ni naveden pod točkama (i) in (ii), in z dovoljenjem prijavitelja, da se uporabi postopek iz tega pravila, dogovorita, da se za mednarodno prijavo ob upoštevanju pododstavka (b) šteje, da jo je prejel ta urad v imenu Mednarodnega urada kot prejemnega urada po točki (iii) pododstavka (a) prvega odstavka 19. pravila.

(b) Kadar v skladu s prejšnjim pododstavkom državni urad prejme mednarodno prijavo v imenu Mednarodnega urada kot prejemnega urada po točki (iii) pododstavka (a) prvega odstavka 19. pravila, jo ta državni urad takoj posreduje Mednarodnemu uradu, če predpisi o državni varnosti ne prepričujejo takega posredovanja mednarodne prijave. Za tako posredovanje lahko državni urad zahteva plačilo pristojbine, ki je enaka pristojbini za posredovanje, ki jo zaračunava ta urad po 14. pravilu. Šteje se, da je Mednarodni urad kot prejemni urad po točki (iii) pododstavka (a) prvega odstavka 19. pravila tako posredovano mednarodno prijavo prejel tisti dan, ko jo je prejel državni urad.

(c) Kadar je bila mednarodna prijava posredovana Mednarodnemu uradu po pododstavku (b), se za namene pododstavka (c) prvega odstavka 14. pravila, četrtega odstavka 15. pravila in pododstavka (f) prvega odstavka 16. pravila šteje, da je mednarodna prijava prejeta tisti dan, ko jo je Mednarodni urad dejansko prejel. Za ta pododstavek ne velja zadnji stavek pododstavka (b).

20. pravilo

Prejem mednarodne prijave

20.1 Datum in številka

(a) Po prejemu listin, ki naj bi bile mednarodna prijava, prejemni urad na zahtevi vsakega izvoda neizbrisno označi dan dejanskega prejema, številko mednarodne prijave pa na vsakem listu vsakega prejetega izvoda.

(b) Mesto za oznako datuma, številke in drugih podatkov je za vsak list določeno v upravnih navodilih.

20.2 Prejem v različnih dnevih

(a) Kadar prejemni urad ne prejme istega dne vseh listov, ki spadajo v isto domnevno mednarodno prijavo, popravi datum, označen na zahtevi (pri čemer prej označeni datum ali podatki ostanejo čitljivi), tako da je naveden dan, ko so prispele listine, ki so dopolnile mednarodno prijavo, pri čemer,

(i) kadar poziv za odpravo pomanjkljivosti po pododstavku (a) drugega odstavka 11. člena ni bil poslan prijavitelju, so te listine prejete v 30 dneh od dneva, ko so bile prejete prve listine;

(ii) kadar je bil poziv za odpravo pomanjkljivosti po pododstavku (a) drugega odstavka 11. člena poslan prijavitelju, so te listine prejete v roku, veljavnem po šestem odstavku 20. pravila;

(iii) so v primeru iz drugega odstavka 14. člena manjkajoče skice prejete v 30 dneh od dneva, ko so bile vložene nepopolne listine;

(iv) zaradi dejstva, da manjka neka listina s celim ali delnim povzetkom ali da je prispela z zamudo, ni treba popraviti datuma na zahtevi.

(b) Prejemni urad na vsaki listini, ki jo prejme pozneje kot prve listine, označi datum, ko je bila prejeta.

20.3 Popravljena mednarodna prijava

V primeru iz pododstavka (b) drugega odstavka 11. člena prejemni urad popravi datum na zahtevi (pri čemer prej označeni datum ali podatki ostanejo čitljivi), tako da je naveden datum, ko je prispel zadnji zahtevani popravek.

20.4 Ugotovitev po prvem odstavku 11. člena

(a) Prejemni urad takoj po prejemu listin domnevne mednarodne prijave ugotovi, ali listine izpoljujejo zahteve prvega odstavka 11. člena.

(b) Za namene podtočke (c) točke (iii) prvega odstavka 11. člena zadostuje taka navedba prijaviteljevega imena, ki omogoča ugotoviti identiteto, tudi če je ime napisano narobe, če ni navedeno celo ime, ali pri pravnih osebah, če je okrajšano ali nepopolno.

(c) Za namene točke (ii) prvega odstavka 11. člena zadostuje, da je del, ki naj bi bil opis (razen prikaza zaporedij v opisu), in del, ki naj bi bil en ali več patentnih zahtevkov, v jeziku, ki ga sprejema prejemni urad po pododstavku (a) prvega odstavka 12. člena.

(d) Če 1. oktobra 1997 pododstavek (c) ni skladen z notranjo zakonodajo prejemnega urada, zanj ne velja, dokler ostaja neskladen s to zakonodajo, pod pogojem, da ta urad o tem obvesti Mednarodni urad do 31. decembra 1997. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.⁵

20.5 Pozitivna ugotovitev

(a) Če je ugotovitev po prvem odstavku 11. člena pozitivna, prejemni urad na zahtevo odtisne ime prejemnega urada in besede "PCT International Application" ali "Demande internationale PCT" (Mednarodna prijava PCT, op. prev.). Če uradni jezik prejemnega urada ni niti angleščina niti francoščina, je lahko zraven besed "International Application" ali "Demande internationale" prevod teh besed v uradnem jeziku prejemnega urada.

(b) Izvod, ki vsebuje tako žigosano zahtevo, je arhivski izvod mednarodne prijave.

(c) Prejemni urad prijavitelju takoj uradno sporoči številko mednarodne prijave in dan vložitve mednarodne prijave. Hkrati pošlje Mednarodnemu uradu izvod uradnega obvestila, poslanega prijavitelju, razen kadar je že poslal ali pošilja Mednarodnemu uradu hkrati tudi arhivski izvod po pododstavku (a) prvega odstavka 22. pravila.

20.6 Poziv za odpravo pomanjkljivosti

(a) V pozivu za odpravo pomanjkljivosti po drugem odstavku 11. člena je navedena zahteva iz prvega odstavka 11. člena, ki po mnenju prejemnega urada ni bila izpolnjena.

(b) Prejemni urad poziv takoj pošlje prijavitelju in glede na okoliščine določi razumen rok za vložitev popravka. Rok ne sme biti krajši od 10 dni in ne daljši od enega meseca od dneva poziva. Če tak rok poteče po preteklu enega leta od dneva vložitve prijave, za katero se zahteva prednost, lahko prejemni urad prijavitelja na to opozori.

20.7 Negativna ugotovitev

Če prejemni urad v predpisanim roku ne dobi odgovora na poziv za odpravo pomanjkljivosti ali če prijaviteljev popravek še vedno ne izpoljuje zahtev, predvidenih po prvem odstavku 11. člena:

(i) takoj uradno obvesti prijavitelja, da njegova prijava ni in ne bo obravnavana kot mednarodna prijava, in navede razloge za to,

(ii) uradno obvesti Mednarodni urad, da se številka, s katero je označil listine, ne bo uporabljalna kot številka mednarodne prijave,

(iii) obdrži listine, ki sestavljajo domnevno mednarodno prijavo, in vso korespondenco v zvezi z njo, kot predvideva prvi odstavek 93. pravila, ter

(iv) pošlje izvod teh listin Mednarodnemu uradu, kadar v skladu s prijaviteljevo zahtevo po prvem odstavku 25. člena Mednarodni urad tak izvod potrebuje in posebej zaprosi zanj.

20.8 Napaka prejemnega urada

Če prejemni urad pozneje odkrije ali na podlagi prijaviteljevega odgovora ugotovi, da je ravnal narobe, ko je izdal poziv za odpravo pomanjkljivosti, ker so bile ob prejemu listin izpolnjene zahteve, predvidene v prvem odstavku 11. člena, nadalje ravna v skladu s petim odstavkom 20. pravila.

⁵ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

20.9 Overjen izvod za prijavitelja

Prejemni urad na podlagi plačila pristojbine pošlje prijavitelju na njegovo zahtevo overjene izvode vložene mednarodne prijave in vseh njenih popravkov.

21. pravilo Priprava izvodov

21.1 Obveznost prejemnega urada

(a) Kadar mora biti mednarodna prijava vložena v enem izvodu, je prejemni urad odgovoren za pripravo izvoda zase in poizvedbenega izvoda v skladu s prvim odstavkom 12. člena.

(b) Kadar mora biti mednarodna prijava vložena v dveh izvodih, je prejemni urad odgovoren za pripravo izvoda zase.

(c) Če je mednarodna prijava vložena v manj izvodih, kot zahteva pododstavek (b) prvega odstavka 11. pravila, je prejemni urad odgovoren za takojšnjo pripravo potrebnega števila izvodov in ima pravico določiti pristojbino za opravljanje te naloge ter pobrati to pristojbino od prijavitelja.

22. pravilo Posredovanje arhivskega izvoda in prevoda

22.1 Postopek

(a) Če je ugotovitev po prvem odstavku 11. člena pozitivna in če predpisi o državni varnosti ne preprečujejo obravnavanja mednarodne prijave kot take, prejemni urad posreduje arhivski izvod Mednarodnemu uradu. Posredovati ga mora takoj po prejemu mednarodne prijave, ali če je treba opraviti kontrolo zaradi državne varnosti, takoj ko dobi potrebno dovoljenje. Prejemni urad v vsakem primeru posreduje arhivski izvod pravočasno, tako da prispe v Mednarodni urad do poteka 13. meseca od prednognostnega datuma. Če se posreduje po pošti, prejemni urad odpošlje arhivski izvod najpozneje pet dni pred potekom 13. meseca od prednognostnega datuma.

(b) Če Mednarodni urad prejme izvod uradnega obvestila iz pododstavka (c) petega odstavka 20. pravila, vendar do poteka 13. meseca od prednognostnega datuma še ni dobil arhivskega izvoda, opomni prejemni urad, naj mu takoj posreduje arhivski izvod.

(c) Če Mednarodni urad prejme izvod uradnega obvestila iz pododstavka (c) petega odstavka 20. pravila, vendar do poteka 14. meseca od prednognostnega datuma še ni dobil arhivskega izvoda, opomni prejemni urad, naj mu takoj posreduje arhivski izvod.

(d) Po poteku 14. meseca od prednognostnega datuma prijavitelj lahko zahteva, da prejemni urad overi izvod njegove mednarodne prijave kot enake vloženi mednarodni prijavi, in lahko posreduje tako overjen izvod Mednarodnemu uradu.

(e) Overitev po prejšnjem pododstavku je brezplačna in se lahko zavrne samo zaradi teh razlogov:

(i) izvod, ki naj bi ga prejemni urad overil, ni enak vloženi mednarodni prijavi;

(ii) predpisi o državni varnosti preprečujejo, da se mednarodna prijava obravnava kot taka;

(iii) prejemni urad je že posredoval arhivski izvod Mednarodnemu uradu in ta je obvestil prejemni urad, da je arhivski izvod prejel.

(f) Če Mednarodni urad še ni prejel arhivskega izvoda oziroma dokler ga ne prejme, se izvod, overjen po prejšnjem pododstavku, ki ga prejme Mednarodni urad, šteje za arhivski izvod.

(g) Če je prijavitelj do poteka roka, veljavnega po 22. členu, opravil vsa dejanja iz tega člena, vendar Mednarodni urad ni obvestil imenovanega urada, da je prejel arhivski izvod, imenovani urad o tem obvesti Mednarodni urad. Če Mednarodni urad nima arhivskega izvoda, o tem takoj uradno obvesti prijavitelja in prejemni urad, razen če ju ni obvestil že po pododstavku (c).

(h) Kadar se mednarodna prijava objavi v jeziku prevoda, predloženega po tretjem ali četrtem odstavku 12. pravila, prejemni urad posreduje ta prevod Mednarodnemu uradu skupaj z arhivskim izvodom po pododstavku (a), ali če je prejemni urad po tem pododstavku že posredoval arhivski izvod Mednarodnemu uradu, takoj po prejemu prevoda.

22.2 [črtano]

22.3 Rok po tretjem odstavku 12. člena

Rok iz tretjega odstavka 12. člena je tri mesece od dneva uradnega obvestila, ki ga je Mednarodni urad poslal prijavitelju po pododstavku (c) ali (g) prvega odstavka 22. pravila.

23. pravilo

Posredovanje poizvedbenega izvoda, prevoda in prikaza zaporedij

23.1 Postopek

(a) Kadar po pododstavku (a) tretjega odstavka 12. pravila prevod mednarodne prijave ni potreben, prejemni urad posreduje poizvedbeni izvod ustanovi za mednarodno poizvedbo najpozneje isti dan, ko je arhivski izvod posredovan Mednarodnemu uradu, razen če pristojbina za poizvedbo ni bila plačana. V tem primeru ga posreduje takoj po plačilu pristojbine za poizvedbo.

(b) Kadar se po tretjem odstavku 12. pravila predloži prevod mednarodne prijave, prejemni urad posreduje ustanovi za mednarodno poizvedbo izvod prevoda in zahteve, ki se po prvem odstavku 12. člena skupaj štejeta kot poizvedbeni izvod, razen če pristojbina za poizvedbo ni bila plačana. V tem primeru posreduje izvod prevoda in zahteve takoj po plačilu pristojbine za poizvedbo.

(c) Prejemni urad prikaz zaporedij v elektronski obliki, predložen za namene 13. b pravila temu uradu namesto ustanovi za mednarodno poizvedbo, takoj posreduje tej ustanovi.

24. pravilo

Prejem arhivskega izvoda v Mednarodnem uradu

24.1 [črtano]

24.2 Uradno obvestilo o prejemu arhivskega izvoda

(a) Mednarodni urad takoj uradno obvesti:

- (i) prijavitelja,
- (ii) prejemni urad in

(iii) ustanovo za mednarodno poizvedbo (razen če ni obvestila Mednarodnega urada, da ne želi biti uradno obveščena),

da je prejel arhivski izvod in kdaj ga je prejel. V uradnem obvestilu mora biti mednarodna prijava opredeljena s številko, dnevom vložitve mednarodne prijave in imenom prijavitelja, naveden pa mora biti tudi dan vložitve katere koli prejšnje prijave, za katero se zahteva prednost. Uradno obvestilo, ki se pošlje prijavitelju, mora vsebovati tudi seznam imenovanih uradov, če pa je imenovani urad pristojen tudi za izdajo regionalnih patentov, še seznam držav pogodbenic, imenovanih za tak regionalni patent.

(b) [črtano]

(c) Če Mednarodni urad prejme arhivski izvod po poteku roka, določenega v tretjem odstavku 22. pravila, o tem takoj uradno obvesti prijavitelja, prejemni urad in ustanovo za mednarodno poizvedbo.

25. pravilo

Prejem poizvedbenega izvoda v ustanovi za mednarodno poizvedbo

25.1 Uradno obvestilo o prejemu poizvedbenega izvoda

Ustanova za mednarodno poizvedbo takoj uradno obvesti Mednarodni urad, prijavitelja in prejemni urad – razen če ustanova za mednarodno poizvedbo ni ista kot prejemni urad – da je prejela poizvedbeni izvod in kdaj ga je prejela.

26. pravilo

Preverjanje in popravljanje nekaterih sestavin mednarodne prijave pred prejemnim uradom

26.1 Rok za preverjanje

(a) Prejemni urad čim prej izda poziv za odpravo pomanjkljivosti, predviden v pododstavku (b) prvega odstavka 14. člena, najbolje v enem mesecu od prejema mednarodne prijave.

(b) Če prejemni urad izda poziv za odpravo pomanjkljivosti iz točke (iii) ali (iv) pododstavka (a) prvega odstavka 14. člena (če manjka naziv ali povzetek), o tem uradno obvesti ustanovo za mednarodno poizvedbo.

26.2 Rok za odpravo pomanjkljivosti

Rok iz pododstavka (b) prvega odstavka 14. člena mora biti v danih okoliščinah smiseln, določi pa ga vedno prejemni urad. Ne sme biti krajsi kot en mesec od dneva poziva za odpravo pomanjkljivosti. Prejemni urad ga pred odločitvijo lahko kadar koli podaljša.

26.2 a Preverjanje zahtev po točkah (i) in (ii) pododstavka (a) prvega odstavka 14. člena

(a) Če je več kot en prijavitelj, za namene točke (i) pododstavka (a) prvega odstavka 14. člena zadostuje, da zahtevo podpiše eden.

(b) Če je več kot en prijavitelj, za namene točke (ii) pododstavka (a) prvega odstavka 14. člena zadostuje, da so podatki, zahtevani po točkah (ii) in (iii) pododstavka (a) petega odstavka 4. pravila, navedeni za tistega prijavitelja, ki ima v skladu s prvim odstavkom 19. pravila pravico vložiti mednarodno prijavo pri prejemnem uradu.

26.3 Preverjanje zahtev glede oblike po točki (v) pododstavka (a) prvega odstavka 14. člena

(a) Kadar je mednarodna prijava vložena v jeziku objave, prejemni urad preveri:

(i) ali mednarodna prijava izpoljuje zahteve glede oblike iz 11. pravila toliko, kolikor je potrebno za razmeroma poenoteno mednarodno objavo;

(ii) ali prevod, predložen po tretjem odstavku 12. pravila, izpoljuje zahteve glede oblike iz 11. pravila toliko, kolikor je potrebno za zadovoljivo razmnoževanje.

(b) Kadar je mednarodna prijava vložena v jeziku, ki ni jezik objave, prejemni urad preveri:

(i) ali mednarodna prijava izpoljuje zahteve glede oblike iz 11. pravila toliko, kolikor je potrebno za zadovoljivo razmnoževanje;

(ii) ali prevod, predložen po tretjem ali četrtem odstavku 12. pravila, in skice izpoljujejo zahteve glede oblike iz 11. pravila toliko, kolikor je potrebno za razmeroma poenoteno mednarodno objavo.

26.3 a Poziv po pododstavku (b) prvega odstavka 14. člena za odpravo pomanjkljivosti po 11. pravilu

Prejemnemu uradu ni treba izdati poziva po pododstavku (b) prvega odstavka 14. člena za odpravo pomanjkljivosti po 11. pravilu, kadar so zahteve glede oblike iz tega pravila izpolnjene toliko, kolikor je potrebno po tretjem odstavku 26. pravila.

26.3 b Poziv za odpravo pomanjkljivosti po točki (i) četrtega odstavka 3. člena

(a) Kadar je povzetek ali besedilo skic vloženo v jeziku, ki je drugačen od jezika opisa in patentnih zahtevkov, prejemni urad, razen če:

(i) pododstavek (a) tretjega odstavka 12. pravila ne zahteva prevoda mednarodne prijave ali
(ii) povzetek ali besedilo skic ni v jeziku, v katerem bo objavljena mednarodna prijava,

pozove prijavitelja, da predloži prevod povzetka ali besedila skic v jeziku, v katerem bo objavljena mednarodna prijava. Smiselno se uporablajo pododstavek (a) prvega odstavka 26. pravila, drugi, tretji, tretji a in peti odstavek 26. pravila ter prvi odstavek 29. pravila.

(b) Če 1. oktobra 1997 pododstavek (a) ni skladen z notranjo zakonodajo prejemnega urada, zanj ne velja, dokler ostaja neskladen s to zakonodajo, pod pogojem, da ta urad o tem obvesti Mednarodni urad do 31. decembra 1997. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.⁶

(c) Kadar zahteva ni skladna s pododstavkom (c) prvega odstavka 12. pravila, prejemni urad pozove prijavitelja, da vloži prevod in tako izpolni zahteve tega pravila. Smiselno se uporablajo pododstavek (a) prvega odstavka 26. pravila, drugi in peti odstavek 26. pravila ter prvi odstavek 29. pravila.

(d) Če 1. oktobra 1997 pododstavek (c) ni skladen z notranjo zakonodajo prejemnega urada, zanj ne velja, dokler ostaja neskladen s to zakonodajo, pod pogojem, da ta urad o tem obvesti Mednarodni urad do 31. decembra 1997. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.⁶

26.4 Postopek

Popravek se prejemnemu uradu lahko ponudi kot pismo, naslovljeno na ta urad, če je popravek take vrste, da se lahko prenese iz pisma v arhivski izvod, ne da bi vplival na jasnost in možnost neposrednega razmnoževanja lista, na katerega je popravek treba prenesti; sicer mora prijavitelj predložiti nadomestni list, ki vsebuje popravek, in v pismu, ki spremlja nadomestni list, opozoriti na razlike med zamenjanim in nadomestnim listom.

26.5 Odločitev prejemnega urada

Prejemni urad odloči, ali je prijavitelj predložil popravek v roku iz drugega odstavka 26. pravila, in če je bil popravek predložen v tem roku, ali se tako popravljena mednarodna prijava šteje za umaknjeno ali ne, pri čemer se nobena mednarodna prijava, ki ne izpoljuje zahtev glede oblike iz 11. pravila,

⁶ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

ne sme šteti za umaknjeno, če so te zahteve izpolnjene toliko, kolikor je potrebno za razmeroma poenoteno mednarodno objavo.

26.6 Manjkajoče skice

(a) Če se v skladu z drugim odstavkom 14. člena mednarodna prijava sklicuje na skice, ki niso priložene, prejemni urad to označi v tej prijavi.

(b) Datum, ko prijavitelj dobi uradno obvestilo, predvideno v drugem odstavku 14. člena, ne vpliva na rok, določen po točki (iii) pododstavka (a) drugega odstavka 20. pravila.

26. a pravilo Popravljanje ali dodajanje zahteve za prednost

26. a 1 Popravljanje ali dodajanje zahteve za prednost

(a) Prijavitelj lahko popravi ali doda zahtevo za prednost z obvestilom, ki ga predloži prejemnemu uradu ali Mednarodnemu uradu v 16 mesecih od prednostnega datuma, ali kadar bi popravek ali dodatek povzročil spremembo prednostnega datuma, v 16 mesecih od tako spremenjenega prednostnega datuma, in sicer v tistem 16-mesečnem roku, ki poteče prej, pod pogojem, da se tako obvestilo lahko predloži v štirih mesecih od dneva vložitve mednarodne prijave. V popravku zahteve za prednost se lahko doda kateri koli podatek iz desetega odstavka 4. pravila.

(b) Šteje se, da obvestila iz prejšnjega odstavka, ki jih prejemni urad ali Mednarodni urad prejme, potem ko je prijavitelj že dal zahtevo za predčasno objavo po pododstavku (b) drugega odstavka 21. člena, niso bila predložena, razen če se zahteva umakne pred končanimi tehničnimi pripravami za mednarodno objavo.

(c) Kadar se zaradi popravljanja ali dodajanja zahteve za prednost spremeni prednostni datum, se vsak rok, ki se računa od prej veljavnega prednostnega datuma in ki še ni potekel, računa od tako spremenjenega prednostnega datuma.

26. a 2 Poziv za odpravo pomanjkljivosti v zahtevah za prednost⁷

(a) Kadar prejemni urad, ali če mu ne uspe, Mednarodni urad ugotovi, da zahteva za prednost ne izpolnjuje zahtev iz desetega odstavka 4. pravila ali da se v zahtevi za prednost neki podatek ne ujema z ustreznim podatkom v dokumentu o prednosti, prejemni urad oziroma Mednarodni urad pozove prijavitelja, da zahtovo za prednost popravi.

(b) Kadar na podlagi poziva iz prejšnjega odstavka prijavitelj obvestila, ki zahtovo za prednost popravi tako, da izpolnjuje zahteve iz desetega odstavka 4. pravila, ne predloži pred potekom roka po pododstavku (a) prvega odstavka 26. a pravila, se za postopek po pogodbi šteje, da ta zahteva za prednost ni bila dana, o čemer prejemni urad oziroma Mednarodni urad da izjavo in obvesti prijavitelja, pri čemer se ne štetje, da zahteva za prednost ni bila dana, samo zato, ker ni bila navedena številka prejšnje prijave iz točke (ii) pododstavka (a) desetega odstavka 4. pravila ali ker se v zahtevi za prednost neki podatek ne ujema z ustreznim podatkom v dokumentu o prednosti.

(c) Kadar prejemni urad ali Mednarodni urad da izjavo po prejšnjem odstavku, Mednarodni urad na prijaviteljevo zahtevo, ki jo prejme pred končanimi tehničnimi pripravami za mednarodno objavo, in na podlagi plačila posebne pristojbine, določene v upravnih navodilih, skupaj z mednarodno prijavo objavi informacijo o zahtevi za prednost, za katero se je štelo, kot da ni bila dana. Izvod te zahteve je tudi del dostave po 20. členu, kadar mednarodna prijava ni objavljena v skladu s tretjim odstavkom 64. člena.

26. b pravilo Popravljanje ali dodajanje izjav po sedemnajstem odstavku 4. pravila

26. b 1 Popravljanje ali dodajanje izjav

Prijavitelj lahko vsakršno izjavo iz sedemnajstega odstavka 4. pravila popravi ali jo doda k zahtevi z obvestilom, ki ga predloži Mednarodnemu uradu v 16 mesecih od predostrostnega datuma, pri čemer se šteje, da je vsako obvestilo, ki ga Mednarodni urad prejme po poteku tega roka, prejeto zadnji dan roka, če prispe v Mednarodni urad pred končanimi tehničnimi pripravami za mednarodno objavo.

⁷ Opomba izdajatelja: Drugi odstavek 26. a pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, in za mednarodne prijave, ki so bile vložene pred 1. aprilom 2006 in so dostavljene po 20. členu 1. aprila 2006 ali pozneje.

26. b 2 Obravnavanje izjav

(a) Kadar prejemni urad ali Mednarodni urad ugotovi, da katera koli izjava iz sedemnajstega odstavka 4. pravila ni ustrezno napisana ali da izjava o izumiteljstvu iz točke (iv) sedemnajstega odstavka 4. pravila ni ustrezno podpisana, prejemni urad oziroma Mednarodni urad lahko pozove prijavitelja, da izjavo popravi v 16 mesecih od prednostnega datuma.

(b) Kadar Mednarodni urad izjavo ali popravek po prvem odstavku 26. b pravila prejme po poteku roka iz prvega odstavka 26. b pravila, o tem obvesti prijavitelja in nadalje ravna v skladu z upravnimi navodili.

**27. pravilo
Neplačilo pristojbin****27.1 Pristojbine**

(a) Za namene pododstavka (a) tretjega odstavka 14. člena "takse, predpisane v točki (iv) četrtega odstavka 3. člena," pomenijo pristojbino za posredovanje (14. pravilo), mednarodno prijavno pristojbino (prvi odstavek 15. pravila), pristojbino za poizvedbo (16. pravilo) in po potrebi pristojbino za zamudo pri plačilu (drugi odstavek 16. a pravila).

(b) Za namene pododstavka (a) tretjega odstavka 14. člena "taksa, predpisana v drugem odstavku 4. člena," pomeni mednarodno prijavno pristojbino (prvi odstavek 15. pravila) in po potrebi pristojbino za zamudo pri plačilu (drugi odstavek 16. a pravila).

**28. pravilo
Pomanjkljivosti, ki jih ugotovi Mednarodni urad****28.1 Opozorilo na nekatere pomanjkljivosti**

(a) Če je mednarodna prijava po mnenju Mednarodnega urada pomanjkljiva glede na točke (i), (ii) ali (v) pododstavka (a) prvega odstavka 14. člena, Mednarodni urad na take pomanjkljivosti opozori prejemni urad.

(b) Prejemni urad nadalje ravna v skladu s pododstavkom (b) prvega odstavka 14. člena in 26. pravilom.

**29. pravilo
Mednarodna prijava, ki se šteje za umaknjeno****29.1 Ugotovitev prejemnega urada**

Če prejemni urad izjavi, da se po pododstavku (b) prvega odstavka 14. člena in petem odstavku 26. pravila (neodpravljene pomanjkljivosti) ali po pododstavku (a) tretjega odstavka 14. člena (neplačane predpisane pristojbine po pododstavku (a) prvega odstavka 27. pravila) ali po četrtem odstavku 14. člena (pozneje ugotovljena neskladnost z zahtevami iz točk (i) do (iii) prvega odstavka 11. člena) ali po pododstavkih (d) tretjega ali četrtega odstavka 12. pravila (neizpolnjena zahteva za predložitev prevoda ali plačil zamudne pristojbine, kadar je potrebno) ali po točki (i) pododstavka (g) četrtega odstavka 92. pravila (nepredložen izvirnik dokumenta) mednarodna prijava šteje za umaknjeno:

(i) prejemni urad posreduje arhivski izvod (če že ni bil posredovan) in vse poslane prijaviteljeve popravke Mednarodnemu uradu;

(ii) prejemni urad o tej izjavi takoj uradno obvesti oba, prijavitelja in Mednarodni urad, ta pa nato uradno obvesti vse imenovane urade, ki so že bili uradno obveščeni o imenovanju;

(iii) prejemni urad ne posreduje izvoda za poizvedbo, kot določa 23. pravilo, ali pa, če je bil tak izvod že posredovan, uradno obvesti ustanovo za mednarodno poizvedbo o tej izjavi;

(iv) Mednarodnemu uradu ni treba uradno obvestiti prijavitelja o prejemu arhivskega izvoda.

29.2 [črtano]**29.3 Opozarjanje prejemnega urada na nekatera dejstva**

Če Mednarodni urad ali ustanova za mednarodno poizvedbo meni, da bi moral prejemni urad navesti ugotovitev po četrtem odstavku 14. člena, opozori prejemni urad na ugotovljena dejstva.

29.4 Obvestilo o nameri za pripravo izjave po četrtem odstavku 14. člena

Preden prejemni urad izda izjavo po četrtem odstavku 14. člena, uradno obvesti prijavitelja o nameri za pripravo take izjave in o razlogih zanjo. Če se prijavitelj ne strinja z začasno ugotovitvijo prejemnega urada, lahko v enem mesecu od uradnega obvestila predloži protidokaze.

**30. pravilo
Rok po četrtem odstavku 14. člena****30.1 Rok**

Rok iz četrtega odstavka 14. člena je štiri mesece od dneva vložitve mednarodne prijave.

**31. pravilo
Izvodi, zahtevani po 13. členu****31.1 Zahteva za izvode**

(a) Zahteve po prvem odstavku 13. člena se lahko nanašajo na vse mednarodne prijave, nekatere vrste ali posamezne mednarodne prijave, v katerih je državni urad, ki daje to zahtevo, imenovan. Zaheteve za vse ali nekatere vrste mednarodnih prijav je treba vsako leto obnoviti z uradnim obvestilom, ki ga ta urad pred 30. novembrom predhodnega leta naslovi na Mednarodni urad.

(b) Za zahteve po pododstavku (b) drugega odstavka 13. člena je treba plačati pristojbino za kritje stroškov priprave in pošiljanja izvoda.

31.2 Priprava izvodov

Mednarodni urad je odgovoren za pripravo izvodov, ki jih zahteva 13. člen.

**32. pravilo
Razširitev učinkov mednarodne prijave na nekatere države naslednice****32.1 Razširitev mednarodne prijave na državo naslednico**

(a) Učinki mednarodne prijave, vložene v obdobju iz naslednjega odstavka, se razširijo na državo ("država naslednica"), katere ozemlje je bilo pred njeno neodvisnostjo del ozemlja države pogodbenice, ki je imenovana v mednarodni prijavi in je pozneje prenehala obstajati ("država predhodnica"), če je država naslednica postala država pogodbenica na podlagi izjave o nadaljevanju, vložene pri generalnem direktorju, kar pomeni, da pogodbo uporablja država naslednica.

(b) Obdobje iz prejšnjega odstavka se začne naslednji dan po prenehanju obstoja države predhodnice in se konča dva meseca po tem, ko je generalni direktor o izjavi iz prejšnjega odstavka uradno obvestil vlade držav članic Pariške konvencije o varstvu industrijske lastnine. Kadar pa je dan neodvisnosti države naslednice prej kot dan, ki sledi prenehanju obstoja države predhodnice, država naslednica lahko izjavi, da se to obdobje začne z dnem neodvisnosti; tako izjavo da skupaj z izjavo iz prejšnjega odstavka in navede dan neodvisnosti.

(c) Informacijo o mednarodni prijavi, vloženi v obdobju, veljavnem po prejšnjem odstavku, katere učinek je razširjen na državo naslednico, objavi Mednarodni urad v Glasniku.

32.2 Učinki razširitve na državo naslednico

(a) Kadar so učinki mednarodne prijave razširjeni na državo naslednico v skladu s prvim odstavkom 32. pravila,

(i) se šteje, da je bila država naslednica imenovana v mednarodni prijavi, in

(ii) se za to državo rok, veljaven po 22. členu ali prvem odstavku 39. člena, podaljša za vsaj šest mesecev od dneva objave informacije iz pododstavka (c) prvega odstavka 32. pravila.

(b) Država naslednica lahko določi daljši rok, kot je določen v točki (ii) pododstavka (a). Mednarodni urad informacijo o takem roku objavi v Glasniku.

**33. pravilo
Stanje tehnike, ki se upošteva pri mednarodni poizvedbi****33.1 Stanje tehnike, ki se upošteva pri mednarodni poizvedbi**

(a) V drugem odstavku 15. člena stanje tehnike, ki se upošteva, zajema vse, kar je s pisnim razkrijetjem (vključno s skicami in drugimi ponazoritvami) postalo dostopno javnosti koli na svetu, ter

vse, kar lahko pomaga pri ugotavljanju, ali je izum, za katerega se zahteva varstvo, nov ali ne in ali je rezultat ustvarjalnega dela ali ne (tj., ali očitno izhaja iz znanega stanja tehnike ali ne), če je postal javnosti dostopno, preden je bila vložena mednarodna prijava.

(b) Kadar se pisno razkritje nanaša na ustno razkritje, uporabo, razstavo ali drugo, s čimer vsebina pisnega razkritja postane dostopna javnosti, in to pred dnem vložitve mednarodne prijave, se v poročilu o mednarodni poizvedbi to dejstvo in dan, ko je pisno razkritje postal dostopno javnosti, posebej navedeta, če je pisno razkritje postal dostopno javnosti na dan vložitve mednarodne prijave ali po njej.

(c) Objavljene prijave ali patenti, ki so bili objavljeni isti dan ali po dnevu vložitve mednarodne prijave, ki je v poizvedbi, vloženi pa so bili oziroma je njihov zahtevani prednostni datum pred tem dnem, in ki bi glede na drugi odstavek 15. člena pomenili stanje tehnike, ki se upošteva, če bi bili objavljeni pred dnem vložitve mednarodne prijave, se v poročilu o mednarodni poizvedbi posebej navedejo.

33.2 Področja, ki jih mora zajeti mednarodna poizvedba

(a) Mednarodna poizvedba mora zajeti vsa tista tehnična področja in se izvede na podlagi vseh poizvedbenih datotek, ki utegnejo vsebovati podatke v zvezi z izumom.

(b) Zato se ne pregleda samo področje, na katero je uvrščen izum, ampak tudi podobna področja, ne glede na to, kam se uvrščajo.

(c) Vprašanje, katera so podobna področja v posameznih primerih, se obravnava glede na dozdevno potrebno osnovno funkcijo ali uporabo izuma, in ne samo glede na konkretno funkcijo, ki so izrecno navedene v mednarodni prijavi.

(d) Mednarodna poizvedba mora zajeti vse predmete, ki so splošno priznani kot enakovredni predmetom izuma, za katerega se zahteva varstvo za vse ali nekatere značilnosti, čeprav se izum, kot je opisan v mednarodni prijavi, od njih razlikuje po svojih posebnih značilnostih.

33.3 Smer mednarodne poizvedbe

(a) Mednarodna poizvedba se opravi na podlagi patentnih zahtevkov z nujnim upoštevanjem opisa in skic (če so) in s posebnim poudarkom na izumiteljski zamisli, na katero se nanašajo patentni zahtevki.

(b) Mednarodna poizvedba mora, kolikor je mogoče in smiselno, zajeti vse predmete izuma, na katere se nanašajo patentni zahtevki ali na katere bi se po njihovi spremembi lahko upravičeno pričakovalo, da se bodo nanašali.

34. pravilo Najnujnejša dokumentacija

34.1 Opredelitev

(a) Opredelitev iz točke (i) in (ii) 2. člena ne veljajo za to pravilo.

(b) Dokumentacijo iz četrtega odstavka 15. člena ("najnujnejša dokumentacija") sestavlja:

(i) "državni patentni dokumenti", navedeni v pododstavku (c),

(ii) objavljene mednarodne prijave PCT, objavljene regionalne prijave za patente in izumiteljska spričevala ter objavljeni regionalni patenti in izumiteljska spričevala,

(iii) drugo objavljeno gradivo iz literature, ki ni v zvezi s patentmi, o katerem se dogovorijo ustanove za mednarodno poizvedbo in ga objavi Mednarodni urad kot seznam, ko je prvič dogovorjen in ob vsaki naslednji spremembi.

(c) Ob upoštevanju pododstavkov (d) in (e) so "državni patentni dokumenti":

(i) patenti, ki so jih leta 1920 in po njem izdali Francija, nekdanji nemški *Reichspatentamt*, Japonska, nekdanja Sovjetska zveza, Švica (samo v francoskem in nemškem jeziku), Združeno kraljestvo in Združene države Amerike,

(ii) patenti, ki sta jih izdali Zvezna republika Nemčija in Ruska federacija,

(iii) morebitne patentne prijave, objavljene v letu 1920 in po njem v državah iz točk (i) in (ii),

(iv) izumiteljska spričevala, ki jih je izdala nekdanja Sovjetska zveza,

(v) spričevala o koristnosti, ki jih je izdala Francija, in prijave za njena spričevala o koristnosti, ki jih je objavila,

(vi) patenti, ki so bili izdani, in patentne prijave, ki so bile objavljene v kateri koli drugi državi po letu 1920, v angleškem, francoskem, nemškem ali španskem jeziku in za katere ni bila zahtevana prednost, če da državni urad posamezne države te dokumente uredi in jih da na razpolago vsaki ustanovi za mednarodno poizvedbo.

(d) Kadar je prijava objavljena še enkrat (na primer *Offenlegungsschrift* kot *Auslegeschrift*) ali večkrat, nobena ustanova za mednarodno poizvedbo ni dolžna v svoji dokumentaciji hrani vseh različic; zato ima vsaka taka ustanova pravico, da hrani največ eno različico. Tudi kadar je prijava sprejeta in izdana v obliki patenta ali spričevala o koristnosti (Francija), nobena ustanova za mednarodno poizvedbo ni dolžna hrani v svoji dokumentaciji obeh, prijave in patenta ali spričevala o koristnosti (Francija); zato ima vsaka taka ustanova pravico, da hrani samo prijavo ali samo patent oziroma spričevalo o koristnosti (Francija).

(e) Ustanova za mednarodno poizvedbo, ki nima japonskega, ruskega ali španskega jezika določenega kot svojega uradnega jezika ali kot enega od uradnih jezikov, ima pravico, da v svojo dokumentacijo ne vključi tistih patentnih dokumentov Japanske, Ruske federacije in nekdanje Sovjetske zveze oziroma tistih patentnih dokumentov v španskem jeziku, za katere ni splošno dostopnih povzetkov v angleškem jeziku. Če angleški povzetki postanejo splošno dostopni po začetku veljavnosti tega pravilnika, je treba patentne dokumente, na katere se povzetki nanašajo, vključiti najpozneje šest mesecev po tem, ko taki povzetki postanejo splošno dostopni. Kadar se prekine izvajanje storitve zagotavljanja povzetkov v angleškem jeziku na tehničnih področjih, na katerih so bili angleški povzetki prej splošno dostopni, skupščina ustrezno ukrepa, da se te storitve na teh področjih takoj spet vzpostavijo.

(f) V tem pravilu se prijave, ki so bile dane javnosti na vpogled, ne štejejo za objavljene prijave.

35. pravilo Pristojna ustanova za mednarodno poizvedbo

35.1 Kadar je pristojna samo ena ustanova za mednarodno poizvedbo

Vsek prejemni urad v skladu s pogoji iz veljavnega sporazuma iz pododstavka (b) tretjega odstavka 16. člena obvesti Mednarodni urad, katera ustanova za mednarodno poizvedbo je pristojna za poizvedbo o mednarodni prijavi, vloženi pri tem uradu, Mednarodni urad pa tako informacijo takoj objavi.

35.2 Kadar je pristojnih več ustanov za mednarodno poizvedbo

(a) Prejemni urad lahko v skladu s pogoji iz veljavnega sporazuma iz pododstavka (b) tretjega odstavka 16. člena določi več ustanov za mednarodno poizvedbo:

(i) z izjavo, da so vse pristojne za katero koli pri njem vloženo mednarodno prijavo, izbiro pa prepusti prijavitelju, ali

(ii) z izjavo, da je ena ali več pristojnih za nekatere vrste pri njem vloženih mednarodnih prijav, in z izjavo, da je ena ali več drugih pristojnih za druge vrste pri njem vloženih mednarodnih prijav, pri čemer je pri tistih vrstah mednarodnih prijav, za katere je določenih več pristojnih ustanov za mednarodno poizvedbo, izbira prepričena prijavitelju.

(b) Vsak prejemni urad, ki izkoristi možnost iz prejšnjega pododstavka, o tem takoj obvesti Mednarodni urad, ta pa tako informacijo takoj objavi.

35.3 Kadar je Mednarodni urad prejemni urad po točki (iii) pododstavka (a) prvega odstavka 19. pravila

(a) Kadar je mednarodna prijava vložena pri Mednarodnem uradu kot prejemnem uradu po točki (iii) pododstavka (a) prvega odstavka 19. pravila, je za poizvedbo v zvezi s to mednarodno prijavo pristojna ustanova za mednarodno poizvedbo, ki bi bila pristojna, če bi bila mednarodna prijava vložena pri prejemnem uradu, ki je pristojen po točki (i) ali (ii) pododstavka (a) ali pododstavku (b) ali (c) prvega odstavka 19. pravila ali po točki (i) drugega odstavka 19. pravila.

(b) Kadar sta po prejšnjem odstavku pristojni dve ali več ustanov za mednarodno poizvedbo, je izbira prepričena prijavitelju.

(c) Prvi in drugi odstavek 35. pravila ne veljata za Mednarodni urad kot prejemni urad po točki (iii) pododstavka (a) prvega odstavka 19. pravila.

36. pravilo Najnujnejše zahteve za ustanove za mednarodno poizvedbo

36.1 Opredelitev najnujnejših zahtev

Najnujnejše zahteve iz pododstavka (c) tretjega odstavka 16. člena so:

(i) državni urad ali medvladna organizacija mora imeti vsaj 100 zaposlenih s polnim delovnim časom, ki so dovolj strokovno usposobljeni, da opravljajo poizvedbe;

(ii) ta urad ali organizacija mora imeti v papirni obliku, v mikroobliku ali shranjeno na elektronskem nosilcu podatkov vsaj najnujnejšo dokumentacijo iz 34. pravila, ki je ustrezno urejena za poizvedbe, oziroma mora imeti dostop do nje;

(iii) ta urad ali organizacija mora imeti osebje, ki je sposobno opravljati poizvedbe na posameznih tehničnih področjih in ima toliko jezikovnega znanja, da razume vsaj tiste jezike, v katerih je napisana najnujnejša dokumentacija iz 34. pravila ali v katere je prevedena;

(iv) ta urad ali organizacija mora biti imenovana kot ustanova za mednarodni predhodni preizkus.

37. pravilo Manjkajoč ali pomanjkljiv naziv

37.1 Manjkajoč naziv

Če mednarodna prijava ne vsebuje naziva in je prejemni urad uradno obvestil ustanovo za mednarodno poizvedbo, da je prijavitelja pozval, da to pomanjkljivost odpravi, ustanova za mednarodno poizvedbo nadaljuje mednarodno poizvedbo, razen če ne dobi uradnega obvestila, da se ta prijava šteje za umaknjeno, oziroma dokler tega obvestila ne dobi.

37.2 Sestava naziva

Če mednarodna prijava ne vsebuje naziva in ustanova za mednarodno poizvedbo ne dobi uradnega obvestila prejemnega urada o tem, da je pozval prijavitelja, da sporoči naziv, ali če ta ustanova ugotovi, da naziv ni usklajen s tretjim odstavkom 4. pravila, ga sama sestavi. Tak naziv sestavi v jeziku, v katerem bo objavljena mednarodna prijava, če pa je bil po pododstavku (b) prvega odstavka 23. pravila posredovan prevod v drug jezik in če tako želi ustanova za mednarodno poizvedbo, v jeziku tega prevoda.

38. pravilo Manjkajoč ali pomanjkljiv povzetek

38.1 Manjkajoč povzetek

Če mednarodna prijava ne vsebuje povzetka in je prejemni urad uradno obvestil ustanovo za mednarodno poizvedbo, da je prijavitelja pozval, da to pomanjkljivost odpravi, ustanova za mednarodno poizvedbo nadaljuje mednarodno poizvedbo, razen če ne dobi uradnega obvestila, da se ta prijava šteje za umaknjeno, oziroma dokler tega obvestila ne dobi.

38.2 Sestava povzetka

(a) Če mednarodna prijava ne vsebuje povzetka in ustanova za mednarodno poizvedbo ne dobi uradnega obvestila prejemnega urada o tem, da je pozval prijavitelja, da predloži povzetek, ali če ta ustanova ugotovi, da povzetek ni usklajen z 8. pravilom, sama sestavi povzetek. Tak povzetek se sestavi v jeziku, v katerem bo objavljena mednarodna prijava, če je pa bil po pododstavku (b) prvega odstavka 23. pravila posredovan prevod v drug jezik in tako želi ustanova za mednarodno poizvedbo, v jeziku tega prevoda.

(b) Prijavitelj lahko v enem mesecu od dneva, ko je bilo poslano poročilo o mednarodni poizvedbi, predloži svoje pripombe k povzetku, ki ga je sestavila ustanova za mednarodno poizvedbo. Kadar ta ustanova spremeni ali dopolni povzetek, ki ga je sestavila, o tem uradno obvesti Mednarodni urad.

39. pravilo Predmet izuma po točki (i) pododstavka (a) drugega odstavka 17. člena

39.1 Opredelitev

Nobeni ustanovi za mednarodno poizvedbo ni treba opravljati poizvedbe v zvezi z mednarodno prijavo, če in kolikor so predmet izuma te prijave:

(i) znanstvene in matematične teorije,

(ii) rastlinske sorte in živalske vrste ali bistveni biološki postopki za njihovo pridelavo oziroma vzrejo, razen mikrobioloških postopkov in njihovih proizvodov,

(iii) sheme, pravila ali metode za poslovanje, za opravljanje izključno umskega dela ali za igro,

(iv) metode zdravljenja človeškega ali živalskega telesa s kirurškim posegom ali terapijo ter diagnostične metode,

(v) zgolj predstavitev informacij,

(vi) računalniški programi v taki meri, da ustanova za mednarodno poizvedbo ni opremljena za poizvedbe o stanju tehnike v zvezi s takimi programi.

40. pravilo Neenotnost izuma (mednarodna poizvedba)

40.1 Poziv za plačilo dodatnih pristojbin; rok

V pozivu za plačilo dodatnih pristojbin, predvidenih v pododstavku (a) tretjega odstavka 17. člena, se:

(i) navede razlog za mnenje, da mednarodna prijava ne izpolnjuje zahtev o enotnosti izuma;

(ii) pozove prijavitelja, da dodatne pristojbine plača v enem mesecu od dneva poziva, in navede znesek pristojbin, ki jih je treba plačati, in

(iii) pozove prijavitelja, da plača, kadar je potrebno, pristojbino za ugovor iz pododstavka (e) drugega odstavka 40. pravila v enem mesecu od dneva poziva, in navede znesek, ki ga je treba plačati.

40.2 Dodatne pristojbine

(a) Znesek dodatnih pristojbin za poizvedbo po pododstavku (a) tretjega odstavka 17. člena določi pristojna ustanova za mednarodno poizvedbo.

(b) Dodatne pristojbine za poizvedbo po pododstavku (a) tretjega odstavka 17. člena se plačajo neposredno ustanovi za mednarodno poizvedbo.

(c) Prijavitelj lahko plača dodatne pristojbine z ugovorom, to je s priloženo obrazložitvijo, da mednarodna prijava izpolnjuje zahteve o enotnosti izuma ali da je znesek zahtevanih dodatnih pristojbin previsok. Tak ugovor obravnava revizijsko telo, ki ga ustanovi ustanova za mednarodno poizvedbo, ki ob ugotovitvi, da je ugovor upravičen, zahteva, da se prijavitelju dodatne pristojbine delno ali v celoti povrnejo. Na zahtevo prijavitelja se besedili ugovora in z njim povezane odločitve uradno pošljeta imenovanim uradom skupaj s poročilom o mednarodni poizvedbi. Prijavitelj prevod v zvezi s tem predloži skupaj s prevodom mednarodne prijave, ki ga zahteva 22. člen.

(d) Med člani revizijskega telesa iz prejšnjega pododstavka so lahko osebe, ki so sprejele odločitev, povezano z ugovorom, vendar ne samo te osebe.

(e) Ustanova za mednarodno poizvedbo za obravnavanje ugovora iz pododstavka (c) lahko zahteva plačilo pristojbine za ugovor. Kadar prijavitelj ne plača zahtevane pristojbine za ugovor v roku iz točke (iii) prvega odstavka 40. pravila, se šteje, da ni dal ugovora, ustanova za mednarodno poizvedbo pa da o tem izjavo. Pristojbina za ugovor se prijavitelju vrne, kadar revizijsko telo iz pododstavka (c) ugotovi, da je bil ugovor povsem upravičen.

41. pravilo Prejšnja poizvedba, ki ni mednarodna

41.1 Obvezna uporaba izsledkov; vračilo pristojbine

Če se zahteva v obliki, predvideni v enajstem odstavku 4. pravila, sklicuje na poizvedbo mednarodne vrste, opravljeno pod pogoji iz petega odstavka 15. člena, ali na poizvedbo, ki ni mednarodna poizvedba ali poizvedba mednarodne vrste, ustanova za mednarodno poizvedbo v največji mogoči meri uporabi izsledke te poizvedbe pri sestavi poročila o mednarodni poizvedbi za mednarodno prijavo. Ustanova za mednarodno poizvedbo vrne pristojbino za poizvedbo v taki višini in pod takimi pogoji, kot je predvideno v sporazumu iz pododstavka (b) tretjega odstavka 16. člena ali sporočilu, ki ga pošlje Mednarodnemu uradu in ga ta objavi v Glasniku, če poročilo o mednarodni poizvedbi v celoti ali delno temelji na izsledkih te poizvedbe.

42. pravilo Rok za mednarodno poizvedbo

42.1 Rok za mednarodno poizvedbo

Rok za sestavo poročila o mednarodni poizvedbi ali izjave iz pododstavka (a) drugega odstavka 17. člena je tri mesece od dneva, ko ustanova za mednarodno poizvedbo prejme poizvedbeni izvod, ali devet mesecev od prednostnega datuma, če ta poteče pozneje.

43. pravilo Poročilo o mednarodni poizvedbi

43.1 Oznake

V poročilu o mednarodni poizvedbi se ustanova za mednarodno poizvedbo, ki ga je sestavila, opredeli z imenom ustanove, mednarodna prijava pa s številko mednarodne prijave, imenom prijavitelja in dnevom vložitve mednarodne prijave.

43.2 Datumi

Poročilo o mednarodni poizvedbi mora imeti datum in naveden dan, ko je bila mednarodna poizvedba dejansko končana. Naveden ima tudi dan vložitve katere koli prejšnje prijave, za katero se zahteva prednost, če se zahteva prednost za več kot eno prejšnjo prijavo, pa dan vložitve najstarejše med njimi.

43.3 Klasifikacija

- (a) Poročilo o mednarodni poizvedbi mora vsebovati klasifikacijo predmetov izuma vsaj v skladu z mednarodno patentno klasifikacijo.
- (b) Razvrsti jih ustanova za mednarodno poizvedbo.

43.4 Jezik

Vsako poročilo o mednarodni poizvedbi in izjava, dana v skladu s pododstavkom (a) drugega odstavka 17. člena, morata biti v jeziku, v katerem bo objavljena mednarodna prijava, na katero se nanaša, če pa je bil prevod posredovan po pododstavku (b) prvega odstavka 23. pravila in če ustanova za mednarodno poizvedbo tako želi, pa v jeziku tega prevoda.

43.5 Navedbe

- (a) V poročilu o mednarodni poizvedbi se navedejo dokumenti, ki se zdijo pomembni.
- (b) Navajanje dokumentov urejajo upravna navodila.
- (c) Zelo pomembni dokumenti morajo biti posebej navedeni.
- (d) Dokumenti, ki niso pomembni za vse patentne zahtevke, se navedejo v zvezi s patentnim zahtevkom ali zahtevki, za katere so pomembni.
- (e) Če so pomembni ali zelo pomembni samo nekateri deli navedenega dokumenta, se navede na primer stran, stolpec ali vrstica tega dela. Če pa je pomemben celoten dokument in so nekateri deli posebno pomembni, se taki deli označijo, razen če ni neizvedljivo.

43.6 Zajeta področja

(a) V poročilu o mednarodni poizvedbi morajo biti navedene klasifikacijske oznake področij, na katerih je bila opravljena poizvedba. Če navedena oznaka ni oznaka iz mednarodne patentne klasifikacije, ustanova za mednarodno poizvedbo objavi uporabljeno klasifikacijo.

(b) Če se je mednarodna poizvedba razširila na patente, izumiteljska spričevala, spričevala o koristnosti, uporabne modele, dopolnilne patente ali dopolnilna spričevala, dopolnilna izumiteljska spričevala ali dopolnilna spričevala o koristnosti ali na objavljene prijave za katero koli tako vrsto varstva iz katere koli države, obdobja ali v katerem koli jeziku, ki niso vključeni v najnujnejšo dokumentacijo, kot jo opredeljuje 34. pravilo, morajo biti v poročilu o mednarodni poizvedbi, če je izvedljivo, navedeni vrste dokumentov, države, obdobja in jeziki, na katere se je razširila. Za ta pododstavek ne velja točka (ii) 2. člena.

(c) Če je mednarodna poizvedba temeljila na elektronski podatkovni zbirki ali je bila nanjo razširjena, so lahko v poročilu o mednarodni poizvedbi navedeni ime podatkovne zbirke, in če se zdi koristno za druge uporabnike in izvedljivo, tudi uporabljeni merila za iskanje.

43.7 Opombe, ki se nanašajo na enotnost izuma

Če je prijavitelj plačal dodatne pristojbine za mednarodno poizvedbo, se v poročilu o mednarodni poizvedbi to navede. Nadalje, kadar je mednarodna poizvedba opravljena samo za glavni izum oziroma ne za vse izume (pododstavek (a) tretjega odstavka 17. člena), se v poročilu o mednarodni poizvedbi navede, za katere dele mednarodne prijave je bila poizvedba opravljena in za katere ne.

43.8 Pooblaščeni uslužbenec

V poročilu o mednarodni poizvedbi se navedeta ime in priimek uslužbenca ustanove za mednarodno poizvedbo, ki je odgovoren za to poročilo.

43.9 Dodatni elementi

Poročilo o mednarodni poizvedbi ne sme vsebovati nobenih elementov, ki niso določeni v pododstavkih (b) in (c) prvega odstavka 33. pravila, od prvega do tretjega in od petega do osmega odstavka 43. pravila ter v drugem odstavku 44. pravila, in opombe iz pododstavka (b) drugega odstavka 17. člena, pri čemer upravna navodila lahko dovoljujejo, da poročilo vsebuje katere koli v njih določene dodatne elemente. Poročilo o mednarodni poizvedbi ne vsebuje nobenega mnenja, razmišljanja, utemeljitve ali obrazložitve in tudi upravna navodila tega ne dovoljujejo.

43.10 Oblika

Zahetvano obliko poročila o mednarodni poizvedbi predpisujejo upravna navodila.

43. a pravilo Pisno mnenje ustanove za mednarodno poizvedbo

43. a 1 Pisno mnenje

(a) Ustanova za mednarodno poizvedbo ob upoštevanju pododstavka (b) prvega odstavka 69. pravila sestavi istočasno kot poročilo o mednarodni poizvedbi ali izjavo iz pododstavka (a) drugega odstavka 17. člena tudi pisno mnenje o tem:

(i) ali je izum, za katerega se zahteva varstvo, nov, ali je posledica ustvarjalnega dela (da očitno ne izhaja iz znanega stanja tehnike) in ali je uporaben v industriji;

(ii) ali mednarodna prijava izpolnjuje zahteve pogodbe in tega pravilnika v obsegu, v katerem jih je preverila ustanova za mednarodno poizvedbo.

Ob pisnem mnenju se navedejo druge opombe, določene v tem pravilniku.

(b) Pri sestavljanju pisnega mnenja se smiselno uporablajo drugi do šesti odstavek 33. člena, drugi in tretji odstavec 35. člena ter četrtni odstavec 43. pravila, 64. in 65. pravilo, pododstavki (e) prvega odstavka 66. pravila, 67. pravilo, pododstavka (b) in (d) drugega odstavka 70. pravila, tretji odstavec 70. pravila, točka (ii) četrtega odstavka 70. pravila, pododstavek (a) petega odstavka 70. pravila, šesti do deseti odstavec 70. pravila, dvanajsti in štirinajsti odstavec 70. pravila ter pododstavki (a) petnajstečega odstavka 70. pravila.

(c) Pisno mnenje vsebuje uradno obvestilo prijavitelju, da se po pododstavku (a) prvega a odstavka 66. pravila, vendar ob upoštevanju pododstavka (b) prvega a odstavka 66. pravila, če je vložena zahteva za mednarodni predhodni preizkus, šteje, da je to pisno mnenje za namene pododstavka (a) drugega odstavka 66. pravila pisno mnenje ustanove za mednarodni predhodni preizkus, pri čemer se prijavitelj pozove, da pred potekom roka iz pododstavka (a) prvega odstavka 54. a pravila tej ustanovi predloži pisni odgovor skupaj s spremembami, če so potrebne.

44. pravilo Posredovanje poročila o mednarodni poizvedbi, pisnega mnenja itd.

44.1 Izvodi poročila ali izjave in pisnega mnenja

Ustanova za mednarodno poizvedbo istega dne posreduje Mednarodnemu uradu in prijavitelju en izvod poročila o mednarodni poizvedbi ali izjave iz pododstavka (a) drugega odstavka 17. člena in en izvod pisnega mnenja, sestavljenega po 43. a pravilu.

44.2 Naziv ali povzetek

V poročilu o mednarodni poizvedbi se navede, da ustanova za mednarodno poizvedbo potrjuje naziv in povzetek, kakršna je predložil prijavitelj, ali pa se priloži besedilo naziva ali povzetka, kot ju je po 37. in 38. pravilu sestavila ustanova za mednarodno poizvedbo.

44.3 Izvodi navedenih dokumentov

(a) Zahteva iz tretjega odstavka 20. člena se lahko predloži kadar koli v sedmih letih od dneva vložitve mednarodne prijave, na katero se nanaša poročilo o mednarodni prijavi.

(b) Ustanova za mednarodno poizvedbo lahko zahteva, da ji stranka (prijavitelj ali imenovani urad), ki vлага zahtevo, plača stroške priprave in pošiljanja izvodov. Višina stroškov za pripravo izvo-

dov se določi s sporazumi iz pododstavka (b) tretjega odstavka 16. člena, sklenjenimi med ustanovami za mednarodno poizvedbo in Mednarodnim uradom.

(c) [črtano]

(d) Vsaka ustanova za mednarodno poizvedbo lahko izpolnjuje obveznosti iz pododstavkov (a) in (b) prek druge agencije, ki ji je odgovorna.

44. a pravilo

Mednarodno predhodno poročilo ustanove za mednarodno poizvedbo o možnosti patentiranja

44. a 1 Izdaja poročila; Posredovanje prijavitelju

(a) Če ni poročila o mednarodnem predhodnem preizkusu ali ga ni treba sestaviti, Mednarodni urad v imenu ustanove za mednarodno poizvedbo pripravi poročilo o vprašanjih iz pododstavka (a) prvega odstavka 43. a pravila (v tem pravilu navedeno kot "poročilo"). Poročilo ima enako vsebino kot pisno mnenje, sestavljeno po prvem odstavku 43. a pravila.

(b) Poročilo ima naslov "mednarodno predhodno poročilo o možnosti patentiranja (I. poglavje Pogodbe o sodelovanju na področju patentov) in vsebuje navedbo, da ga je po tem pravilu pripravil Mednarodni urad v imenu ustanove za mednarodno poizvedbo.

(c) Mednarodni urad nemudoma posreduje izvod poročila, pripravljenega po pododstavku (a), prijavitelju.

44. a 2 Dostava imenovanim uradom

(a) Kadar Mednarodni urad pripravi poročilo po prvem odstavku 44. a pravila, ga dostavi vsakemu imenovanemu uradu skladno s prvim odstavkom 93. a pravila, vendar ne pred potekom 30 mesecev od prednostnega datuma.

(b) Kadar prijavitelj po drugem odstavku 23. člena da izrecno zahtevo imenovanemu uradu, Mednarodni urad na zahtevo tega urada ali prijavitelja nemudoma dostavi temu uradu izvod pisnega mnenja, ki ga je ustanova za mednarodno poizvedbo sestavila po 43. a pravilu.

44. a 3 Prevod za imenovane urade

(a) Vsaka imenovana država lahko zahteva prevod poročila v angleški jezik, kadar je to po prvem odstavku 44. a pravila pripravljeno v jeziku, ki ni uradni jezik ali eden od uradnih jezikov njenega državnega urada. Vsako tako zahtevo je treba uradno sporočiti Mednarodnemu uradu, ki jo takoj objavi v Glasniku.

(b) Če je po prejšnjem odstavku zahtevan prevod, ga pripravi ali je odgovoren za njegovo pripravo Mednarodni urad.

(c) Mednarodni urad izvod prevoda vsem udeleženim imenovanim uradom in prijavitelju posreduje istočasno, ko tem uradom pošlje poročilo.

(d) V primeru iz pododstavka (b) drugega odstavka 44. a pravila Mednarodni urad pisno mnenje, sestavljen po prvem odstavku 43. a pravila, na zahtevo tega imenovanega urada prevede v angleški jezik ali poskrbi za njegov prevod. Mednarodni urad posreduje izvod prevoda temu imenovanemu uradu v dveh mesecih od dneva prejema zahteve za prevod, istočasno pa en izvod posreduje tudi prijavitelju.

44. a 4 Pripombe k prevodu

Prijavitelj lahko da pisne pripombe o pravilnosti prevoda iz pododstavkov (b) ali (d) tretjega odstavka 44. a pravila in pošlje izvod pripomb vsakemu udeleženemu imenovanemu uradu in Mednarodnemu uradu.

44. b pravilo

Zaupnost pisnega mnenja, poročila, prevoda in pripomb

44. b 1 Zaupnost

(a) Mednarodni urad in ustanova za mednarodno poizvedbo nobeni osebi ali organu ne dovolita dostopa pred potekom 30 mesecev od prednostnega datuma, razen če tega ne zahteva ali dovoli prijavitelj:

(i) do pisnega mnenja, sestavljenega po prvem odstavku 43. a pravila, do nobenega njegovega prevoda, narejenega po pododstavku (d) tretjega odstavka 44. a pravila, ali do pisnih pripomb k takemu prevodu, ki jih pošlje prijavitelj po četrtem odstavku 44. a pravila;

(ii) če je pripravljeno poročilo po prvem odstavku 44. a pravila, do tega poročila, do njegovega prevoda, narejenega po pododstavku (b) tretjega odstavka 44. a pravila ali do pisnih pripomb k takemu prevodu, ki jih pošlje prijavitelj po četrtem odstavku 44. a pravila.

(b) V prejšnjem odstavku izraz "dostop" zajema vsa sredstva, s pomočjo katerih se lahko tretje osebe seznanijo z zadevo, vključno s stiki posameznikov in javno objavo.

45. pravilo **Prevod poročila o mednarodni poizvedbi**

45.1 Jeziki

Poročila o mednarodni poizvedbi in izjave iz pododstavka (a) drugega odstavka 17. člena, ki niso v angleškem jeziku, se prevedejo vanj.

46. pravilo **Spremembe patentnih zahtevkov pri Mednarodnem uradu**

46.1 Rok

Rok iz 19. člena je dva meseca od dneva, ko je ustanova za mednarodno poizvedbo posredovala poročilo o mednarodni poizvedbi Mednarodnemu uradu in prijavitelju, ali 16 mesecev od prednostnega datuma, če ta poteče pozneje, pri čemer se šteje, da je vsaka sprememba po 19. členu, ki jo Mednarodni urad prejme po poteku veljavnega roka, prejeta zadnji dan roka, če prispe v Mednarodni urad pred dokončanjem tehničnih priprav za mednarodno objavo.

46.2 Kje vložiti

Spremembe po 19. členu se vložijo neposredno pri Mednarodnem uradu.

46.3 Jezik sprememb in dopolnitev

Če je bila mednarodna prijava vložena v jeziku, ki ni jezik, v katerem je objavljena, morajo biti vse spremembe po 19. členu v jeziku objave.

46.4 Izjava

(a) Izjava iz prvega odstavka 19. člena mora biti v jeziku, v katerem je objavljena mednarodna prijava, in ne sme imeti več kot 500 besed, če je v angleškem jeziku ali je prevedena v ta jezik. Izjavo mora kot tako opredeljevati naslov, po možnosti z besedami: "Izjava po prvem odstavku 19. člena" ali z enakovrednimi besedami v jeziku izjave.

(b) Izjava ne sme vsebovati nobenih omalovažujočih pripomb k poročilu o mednarodni poizvedbi ali glede tehtnosti navedb iz tega poročila. Na navedbe iz poročila o mednarodni poizvedbi, ki se nanašajo na patentni zahtevek, se lahko sklicuje samo v zvezi s spremembami tega zahtevka.

46.5 Oblika sprememb

Od prijavitelja se zahteva, da predloži nadomestni list za vsak list iz patentnih zahtevkov, ki se zaradi ene ali več sprememb po 19. členu razlikuje od prvotno vloženega lista. Spremno pismo k nadomestnim listom mora opozoriti na razlike med nadomeščenimi in nadomestnimi listi. Če sprememba pomeni razveljavitev celotnega lista, je treba tako spremembo poslati v pismu.

47. pravilo **Dostava imenovanim uradom**

47.1 Postopek⁸

(a) Kot predvideva 20. člen, Mednarodni urad dostavi dokumente vsakemu imenovanemu uradu v skladu s prvim odstavkom 93. a pravila, vendar ob upoštevanju četrtega odstavka 47. pravila ne pred mednarodno objavo mednarodne prijave.

⁸ Opomba izdajatelja: Prvi odstavek 47. pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, in za mednarodne prijave, vložene pred 1. aprilom 2006, in objavljene po 21. členu 1. aprila 2006 ali pozneje.

(a a) Mednarodni urad v skladu s prvim odstavkom 93. a pravila uradno obvesti vsak imenovani urad o prejemu arhivskega izvoda in datumu prejema ter o prejemu dokumenta o prednosti in datumu prejema.

(b) Mednarodni urad vsako spremembo, ki jo prejme v roku iz prvega odstavka 46. pravila in ni bila vključena v dostavo, predvideno v 20. členu, nemudoma dostavi imenovanemu uradu in o tem uradno obvesti prijavitelja.

(c)⁹ Mednarodni urad takoj po poteku 28 mesecev od prednostnega datuma pošlje prijavitelju obvestilo, v katerem navede:

(i) imenovane urade, ki so zahtevali, da je dostava, predvidena v 20. členu, v skladu s prvim odstavkom 93. a pravila, ter datum take dostave tem uradom, in

(ii) imenovane urade, ki niso zahtevali, da bi bila dostava, predvidena v 20. členu, v skladu s prvim odstavkom 93. a pravila.

(c a) Imenovani uradi potrdijo obvestilo iz prejšnjega odstavka:

(i) kadar gre za imenovani urad iz točke (i) pododstavka (c) kot trden dokaz, da so bili dokumenti iz 20. člena dostavljeni tistega dne, ki je naveden na obvestilu;

(ii) kadar gre za imenovani urad iz točke (ii) pododstavka (c), kot trden dokaz, da država pogodbenica, za katero ta urad dela kot imenovani urad, ne zahteva, da ji po 22. členu prijavitelj predloži izvod mednarodne prijave.

(d) Vsak imenovani urad, če tako zahteva, prejme poročilo o mednarodni poizvedbi in izjave iz pododstavka (a) drugega odstavka 17. člena tudi v prevodu iz prvega odstavka 45. pravila.

(e)⁹ Kadar noben imenovani urad pred potekom 28 mesecev od prednostnega datuma ne zahteva, da mu Mednarodni urad v skladu s prvim odstavkom 93. a pravila dostavi dokumente, kot predvideva 20. člen, se šteje, kot da je država pogodbenica, za katero tak urad dela kot imenovani urad, uradno obvestila Mednarodni urad po pododstavku (a a) prvega odstavka 49. pravila, da ne zahteva, da ji prijavitelj po 22. členu predloži izvod mednarodne prijave.

47.2 Izvodi

Izvode za zahtevano dostavo pripravi Mednarodni urad. Več podrobnosti o izvodih za zahtevano dostavo lahko predvidijo upravna navodila.

47.3 Jeziki

(a) Mednarodna prijava, dostavljena po 20. členu, mora biti v jeziku, v katerem je objavljena.

(b) Kadar je mednarodna prijava objavljena v drugačnem jeziku, kot je bila vložena, Mednarodni urad pošlje kateremu koli imenovanemu uradu na njegovo zahtevo izvod te prijave v jeziku, v katerem je bila vložena.

47.4 Izrecna zahtevo po drugem odstavku 23. člena pred mednarodno objavo

Kadar prijavitelj še pred mednarodno objavo mednarodne prijave imenovanemu uradu da izrecno zahtevo po drugem odstavku 23. člena, Mednarodni urad na zahtevo prijavitelja ali imenovanega urada takoj dostavi temu uradu dokumente, kot predvideva 20. člen.

48. pravilo Mednarodna objava

48.1 Oblika in način¹⁰

Obliko in način objave mednarodnih prijav določajo upravna navodila.

⁹ Opomba izdajatelja: Pododstavka (c) in (e) 47. pravila se uporablja za vse mednarodne prijave, vložene 1. januarja 2004 ali pozneje, in v zvezi z imenovanim uradom, ki je poslal uradno obvestilo v skladu z drugim odstavkom sklepov skupščine, navedenih v prilogi IV k dokumentu PCT/A/30/7 (v smislu, da spremembra roka, ki ga določa prvi odstavek 22. člena ni bila v skladu z notranjo zakonodajo, ki jo je 3. oktobra 2001 uporabljal ta urad), in ki tega uradnega obvestila ni umaknil v skladu s tretjim odstavkom teh sklepov, kakor da bi vsak rok "28 mesecev" iz pododstavkov (c) in (e) prvega odstavka 47. pravila pomenil "19 mesecev", kar ima za posledico, da se pri taki prijavi pošljeta po pododstavku (c) prvega odstavka 47. pravila dve uradni obvestili, če je potrebno.

Vse informacije, ki jih prejme Mednarodni urad o takih neskladnostih, se objavijo v Glasniku in na Wipovi spletni strani: [ww.wipo.int/pct/en/texts/reservations/res_incomp.pdf](http://www.wipo.int/pct/en/texts/reservations/res_incomp.pdf).

¹⁰ Opomba izdajatelja: Prvi odstavek 48. pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, in mednarodne prijave, vložene pred 1. aprilom 2006, in objavljene po 21. členu 1. aprila 2006 ali pozneje.

48.2 Vsebina¹¹

- (a) Objava mednarodne prijave zajema:
 - (i) standardno naslovno stran;
 - (ii) opis;
 - (iii) patentne zahtevke;
 - (iv) morebitne skice;
 - (v) ob upoštevanju pododstavka (g) poročilo o mednarodni poizvedbi ali izjavo po pododstavku (a) drugega odstavka 17. člena;
 - (vi) vse izjave, vložene po prvem odstavku 19. člena, razen če Mednarodni urad ne ugotovi, da izjava ne ustreza določbam četrtega odstavka 46. pravila;
 - (vii) vse zahteve za popravek iz tretjega stavka pododstavka (f) prvega odstavka 91. pravila;
 - (viii) podatke v zvezi z deponiranim biološkim materialom, predloženim po 13. a pravilu, ločeno od opisa, in dan, ko je Mednarodni urad prejel te podatke;
 - (ix) vse podatke o zahtevi za prednost, ki se po pododstavku (b) drugega odstavka 26. a pravila šteje, da ni bila dana, pododstavek (c) drugega odstavka 26. a pravila pa zahteva, da se objavijo;
 - (x) izjave iz sedemnajstega odstavka 4. pravila in njihove popravke v skladu s prvim odstavkom 26. b pravila, ki jih je Mednarodni urad prejel pred potekom roka iz prvega odstavka 26. b pravila.
- (b) Ob upoštevanju pododstavka (c) naslovna stran vsebuje:
 - (i) podatke, vzete z lista za zahtevo, in druge take podatke, ki jih predpisujejo upravna navodila,
 - (ii) sliko ali slike, kadar mednarodna prijava vsebuje skice, razen če se ne uporablja pododstavek (b) drugega odstavka 8. pravila,
 - (iii) povzetek; če je povzetek v angleškem in drugem jeziku, je angleško besedilo navedeno prvo,
 - (iv) navedbo, da zahteva vsebuje izjavo iz sedemnajstega odstavka 4. pravila, ki jo je Mednarodni urad prejel pred potekom roka iz prvega odstavka 26. b pravila.
- (c) Kadar je bila po pododstavku (a) drugega odstavka 17. člena izdana izjava, se to izrecno navede na naslovnici, ni pa treba vključiti ne skice ne povzetka.
- (d) Slika ali slike iz točke (ii) pododstavka (b) se izberejo v skladu z drugim odstavkom 8. pravila. Slika ali slike so na naslovnici lahko prikazane v skrčeni obliki.
- (e) Če na naslovnici ni dovolj prostora za celoten povzetek iz točke (iii) pododstavka (b), se povzetek objavi na hrbtni strani naslovnice. Isto velja za prevod povzetka, kadar mora biti po pododstavku (c) tretjega odstavka 48. pravila tak prevod objavljen.
- (f) Če so bili patentni zahtevki spremenjeni po 19. členu, mora objava mednarodne prijave vsebovati polno besedilo prvotnih in spremenjenih patentnih zahtevkov. Vsebovati mora tudi izjave iz prvega odstavka 19. člena, razen če Mednarodni urad ne ugotovi, da izjava ne ustreza določbam četrtega odstavka 46. pravila. Naveden mora biti dan, ko je Mednarodni urad prejel spremenjene patentne zahtevke.
- (g) Če ob dokončanju tehničnih priprav za mednarodno objavo poročilo o mednarodni poizvedbi še ni na voljo, se na naslovnici navede, da poročilo še ni bilo na voljo in da bo (ko bo na voljo) objavljeno posebej skupaj s popravljeno naslovnico.
- (h) Če ob dokončanju tehničnih priprav za mednarodno objavo še ni potekel rok za spremembe patentnih zahtevkov po 19. členu, se, takoj ko Mednarodni urad v roku iz prvega odstavka 46. pravila prejme take spremembe, polno besedilo spremenjenih patentnih zahtevkov objavi skupaj s popravljeno naslovnico. Če je bila vložena izjava po prvem odstavku 19. člena, se tudi objavi, razen če Mednarodni urad ne ugotovi, da izjava ne ustreza določbam četrtega odstavka 46. pravila.

48.3 Jeziki objave

- (a) Če je mednarodna prijava vložena v arabskem, kitajskem, angleškem, francoskem, nemškem, japonskem, ruskem ali španskem jeziku ("jeziki objave"), se taka prijava objavi v jeziku, v katerem je bila vložena.
- (b) Če mednarodna prijava ni bila vložena v jeziku objave in je bil po tretjem ali četrtem odstavku 12. pravila predložen prevod v jeziku objave, se taka prijava objavi v jeziku prevoda.
- (c) Če je mednarodna prijava objavljena v drugem jeziku kot v angleškem, se poročilo o mednarodni poizvedbi, če je objavljeno po točki (v) pododstavka (a) drugega odstavka 48. pravila, ali izjava iz pododstavka (a) drugega odstavka 17. člena, naziv izuma, povzetek in kakršno koli besedilo ob slikah ali slikah, priloženih k povzetku, objavijo v tem jeziku in v angleškem. Za pripravo prevoda je odgovoren Mednarodni urad.

¹¹ Opomba izdajatelja: Drugi odstavek 48. pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, in mednarodne prijave, vložene pred 1. aprilom 2006, in objavljene po 21. členu 1. aprila 2006 ali pozneje.

48.4 Zgodnejša objava na zahtevo prijavitelja

(a) Kadar prijavitelj prosi za objavo po pododstavku (b) drugega odstavka 21. člena in točki (i) pododstavka (c) tretjega odstavka 64. člena, pa poročilo o mednarodni poizvedbi ali izjava iz pododstavka (a) drugega odstavka 17. člena še ni na voljo za objavo skupaj z mednarodno prijavo, Mednarodni urad pobere posebno pristojbino za objavo v višini, ki je določena v upravnih navodilih.

(b) Mednarodni urad opravi objavo po pododstavku (b) drugega odstavka 21. člena in točki (i) pododstavka (c) tretjega odstavka 64. člena takoj po prijaviteljevi zahtevi, kadar pa je treba plačati posebno pristojbino po prejšnjem odstavku, pa po prejemu te pristojbine.

48.5 Uradno obvestilo o državni objavi

Kadar za objavo mednarodne prijave, ki jo opravi Mednarodni urad, velja točka (ii) pododstavka (c) tretjega odstavka 64. člena, udeleženi državni urad takoj po državni objavi iz te določbe uradno obvesti Mednarodni urad o taki državni objavi.

48.6 Napoved nekaterih dejstev

(a) Če uradno obvestilo po točki (ii) prvega odstavka 29. pravila prispe do Mednarodnega urada prepozno, da bi lahko preprečil mednarodno objavo mednarodne prijave, Mednarodni urad takoj objavi obvestilo v Glasniku, v katerem povzame bistvo takega uradnega obvestila.

(b) [črtano]

(c) Če je mednarodna prijava, imenovanje imenovane države ali zahteva za prednost umaknjena po 90. a pravilu po dokončanju tehničnih priprav za mednarodno objavo, se obvestilo o umiku objavi v Glasniku.

49. pravilo Izvod, prevod in pristojbina po 22. členu

49.1 Uradno obvestilo

(a) Vsaka država pogodbenica, ki po 22. členu zahteva predložitev prevoda ali plačilo državne pristojbine ali oboje, uradno sporoči Mednarodnemu uradu:

- (i) jezike, iz katerih in v katere zahteva prevod,
- (ii) višino državne pristojbine.

(a a) Vsaka država pogodbenica, ki ne zahteva od prijavitelja, da ji po 22. členu predloži izvod mednarodne prijave (čeprav Mednarodni urad do poteka roka, ki velja po 22. členu, ni dostavil izvoda mednarodne prijave po 47. pravilu), o tem uradno obvesti Mednarodni urad.

(a b) Vsaka država pogodbenica, ki v skladu z drugim odstavkom 24. člena, če je imenovana država, ohrani učinke, predvidene v tretjem odstavku 11. člena, čeprav prijavitelj ne predloži mednarodne prijave do poteka roka, ki velja po 22. členu, o tem uradno obvesti Mednarodni urad.

(b) Mednarodni urad vsa uradna obvestila, ki jih prejme po pododstavkih (a), (a a) ali (a b), takoj objavi v Glasniku.

(c) Če se zahteve iz pododstavka (a) pozneje spremenijo, jih država pogodbenica uradno sporoči Mednarodnemu uradu, ta pa uradno obvestilo takoj objavi v Glasniku. Če spremembu pomeni, da se zahteva prevod v jezik, ki pred spremembou ni bil zahtevan, taka spremembu velja samo za mednarodne prijave, vložene več kot dva meseca po objavi uradnega obvestila v Glasniku. V drugih primerih država pogodbenica določi začetek veljavnosti vsake spremembe.

49.2 Jeziki

Jezik, v katerega se lahko zahteva prevod, mora biti uradni jezik imenovanega urada. Če je takih jezikov več, se prevod ne more zahtevati, če je mednarodna prijava že v enem od njih. Če je uradnih jezikov več in je prevod treba predložiti, lahko prijavitelj izbere katerega koli od njih. Če je uradnih jezikov več, vendar notranja zakonodaja predpisuje uporabo enega takega jezika za tujce, se ne glede na prejšnje določbe tega odstavka lahko zahteva prevod v ta jezik.

49.3 Izjave po 19. členu; podatki po četrtem odstavku 13. a pravila

V 22. členu in tem pravilu se vse izjave, dane po prvem odstavku 19. člena, in vsi podatki, predloženi po četrtem odstavku 13. a pravila, ob upoštevanju pododstavkov (c) in (h) petega odstavka 49. pravila štejejo za del mednarodne prijave.

49.4 Uporaba državnega obrazca

Prijaviteljem pri dejanjih iz 22. člena ni treba uporabiti državnega obrazca.

49.5 Vsebina in oblika prevoda

(a) Prevod mednarodne prijave za potrebe 22. člena vsebuje opis (ob upoštevanju pododstavka (a a)), patentne zahtevke, besedilo k skicam in povzetek. Če imenovani urad zahteva, mora ob upoštevanju pododstavkov (b), (c a) in (e) prevod vsebovati še:

(i) zahtevo,

(ii) če so bili patentni zahtevki spremenjeni ali dopolnjeni po 19. členu, prvotne zahtevke in spremenjene ter

(iii) priložen izvod skic.

(a a) Noben imenovani urad ne zahteva, da mu prijavitelj predloži prevod besedila iz prikaza zaporedij v opisu, če je tak prikaz zaporedij v skladu s pododstavkom (d) prvega odstavka 12. pravila in če je opis v skladu s pododstavkom (b) drugega odstavka 5. pravila.

(b) Imenovani urad, ki zahteva predložitev prevoda zahteve, brezplačno pošlje prijavitelju izvode obrazca za zahtevo v jeziku prevoda. Oblika in vsebina obrazca za zahtevo v jeziku prevoda se ne smeta razlikovati od tistih za zahtevo po 3. in 4. pravilu; obrazec za zahtevo v jeziku prevoda še zlasti ne sme zahtevati podatkov, ki jih ni v vloženi zahtevi. Uporaba obrazca za zahtevo v jeziku prevoda ni obvezna.

(c) Kadar prijavitelj ne predloži prevoda nobene izjave, dane po prvem odstavku 19. člena, imenovanemu uradu take izjave ni treba upoštevati.

(c a) Kadar prijavitelj imenovanemu uradu, ki po točki (ii) pododstavka (a) zahteva prevod prvotnih in spremenjenih patentnih zahtevkov, predloži samo enega od obeh zahtevanih prevodov, imenovanemu uradu ni treba upoštevati patentnih zahtevkov, ki niso prevedeni, ali pa pozove prijavitelja, da predloži manjkajoči prevod v roku, ki je v danih okoliščinah smiseln in ga določi v pozivu. Kadar imenovani urad pozove prijavitelja, da predloži manjkajoči prevod, pa se to ne zgodi v roku, določenem na pozivu, imenovanemu uradu ni treba upoštevati tistih patentnih zahtevkov, katerih prevod ni bil predložen, ali lahko šteje mednarodno prijavo za umaknjeno.

(d) Če skice vsebujejo besedilo, se prevod tega besedila predloži kot izvod izvirne skice s prevodom, prilepljenim na izvirno besedilo, ali kot na novo narejena skica.

(e) Imenovani urad, ki po pododstavku (a) zahteva predložitev izvoda skic, pozove prijavitelja, če mu izvoda ni predložil v roku, ki velja po 22. členu, da mu ga predloži v roku, ki je v danih okoliščinah smiseln in ga določi v pozivu.

(f) Izraza "Fig." ni treba prevajati v noben jezik.

(g) Kadar izvod skic ali na novo narejene skice, ki so bile predložene po pododstavku (d) ali (e), niso v skladu z zahtevami glede oblike iz 11. pravila, lahko imenovani urad pozove prijavitelja, da pomanjkljivost odpravi v roku, ki je v danih okoliščinah smiseln in ga določi v pozivu.

(h) Kadar prijavitelj ne predloži prevoda povzetka ali podatkov, predloženih po četrtem odstavku 13. a pravila, imenovani urad pozove prijavitelja, da tak prevod predloži, če se mu to zdi potrebno, v roku, ki je v danih okoliščinah smiseln in ga določi v pozivu.

(i) Informacije o zahtevah in praksi imenovanih uradov glede na drugi stavek pododstavka (a) objavi Mednarodni urad v Glasniku.

(j) Noben imenovani urad ne sme zahtevati, da je prevod mednarodne prijave v skladu z drugimi zahtevami glede oblike, kot so predpisane za vloženo mednarodno prijavo.

(k) Kadar naziv določi ustanova za mednarodno poizvedbo v skladu z drugim odstavkom 37. pravila, ima prevod tak naziv, kot ga je določila ustanova.

(l) Če 12. julija 1991 pododstavek (c a) ali (k) ni skladen z notranjo zakonodajo imenovanega urada, zanj tak odstavek ne velja, dokler ostaja neskladen s to zakonodajo, če urad o tem obvesti Mednarodni urad do 31. decembra 1991. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku¹²

¹² Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:
www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

49.6 Ponovna vzpostavitev pravic po neizpolnitvi dejanj iz 22. člena¹³

(a) Kadar preneha učinek mednarodne prijave, predviden v tretjem odstavku 11. člena, ker prijavitelj ni izpolnil dejanj iz 22. člena v veljavnem roku, imenovani urad na zahtevo prijavitelja in ob upoštevanju pododstavkov (b) do (e) tega pravila ponovno vzpostavi pravice prijavitelja v zvezi s to mednarodno prijavo, če ugotovi, da prekoracitev roka ni bila namerna, ali presodi, da ni bil upoštevan rok kljub ustreznih skrbnosti, ki so jo zahtevale okoliščine.

(b) Zahteva iz pododstavka (a) se predloži imenovanemu uradu ter dejanja iz 22. člena izpolnijo v tistem od naslednjih rokov, ki prvi poteče:

- (i) dva meseca od dneva, ko je bil odpravljen vzrok za neupoštevanje roka iz 22. člena, ali
- (ii) 12 mesecev od dneva poteka roka, veljavnega po 22. členu,

vendar prijavitelj lahko zahtevo predloži tudi pozneje, če to dovoljuje notranja zakonodaja, ki jo uporablja imenovani urad.

(c) V zahtevi iz pododstavka (a) morajo biti navedeni razlogi za neupoštevanje roka, veljavnega po 22. členu.

(d) Notranja zakonodaja, ki jo uporablja imenovani urad, lahko zahteva:

- (i) da se v zvezi z zahtevo iz pododstavka (a) plača pristojbina;
- (ii) da se vloži izjava ali drugo dokazilo v podporo razlogom iz pododstavka (c).

(e) Imenovani urad ne zavrne zahteve iz pododstavka (a), ne da bi dal prijavitelju priložnost, da v roku, ki mora biti v danih okoliščinah smiseln, da pripombe k nameravani zavrnitvi.

(f) Če 1. oktobra 2002 pododstavki od (a) do (e) niso skladni z notranjo zakonodajo, ki jo uporablja imenovani urad, zanj ne veljajo, dokler ostajajo neskladni s to zakonodajo, če urad o tem obvesti Mednarodni urad do 1. decembra 2003. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.¹⁴

49. a pravilo

Podatki v zvezi z varstvom, zahtevanim zaradi državnega postopka

49. a 1 Izbira nekaterih vrst varstva

(a) Če prijavitelj želi, da se v imenovani državi, za katero velja 43. člen, mednarodna prijava ne obravnava kot prijava za izdajo patenta, ampak za izdajo katere koli druge vrste varstva iz tega člena, pri izpolnitvi dejanj iz 22. člena to navede imenovanemu uradu.

(b) Če prijavitelj želi, da se v imenovani državi, za katero velja 44. člen, mednarodna prijava obravnava kot prijava za izdajo več kot ene vrste varstva iz 43. člena, pri izpolnitvi dejanj iz 22. člena to navede imenovanemu uradu, po potrebi pa navede tudi, katere vrste varstvo predvsem želi pridobiti in katere vrste varstvo je manj pomembno.

(c) Če v primerih iz pododstavkov (a) in (b) prijavitelj želi, da se v imenovani državi mednarodna prijava obravnava kot prijava za izdajo dopolnilnega patentna, dopolnilnega spričevala, dopolnilnega izumiteljskega spričevala ali dopolnilnega spričevala o koristnosti, pri izpolnitvi dejanj iz 22. člena navede ustrezzo osnovno prijavo, osnovni patent ali drugo osnovno podelitev.

(d) Če prijavitelj želi, da se v imenovani državi mednarodna prijava obravnava kot prijava za nadaljevanje ali delno nadaljevanje prejšnje prijave, pri izpolnitvi dejanj iz 22. člena to navede imenovanemu uradu in navede tudi ustrezzo osnovno prijavo.

¹³ Opomba izdajatelja: Pododstavki (a) do (e) šestega odstavka 49. pravila ne veljajo za mednarodne prijave, vložene pred 1. januarjem 2003, pri čemer:

(i) se ti pododstavki ob upoštevanju točke (iii) uporabljajo za vse mednarodne prijave, vložene pred 1. januarjem 2003, in za katere rok, ki velja po 22. členu, poteče 1. januarja 2003 ali pozneje;

(ii) če se ti pododstavki uporabljajo na podlagi petega odstavka 76. pravila, se ob upoštevanju točke (iii) slednje pravilo uporablja za vse mednarodne prijave, vložene pred 1. januarjem 2003, in za katere rok, ki velja po prvem odstavku 39. člena, poteče 1. januarja 2003 ali pozneje;

(iii) kadar imenovani urad obvesti Mednarodni urad po pododstavku (f) šestega odstavka 49. pravila, da pododstavki od (a) do (e) tega pravila niso v skladu z notranjo zakonodajo, ki jo uporablja ta urad, se točki (i) in (ii) tega pododstavka uporablja v zvezi s tem uradom, s tem da se vsako sklicevanje v teh točkah na 1. januar 2003 v zvezi s tem uradom razume kot sklicevanje na dan začetka veljavnosti pododstavkov (a) do (e) šestega odstavka 49. pravila.

Vse informacije, ki jih prejme Mednarodni urad o takih neskladnostih, se objavijo v Glasniku in na Wipovi spletni strani: www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

¹⁴ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(e) Kadar prijavitelj pri izpolnitvi dejanj iz 22. člena ne navede izrecno podatka po pododstavku (a), vendar državna pristojbina iz 22. člena, ki jo je prijavitelj plačal, ustreza državni pristojbini za posamezno vrsto varstva, se plačilo te pristojbine šteje kot izraz želje prijavitelja, da se mednarodna prijava obravnava kot prijava za to vrsto varstva, imenovani urad pa o tem obvesti prijavitelja.

49. a 2 Čas za navedbo podatkov

(a) Noben imenovani urad ne sme zahtevati, da prijavitelj pošlje podatke iz prvega odstavka 49. a pravila, preden izpolni dejanje iz 22. člena, oziroma v ustreznih primerih podatek, ali želi pridobiti državni ali regionalni patent.

(b) Prijavitelj lahko tak podatek pošlje pozneje, če mu notranja zakonodaja, ki jo uporablja ta imenovani urad, to dovoljuje, ali po potrebi zamenja eno vrsto varstva za drugo.

50. pravilo Možnosti po tretjem odstavku 22. člena

50.1 Izraba možnosti

(a) Država pogodbenica, ki dopušča rok, ki poteče pozneje kot roki, predvideni v prvem ali drugem odstavku 22. člena, uradno obvesti Mednarodni urad o tako določenih rokih.

(b) Mednarodni urad vsa uradna obvestila, ki jih prejme na podlagi pododstavka (a), takoj objavi v Glasniku.

(c) Uradna obvestila o skrajšanju predhodno določenega roka veljajo za mednarodne prijave, vložene po poteku treh mesecev, šteto od dneva, ko je Mednarodni urad objavil uradno obvestilo.

(d) Uradna obvestila o podaljšanju predhodno določenega roka začnejo veljati po tem, ko jih Mednarodni urad objavi v Glasniku, in sicer za mednarodne prijave, ki se prav tedaj obravnавajo ali so bile vložene po objavi takih obvestil, če pa država pogodbenica, ki obvešča, določi poznejši datum, veljajo od tega dneva dalje.

51. pravilo Pregled, ki ga opravljam imenovani uradi

51.1 Rok za predložitev zahteve za dostavo izvodov

Rok iz pododstavka (c) prvega odstavka 25. člena je dva meseca, šteto od dneva, ko je bilo prijavitelju poslano uradno obvestilo po točki (i) sedmega odstavka 20. pravila, pododstavku (c) drugega odstavka 24. pravila ali točki (ii) prvega odstavka 29. pravila.

51.2 Izvod obvestila

Če prijavitelj po prejemu negativne ugotovitve po prvem odstavku 11. člena zahteva v skladu s prvim odstavkom 25. člena, da Mednarodni urad pošlje izvode iz spisa domnevne mednarodne prijave kateremu koli navedenemu uradu, ki jih je nameraval imenovati, k zahtevi priloži izvod obvestila iz točke (i) sedmega odstavka 20. pravila.

51.3 Rok za plačilo državne pristojbine in predložitev prevoda

Rok iz pododstavka (a) drugega odstavka 25. člena poteče sočasno z rokom, predpisanim v prvem odstavku 51. pravila.

51. a pravilo Nekatere državne zahteve, dovoljene po 27. členu

51.a 1 Nekatere dovoljene državne zahteve

(a) Ob upoštevanju drugega odstavka 51. a pravila lahko notranja zakonodaja, ki jo uporablja imenovani urad, v skladu s 27. členom zahteva, da prijavitelj pošlje zlasti:

(i) dokument o identiteti izumitelja,

(ii) dokument o pravici prijavitelja, da zahteva ali pridobi patent,

(iii) dokument, ki vsebuje dokaz, da ima prijavitelj pravico zahtevati prednost na podlagi prejšnje prijave, če prejšnje prijave ni vložil ta prijavitelj, ali če se je od dneva, ko je bila vložena prejšnja prijava, spremenilo ime prijavitelja,

(iv) dokument, ki vsebuje prisego ali izjavo o izumiteljstvu, če je v mednarodni prijavi imenovana država, katere notranja zakonodaja zahteva, da državno prijavo vloži izumitelj,

(v) dokaz o neškodljivih razkritijih ali izjemah pri neizpolnjevanju pogojev glede novosti, kot so razkritja, ki so posledica zlorabe, razkritja na nekaterih razstavah in prijaviteljeva razkritja v nekem obdobju;

(vi) potrditev mednarodne prijave s podpisom prijavitelja za imenovano državo, ki ni podpisal zahteve;

(vii) manjkajoče podatke, ki jih zahtevata točki (ii) in (iii) pododstavka (a) petega odstavka 4. pravila, za prijavitelja za imenovano državo.

(b) Notranja zakonodaja, ki jo uporablja imenovani urad, lahko v skladu s sedmim odstavkom 27. člena zahteva:

(i) da prijavitelja zastopa zastopnik, ki ima pravico, da zastopa prijavitelje pred tem uradom in/ali ima v imenovani državi naslov za prejemanje uradnih obvestil,

(ii) da morebitnega zastopnika, ki zastopa prijavitelja, prijavitelj imenuje na ustrezen način.

(c) Notranja zakonodaja, ki jo uporablja imenovani urad, lahko v skladu s prvim odstavkom 27. člena zahteva, da se mednarodna prijava, njen prevod ali drug dokument v zvezi z njo predloži v več kot enem izvodu.

(d) Notranja zakonodaja, ki jo uporablja imenovani urad, lahko v skladu s točko (ii) drugega odstavka 27. člena zahteva, da prevod mednarodne prijave, ki ga prijavitelj predloži po 22. členu:

(i) overi prijavitelj ali oseba, ki je prevedla mednarodno prijavo, z izjavo o tem, da je prevod po njegovi najboljši vednosti popoln in verodostojen;

(ii) potrdi državni organ ali zapriseženi prevajalec, toda samo kadar imenovani urad upravičeno dvomi o točnosti prevoda.

(e) Notranja zakonodaja, ki jo uporablja imenovani urad, lahko v skladu s 27. členom zahteva, da prijavitelj predloži prevod dokumenta o prednosti, če se tak prevod lahko zahteva samo, kadar veljavnost zahteve za prednost vpliva na odločitev, ali je izum mogoče patentirati ali ne.

(f) Če 17. marca 2000 pogoj iz pododstavka (e) ni skladen z notranjo zakonodajo, ki jo uporablja imenovani urad, zanj ta pogoj ne velja, dokler ostaja neskladen s to zakonodajo, če ta urad o tem obvesti Mednarodni urad do 30. novembra 2000. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.¹⁵

51. a 2 Okoliščine, v katerih se dokumenti ali dokazi ne smejo zahtevati

(a) Kadar veljavna notranja zakonodaja ne zahteva, da državne prijave vlagajo izumitelji, imenovani urad ne sme zahtevati, razen če upravičeno dvomi o resničnosti navedb ali izjave, nobenih dokumentov ali dokazov:

(i) ki se nanašajo na identiteto izumitelja (točka (i) pododstavka (a) prvega odstavka 51. a pravila), če so v skladu s šestim odstavkom 4. pravila podatki o izumitelju navedeni v zahtevi ali če je izjava o identiteti izumitelja v skladu s točko (i) sedemnajstega odstavka 4. pravila priložena zahtevi ali predložena neposredno imenovanemu uradu;

(ii) ki se nanašajo na pravico prijavitelja, da na dan vložitve mednarodne prijave zahteva in pridobi patent (točka (ii) pododstavka (a) prvega odstavka 51. a pravila), če je izjava o tem v skladu s točko (ii) sedemnajstega odstavka 4. pravila priložena zahtevi ali predložena neposredno imenovanemu uradu;

(iii) ki se nanašajo na pravico prijavitelja na dan vložitve mednarodne prijave, da zahteva prednost na podlagi prejšnje prijave (točka (iii) pododstavka (a) prvega odstavka 51. a pravila), če je izjava o tem v skladu s točko (ii) sedemnajstega odstavka 4. pravila priložena zahtevi ali predložena neposredno imenovanemu uradu.

(b) Kadar veljavna notranja zakonodaja zahteva, da državne prijave vlagajo izumitelji, imenovani urad ne sme zahtevati, razen če upravičeno dvomi o resničnosti navedb ali izjave, nobenih dokumentov ali dokazov:

(i) ki se nanašajo na identiteto izumitelja (točka (i) pododstavka (a) prvega odstavka 51. a pravila) (razen dokumenta, ki vsebuje prisego ali izjavo o izumiteljstvu (točka (iv) pododstavka (a) prvega odstavka 51. a pravila)), če zahteva vsebuje podatke o izumitelju v skladu s šestim odstavkom 4. pravila;

(ii) ki se nanašajo na pravico prijavitelja na dan vložitve mednarodne prijave, da zahteva prednost na podlagi prejšnje prijave (točka (iii) pododstavka (a) prvega odstavka 51. a pravila), če je izjava o tem v skladu s točko (ii) sedemnajstega odstavka 4. pravila priložena zahtevi ali predložena neposredno imenovanemu uradu;

¹⁵ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(iii) ki vsebujejo prisego ali izjavo o izumiteljstvu (točka (iv) pododstavka (a) prvega odstavka 51. a pravila), če je izjava o izumiteljstvu v skladu s točko (iv) sedemnajstega odstavka 4. pravila priložena zahtevi ali predložena neposredno imenovanemu uradu.

(c) Če 17. marca 2000 pododstavek (a) v neki točki ni skladen z notranjo zakonodajo, ki jo uporablja imenovani urad, zanj ta pododstavek v tisti točki ne velja, dokler ostaja neskladen s to zakonodajo, če ta urad o tem obvesti Mednarodni urad do 30. novembra 2000. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.¹⁶

51. a 3 Možnost za uskladitev z državnimi zahtevami

(a) Če katera koli zahteva iz točk (i) do (iv) pododstavka (a) ter (c) do (e) prvega odstavka 51. a pravila ali katera koli druga zahteva iz notranje zakonodaje, imenovanega urada, ki jo ta urad lahko uporablja v skladu s prvim ali drugim odstavkom 27. člena, še ni izpolnjena v obdobju, v katerem morajo biti izpolnjene zahteve po 22. členu, imenovani urad pozove prijavitelja, da izpolni zahtevo v roku, ki ne sme biti krajši od dveh mesecev od dneva poziva. Vsak imenovani urad lahko zahteva, da prijavitelj plača pristojbino, če državne zahteve izpolni na podlagi poziva.

(b) Če katera koli zahteva iz notranje zakonodaje imenovanega urada, ki jo ta urad lahko uporablja v skladu s šestim ali sedmim odstavkom 27. člena, še ni izpolnjena v obdobju, v katerem morajo biti izpolnjene zahteve po 22. členu, ima prijavitelj možnost, da izpolni zahtevo po poteku tega obdobia.

(c) Če 17. marca 2000 pododstavek (a) ni skladen z notranjo zakonodajo, ki jo imenovani urad uporablja v zvezi z rokom iz tega pododstavka, zanj ta pododstavek glede roka ne velja, dokler ostaja neskladen s to zakonodajo, če ta urad o tem obvesti Mednarodni urad do 30. novembra 2000. Mednarodni urad dobljeno informacijo takoj objavi v Glasniku.¹⁶

52. pravilo

Sprememba patentnih zahtevkov, opisa in skic pri imenovanih uradih

52.1 Rok

(a) Prijavitelj uveljavlja pravico po 28. členu, če želi, v vseh imenovanih državah, v katerih se obdelava ali preizkus začne brez posebne zahteve, in sicer v enem mesecu od izpolnitve zahtev po 22. členu, če v skladu s prvim odstavkom 47. pravila dokumenti niso bili dostavljeni do poteke roka, veljavnega po 22. členu, to pravico uveljavlja najpozneje štiri mesece po poteku tega roka. V obeh primerih lahko prijavitelj uveljavlja to pravico tudi pozneje, če notranja zakonodaja te države to dovoljuje.

(b) V imenovani državi, v kateri notranja zakonodaja določa, da se preizkus začne samo na posebno zahtevo, prijavitelj lahko uveljavlja pravico po 28. členu v istem roku ali istem trenutku, kot ga določa notranja zakonodaja za vložitev sprememb državnih prijav ob preizkusu na posebno zahtevo, če tak rok ne poteče prej ali da tak trenutek ni prej kot rok po pododstavku (a).

DEL C

PRAVILA, KI SE NANAŠAO NA II. POGLAVJE POGODBE

53. pravilo

Zahteva za mednarodni predhodni preizkus

53.1 Obrazec

(a) Zahteva se izpolni na tiskanem obrazcu ali predloži kot računalniški izpis. Podrobnosti glede tiskanega obrazca in zahteve v obliki računalniškega izpisa predpisujejo upravna navodila.

(b) Izvode tiskanih obrazcev za zahtevo pošlje brezplačno prejemni urad ali ustanova za mednarodni predhodni preizkus.

53.2 Vsebina

(a) Zahteva mora vsebovati:

- (i) zahtevek,
- (ii) podatke o prijavitelju in morebitnem zastopniku,

¹⁶ Opomba izdajatelja: Ta informacija se objavi tudi na Wipovi spletni strani:

www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

- (iii) podatke o mednarodni prijavi, na katero se nanaša,
- (iv) izjavo o spremembah in dopolnitvah, kadar je potrebno,
- (b) zahteva mora biti podpisana.

53.3 Zahtevek

Zahtevek ima naslednji namen in naj se po možnosti glasi: "Zahteva na podlagi 31. člena Pogodbe o sodelovanju na področju patentov: Podpisani zahtevam, da se za spodaj navedeno mednarodno prijavo opravi mednarodni predhodni preizkus v skladu s Pogodbo o sodelovanju na področju patentov."

53.4 Prijavitelj

Za podatke o prijavitelju se uporabljata četrti in šestnajsti odstavek 4. pravila ter smiselno peti odstavek 4. pravila.

53.5 Zastopnik ali skupni predstavnik

Če je imenovan zastopnik ali skupni predstavnik, mora biti to iz zahteve razvidno. Uporabljata se četrti in šestnajsti odstavek 4. pravila ter smiselno sedmi odstavek 4. pravila.

53.6 Označitev mednarodne prijave

Mednarodna prijava se označi z imenom in naslovom prijavitelja, nazivom izuma, dnevom vložitve mednarodne prijave (če je prijavitelju znan) in številko mednarodne prijave ali kadar prijavitelju ni znana, z imenom prejemnega urada, pri katerem je bila mednarodna prijava vložena.

53.7 Izbira držav

Z vložitvijo zahteve se izberejo vse države pogodbenice, ki so imenovane in za katere velja II. poglavje pogodbe.

53.8 Podpis

(a) Ob upoštevanju pododstavka (b) zahtevo podpiše prijavitelj, če jih je več, pa vsi prijavitelji, ki vlagajo zahtevo.

(b) Kadar dva ali več prijaviteljev vloži zahtevo, s katero se izbere država, katere notranja zakonodaja zahteva, da morajo državne prijave vlagati izumitelji, in kadar prijavitelj za to izbrano državo, ki je izumitelj, zavrne podpis zahteve ali ga kljub prizadevanjem ni bilo mogoče najti ali priti v stik z njim, podpis tega prijavitelja ("zadevni prijavitelj") na zahtevi ni potreben, če jo je podpisal vsaj en prijavitelj in

(i) če je predložena izjava, ki ustanovi za mednarodni predhodni preizkus zadovoljivo razloži, zakaj ni podpisa zadevnega prijavitelja, ali

(ii) če zadevni prijavitelj ni podpisal zahteve, vendar so bili pogoji iz pododstavka (b) petnajstega odstavka 4. pravila izpolnjeni.

53.9 Izjava o spremembah

(a) Pri spremembah na podlagi 19. člena se v izjavi o spremembah za mednarodni predhodni preizkus navede, ali prijavitelj želi, da se te spremembe:

- (i) upoštevajo in v tem primeru naj bo skupaj z zahtevo predložen tudi izvod sprememb ali
- (ii) ne upoštevajo zaradi sprememb na podlagi 34. člena.

(b) Če ni bilo nobene spremembe po 19. členu in rok za vložitev sprememb še ni potekel, se v izjavi lahko navede, če ustanova za mednarodni predhodni preizkus v skladu s pododstavkom (b) prvega odstavka 69. pravila želi začeti mednarodni predhodni preizkus sočasno kot mednarodno poizvedbo, da se začetek mednarodnega predhodnega preizkusa v skladu s pododstavkom (d) prvega odstavka 69. člena preloži, če prijavitelj želi.

(c) Če so skupaj z zahtevo predložene tudi spremembe po 34. členu, mora biti to v izjavi navedeno.

54. pravilo Prijavitelj, ki ima pravico vložiti zahtevo

54.1 Sedež, stalno prebivališče in državljanstvo

(a) Ob upoštevanju pododstavka (b) se za namene drugega odstavka 31. člena sedež, stalno prebivališče in državljanstvo prijavitelja določijo v skladu s pododstavkoma (a) in (b) prvega odstavka 18. pravila.

(b) Ustanova za mednarodni predhodni preizkus v okolišinah, ki so določene v upravnih navodilih, zahteva, da prejemni urad, oziroma kadar je mednarodna prijava vložena pri Mednarodnem uradu kot prejemnem uradu, da državni urad države pogodbenice oziroma urad, ki dela zanjo, odloči o vprašanju glede na trditev prijavitelja, ali ima sedež oziroma stalno prebivališče v tej državi pogodbenici ali je njen državljan. O takih zahtevah ustanova za mednarodni predhodni preizkus obvesti prijavitelja. Prijavitelj ima možnost dati pripombe neposredno temu uradu. Ta urad o takem vprašanju odloča takoj.

54.2 Pravica do vložitve zahteve

Pravica vložiti zahtevo po drugem odstavku 31. člena se lahko uveljavlja, če ima prijavitelj, ki vлага zahtevo, ali vsaj eden od prijaviteljev, kadar sta dva ali več, sedež oziroma stalno prebivališče v državi pogodbenici, za katero velja II. poglavje, ali je njun državljan, mednarodna prijava pa je bila vložena pri prejemnem uradu države pogodbenice, za katero velja II. poglavje, oziroma pri uradu, ki dela zanjo.

54.3 Mednarodne prijave, vložene pri Mednarodnem uradu kot prejemnem uradu

Kadar je mednarodna prijava vložena pri Mednarodnem uradu kot prejemnem uradu na podlagi točke (iii) pododstavka (a) prvega odstavka 19. pravila, se za namene pododstavka (a) drugega odstavka 31. člena šteje, da Mednarodni urad dela za državo pogodbenico, v kateri ima prijavitelj sedež oziroma stalno prebivališče ali je njen državljan.

54.4 Prijavitelj, ki nima pravice vložiti zahteve

Če prijavitelj nima pravice vložiti zahteve ali če, kadar sta dva ali več prijaviteljev, nihče nima pravice vložiti zahteve na podlagi drugega odstavka 54. pravila, se šteje, da zahteva ni bila vložena.

54. a pravilo Rok za vložitev zahteve

54. a 1 Rok za vložitev zahteve

(a) Zahteva se lahko vloži kadar koli pred potekom katerega koli naslednjega roka, ki poteče pozneje:

(i) tri mesece od dneva, ko se prijavitelju posredujeta poročilo o mednarodni poizvedbi in pisno mnenje, sestavljeno po prvem odstavku 43. a pravila, ali izjava iz pododstavka (a) drugega odstavka 17. člena, ali

(ii) 22 mesecev od prednostnega datuma.

(b) Zahteva, ki je vložena po poteku roka, veljavnega po pododstavku (a), se šteje, kot da ni bila vložena in ustanova za mednarodni predhodni preizkus da o tem izjavo.

55. pravilo Jeziki (mednarodni predhodni preizkus)

55.1 Jezik zahteve

Zahteva je napisana v jeziku mednarodne prijave, če je bila mednarodna prijava vložena v jeziku, ki ni jezik objave, pa v jeziku objave. Če pa se v skladu z drugim odstavkom 55. pravila zahteva prevod mednarodne prijave, je zahteva napisana v jeziku tega prevoda.

55.2 Prevod mednarodne prijave

(a) Kadar ustanova za mednarodni predhodni preizkus, ki bo izvedla mednarodni predhodni preizkus, ne sprejema niti jezika, v katerem je vložena mednarodna prijava, niti jezika, v katerem je mednarodna prijava objavljena, prijavitelj ob upoštevanju pododstavka (b) predloži skupaj z zahtovo tudi prevod mednarodne prijave v jezik, ki je hkrati:

- (i) jezik, ki ga sprejema ta ustanova, in
- (ii) jezik objave.

(b) Kadar je bil prevod mednarodne prijave v jezik iz pododstavka (a) posredovan ustanovi za mednarodno poizvedbo v skladu s pododstavkom (b) prvega odstavka 23. pravila in je ustanova za mednarodni predhodni preizkus del istega državnega urada ali medvladne organizacije kot ustanova za mednarodno poizvedbo, prijavitelju ni treba predložiti prevoda po pododstavku (a). V takem primeru, razen če prijavitelj predloži prevod po pododstavku (a), se mednarodni predhodni preizkus opravi na podlagi prevoda, posredovanega po pododstavku (b) prvega odstavka 23. pravila.

(c) Če določilo iz pododstavka (a) ni izpolnjeno in se pododstavek (b) ne uporablja, ustanova za mednarodni predhodni preizkus pozove prijavitelja, naj potreben prevod predloži v roku, ki je v danih okoliščinah smiseln. Rok je najmanj en mesec od dneva poziva. Ustanova za mednarodni predhodni preizkus ga lahko pred odločitvijo kadar koli podaljša.

(d) Če prijavitelj ravna v skladu s pozivom v roku iz pododstavka (c), se šteje, da je to določilo izpolnjeno. Če prijavitelj tega ne stori, se šteje, da zahteva ni bila predložena, ustanova za mednarodni predhodni preizkus pa da o tem izjava.

55.3 Prevod sprememb

(a) Če se prevod mednarodne prijave zahteva po drugem odstavku 55. pravila, so vse spremembe, navedene v izjavi o spremembah po devetem odstavku 53. pravila in za katere prijavitelj želi, da se upoštevajo za namene mednarodnega predhodnega preizkusa, ter vse spremembe po 19. členu, ki jih je treba upoštevati po pododstavku (c) prvega odstavka 66. pravila, v jeziku tega prevoda. Če so bile spremembe vložene ali se vlagajo v drugem jeziku, se predloži tudi prevod.

(b) Če prijavitelj zahtevanega prevoda spremembe iz pododstavka (a) ne predloži, ga ustanova za mednarodni predhodni preizkus pozove, naj manjkajoči prevod predloži v roku, ki je v danih okoliščinah smiseln. Rok ni krajši od enega meseca od dneva poziva. Ustanova za mednarodni predhodni preizkus ga lahko pred odločitvijo kadar koli podaljša.

(c) Če prijavitelj ne ravna v skladu s pozivom v roku iz pododstavka (b), se sprememba ne upošteva pri izvedbi mednarodnega predhodnega preizkusa.

56. pravilo

[črtano]

57. pravilo Manipulativna pristojbina

57.1 Obveznost plačila

Za vsako zahtevo za mednarodni predhodni preizkus je treba plačati pristojbino v korist Mednarodnega urada ("manipulativna pristojbina"), ki jo pobira ustanova za mednarodni predhodni preizkus, ki ji je predložena zahteva.

57.2 Znesek

(a) Znesek manipulativne pristojbine je določen v ceniku pristojbin.

(b) [črtano]

(c) Manipulativna pristojbina se plača v valuti ali v eni od valut, ki jo predpiše ustanova za mednarodni predhodni preizkus ("predpisana valuta"), pri čemer se razume, da je takrat, ko jo ustanova prenese Mednarodnemu uradu, prosto zamenljiva v švicarsko valuto. Znesek manipulativne pristojbine v vsaki predpisani valuti za vsako ustanovo za mednarodni predhodni preizkus, ki predpisuje plačilo te pristojbine v valuti, ki ni švicarski frank, določi generalni direktor po posvetovanju z uradom, s katerim se v zvezi s to valuto posvetuje po pododstavku (b) drugega odstavka 15. pravila, če takega urada ni, pa z ustanovo, ki predpisuje plačilo v tisti valuti. Zaokroženi znesek v vsaki predpisani valuti je enakovreden znesku v švicarski valuti, ki je določen v ceniku pristojbin. Mednarodni urad ga uradno sporoči vsaki ustanovi za mednarodni predhodni preizkus, ki predpisuje plačilo v tisti predpisani valuti, in ga objavi v Glasniku.

(d) Če se znesek manipulativne pristojbine, določene v ceniku pristojbin, spremeni, se ustrezni zneski v predpisani valuti uporabljajo od istega dneva kot zneski, navedeni v spremenjenem ceniku pristojbin.

(e) Če se menjalni tečaj med švicarsko valuto in katero koli predpisano valuto spremeni glede na zadnji veljavni tečaj, generalni direktor določi nov znesek v predpisani valuti v skladu z napotki skupščine. Novo določeni znesek začne veljati dva meseca po objavi v Glasniku, če pa posamezna ustanova za mednarodni predhodni preizkus in generalni direktor dosežeta soglasje o datumu v tem dvomesečnem obdobju, se navedeni znesek za to ustanovo uporablja od tega datuma naprej.

57.3 Plaćilni rok; znesek za plačilo

(a) Ob upoštevanju pododstavkov (b) in (c) se manipulativna pristojbina plača v enem mesecu od dneva predložitve zahteve ali 22 mesecev od prednognega datuma, če poteče pozneje.

(b) Kadar je zahteva posredovana ustanovi za mednarodni predhodni preizkus po tretjem odstavku 59. pravila, se ob upoštevanju pododstavka (c) manipulativna pristojbina plača v enem mesecu od dneva, ko jo je ta urad prejel, ali 22 mesecev od prednostnega datuma, če poteče pozneje.

(c) Če želi ustanova za mednarodni predhodni preizkus v skladu s pododstavkom (b) prvega odstavka 69. pravila začeti mednarodni predhodni preizkus hkrati z mednarodno poizvedbo, ta ustanova pozove prijavitelja, da manipulativno pristojbino plača v enem mesecu od dneva poziva.

(d) Plača se znesek manipulativne pristojbine, ki velja na dan plačila.

57.4 in 57.5 [črtano]

57.6 Vračilo

Ustanova za mednarodni predhodni preizkus vrne manipulativno pristojbino prijavitelju:

(i) če je zahteva umaknjena, še preden jo je ta ustanova poslala Mednarodnemu uradu, ali

(ii) če se na podlagi četrtega odstavka 54. pravila ali pododstavka (b) prvega odstavka 54. a pravila šteje, da zahteva ni bila predložena.

58. pravilo Pristojbina za predhodni preizkus

58.1 Pravica do zaračunavanja pristojbine

(a) Vsaka ustanova za mednarodni predhodni preizkus lahko zahteva, da ji prijavitelj plača pristojbino ("pristojbina za predhodni preizkus") za izvedbo mednarodnega predhodnega preizkusa in opravljanje vseh drugih nalog, ki so ustanovi za mednarodni predhodni preizkus zaupane s pogodbo in s tem pravilnikom.

(b) Znesek morebitne pristojbine za predhodni preizkus določi ustanova za mednarodni predhodni preizkus. Glede roka za plačilo pristojbine za predhodni preizkus in zneska plačila smiselno veljajo določbe tretjega odstavka 57. pravila o manipulativni pristojbini.

(c) Pristojbina za predhodni preizkus se plača neposredno ustanovi za mednarodni predhodni preizkus. Če je ta ustanova državni urad, se plača v valuti, ki jo predpiše ta urad, če pa je ustanova medvladna organizacija, se plača v valuti države, v kateri ima medvladna organizacija sedež, ali v kateri koli drugi valuti, ki se lahko prosto pretvori v valuto posamezne države.

58.2 [črtano]

58.3 Vračilo

Ustanove za mednarodni predhodni preizkus obvestijo Mednarodni urad o morebitnem obsegu, v katerem bodo, in morebitnih pogojih, pod katerimi bodo vračale plačane zneske pristojbine za predhodni preizkus, če se šteje, da zahteva ni bila predložena, Mednarodni urad pa tako obvestilo takoj objavi.

58. a pravilo Podaljšanje rokov za plačilo pristojbin

58. a I Poziv ustanove za mednarodni predhodni preizkus

(a) Če ustanova za mednarodni predhodni preizkus ugotovi:

(i) da znesek, ki ji je bil plačan, ne zadošča za kritje manipulativne pristojbine in pristojbine za predhodni preizkus, ali

(ii) da ji do roka plačila po tretjem odstavku 57. pravila in pododstavku (b) prvega odstavka 58. pravila ni bila plačana nobena pristojbina,

ustanova pozove prijavitelja, da ji v enem mesecu od dneva poziva plača znesek, ki krije te pristojbine, po potrebi skupaj s pristojbino za zamudo pri plačilu po drugem odstavku 58. a pravila.

(b) Če ustanova za mednarodni predhodni preizkus pošlje prijavitelju poziv po pododstavku (a) in prijavitelj v roku iz tega pododstavka ne plača celega dolgovanega zneska, vključno po potrebi s pristojbino za zamudo pri plačilu po drugem odstavku 58. a pravila, se ob upoštevanju pododstavka (c) šteje, da zahteva ni bila predložena, ustanova za mednarodni predhodni preizkus pa da o tem izjava.

(c) Šteje se, da je vsako plačilo, ki ga ustanova za mednarodni predhodni preizkus prejme, preden pošlje poziv v skladu s pododstavkom (a), prejeto pred potekom roka po tretjem odstavku 57. pravila oziroma pododstavku (b) prvega odstavka 58. pravila.

(d) Šteje se, da je vsako plačilo, ki ga ustanova za mednarodni predhodni preizkus prejme, preden ravna po pododstavku (b), prejeto pred potekom roka iz pododstavka (a).

58. a 2 Pristojbina za zamudo pri plačilu

(a) Za pristojbine, plačane šele po pozivu iz pododstavka (a) prvega odstavka 58. a pravila, lahko ustanova za mednarodni predhodni preizkus zahteva zase plačilo pristojbine za zamudo pri plačilu. Ta pristojbina znaša:

- (i) 50 % zneska neplačanih pristojbin, ki je naveden v pozivu, ali
- (ii) če je znesek, izračunan po točki (i), manjši od manipulativne pristojbine, znesek, ki je enak manipulativni pristojbini.

(b) Znesek pristojbine za zamudo pri plačilu ne sme presegati dvojnega zneska manipulativne pristojbine.

59. pravilo Pristojna ustanova za mednarodni predhodni preizkus

59.1 Zahteve po pododstavku (a) drugega odstavka 31. člena

(a) Za zahteve, vložene v skladu s pododstavkom (a) drugega odstavka 31. člena, vsak prejemni urad države pogodbenice ali prejemni urad, ki deluje v imenu države pogodbenice, za katero veljajo določbe II. poglavja, v skladu s pogoji iz sporazuma, ki se uporablja po drugem in tretjem odstavku 32. člena, obvesti Mednarodni urad, katera ustanova ali ustanove za mednarodni predhodni preizkus so pristojne za opravljanje mednarodnega predhodnega preizkusa mednarodnih prijav, ki so vložene pri njem. Mednarodni urad te informacije takoj objavi. Če je pristojnih več ustanov za mednarodni predhodni preizkus, se smiselno uporabljo določbe drugega odstavka 35. pravila.

(b) Če je bila mednarodna prijava vložena pri Mednarodnem uradu kot prejemnem uradu v skladu s točko (iii) pododstavka (a) prvega odstavka 19. pravila, se smiselno uporablja pododstavka (a) in (b) tretjega odstavka 35. pravila. Pododstavek (a) tega pravila ne velja za Mednarodni urad kot prejemni urad v skladu s točko (iii) pododstavka (a) prvega odstavka 19. pravila.

59.2 Zahteve po pododstavku (b) drugega odstavka 31. člena

Glede zahtev, vloženih po pododstavku (b) drugega odstavka 31. člena, daje skupščina pri navedbi ustanove za mednarodni predhodni preizkus, ki je pristojna za mednarodne prijave, vložene pri državnem uradu, ki je ustanova za mednarodni predhodni preizkus, prednost tej ustanovi; če državni urad ni ustanova za mednarodni predhodni preizkus, daje mednarodni urad prednost ustanovi za mednarodni predhodni preizkus, ki jo je ta urad priporočil.

59.3 Posredovanje zahteve pristojni ustanovi za mednarodni predhodni preizkus

(a) Če je zahteva predložena prejemnemu uradu, ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, ki ni pristojna za opravljanje mednarodnega predhodnega preizkusa mednarodne prijave, ta urad ali ustanova na zahtevo zapiše dan prejema, razen če se ne odloči ravnati v skladu s pododstavkom (f), in zahtevo takoj posreduje Mednarodnemu uradu.

(b) Če je zahteva predložena Mednarodnemu uradu, ta na zahtevo zapiše dan prejema.

(c) Kadar je zahteva posredovana Mednarodnemu uradu na podlagi pododstavka (a) ali mu je predložena na podlagi pododstavka (b), Mednarodni urad:

(i) če je samo ena pristojna ustanova za mednarodni predhodni preizkus, takoj posreduje zahtevo tej ustanovi in o tem obvesti prijavitelja, ali

(ii) če sta pristojni dve ali več ustanov za mednarodni predhodni preizkus, takoj pozove prijavitelja, naj v roku, ki velja po pododstavku (a) prvega odstavka 54. a pravila, ali v 15 dneh po dnevu poziva, če je ta datum poznejši, navede pristojno ustanovo za mednarodni predhodni preizkus, kateri naj se zahteva posreduje.

(d) Kadar je navedba predložena, kot se zahteva v točki (ii) pododstavka (c), Mednarodni urad zahtevo takoj posreduje pristojni ustanovi za mednarodni predhodni preizkus, ki jo je navedel prijavitelj. Kadar ni predložena nobena navedba, se šteje, da zahteva ni bila predložena, Mednarodni urad pa da o tem izjavo.

(e) Kadar je zahteva posredovana pristojni ustanovi za mednarodni predhodni preizkus po pododstavku (c), se šteje, da je bila prejeta v imenu te ustanove na dan, ki je označen na njej v skladu s pododstavkom (a) oziroma (b) in se šteje, da je ustanova tako posredovano zahtevala prejela tisti dan.

(f) Kadar se urad ali ustanova, ki ji je zahteva predložena na podlagi pododstavka (a), odloči zahtevo posredovati neposredno pristojni ustanovi za mednarodni predhodni preizkus, se smiseln uporablja pododstavki od (c) do (e).

60. pravilo Nekatere pomanjkljivosti v zahtevi

60.1 Pomanjkljivosti v zahtevi

(a) Ob upoštevanju pododstavkov (a a) in (a b), če zahteva ne izpolnjuje pogojev, navedenih v prvem odstavku 53. pravila, točkah (i) do (iii) pododstavka (a) drugega odstavka 53. pravila, pododstavku (b) drugega odstavka 53. pravila, tretjem do osmem odstavku 53. pravila in prvem odstavku 55. pravila, ustanova za mednarodni predhodni preizkus pozove prijavitelja, naj pomanjkljivosti odpravi v roku, ki je v danih okoliščinah smiseln. Rok ni krajši od enega meseca od dneva poziva. Ustanova za mednarodni predhodni preizkus ga lahko pred odločitvijo kadar koli podaljša.

(a a) Če sta več kot dva prijavitelja, za četrti odstavek 53. pravila zadostuje, da so podatki iz točk (ii) in (iii) pododstavka (a) petega odstavka 4. pravila navedeni za tistega prijavitelja, ki ima v skladu z drugim odstavkom 54. pravila pravico vložiti zahtevo.

(a b) Če sta več kot dva prijavitelja, za osmi odstavek 53. pravila zadostuje, da zahtevo podpiše eden.

(b) Če prijavitelj ravna v skladu s pozivom v predpisanim roku iz pododstavka (a), se šteje, da je bila zahteva prejeta na dejanski dan vložitve, če zahteva, kakršna je bila vložena, omogoča identifikacijo mednarodne prijave; drugače se šteje, da je zahteva prejeta tistega dne, ko ustanova za mednarodni predhodni preizkus prejme popravek.

(c) Če prijavitelj ne ravna v skladu s pozivom v roku iz pododstavka (a), se šteje, da zahteva ni bila vložena, ustanova za mednarodni predhodni preizkus pa da o tem izjavo.

(d) [črtano]

(e) Če pomanjkljivost opazi Mednarodni urad, opozori nanjo ustanovo za mednarodni predhodni preizkus, ki nato ravna, kot je predvideno v pododstavkih (a) do (c).

(f) Če zahteva ne vsebuje izjave o spremembah, ustanova za mednarodni predhodni preizkus ravna tako, kot je predvideno v prvem odstavku 66. pravila in pododstavku (a) ali (b) prvega odstavka 69. pravila.

(g) Če izjava o spremembah vsebuje podatek, da so spremembe po 34. členu predložene hkrati z zahteko (pododstavek (c) devetega odstavka 53. pravila), dejansko pa ni predložena nobena takšna sprememba, ustanova za mednarodni predhodni preizkus pozove prijavitelja, naj predloži spremembe v roku, določenem v pozivu, naprej pa ravna tako, kot je predvideno v pododstavku (e) prvega odstavka 69. pravila.

61. pravilo Obvestilo o zahtevi in izbiri

61.1 Obvestilo Mednarodnemu uradu in prijavitelju

(a) Ustanova za mednarodni predhodni preizkus navede na zahtevi datum prejema ali po potrebi datum iz pododstavka (b) prvega odstavka 60. pravila. Ustanova za mednarodni predhodni preizkus takoj pošlje zahtevo Mednarodnemu uradu, en izvod pa shrani v svojem spisu ali ga pošlje Mednarodnemu uradu in shrani zahtevo v svojem spisu.

(b) Ustanova za mednarodni predhodni preizkus takoj obvesti prijavitelja o datumu prejema zahteve. Če se na podlagi četrtega odstavka 54. pravila, pododstavka (d) drugega odstavka 55. pravila, pododstavka (b) prvega odstavka 58. a pravila ali pododstavka (c) prvega odstavka 60. pravila šteje, da zahteva ni bila vložena, ustanova za mednarodni predhodni preizkus obvesti o tem prijavitelja in Mednarodni urad.

61.2 Obvestilo izbranim uradom

(a) Obvestilo iz sedmega odstavka 31. člena pošlje Mednarodni urad.

(b) V obvestilu navede številko in datum vložitve mednarodne prijave, ime prijavitelja, datum vložitve prijave, za katero se zahteva prednost (če se prednost zahteva), in datum, ko zahtevo prejme ustanova za mednarodni predhodni preizkus.

(c) Obvestilo pošlje izbranemu uradu ob dostavi po 20. členu. Obvestilo o izbirah, opravljenih po dostavi, pošlje takoj, ko so znane.

(d) Kadar prijavitelj na podlagi drugega odstavka 40. člena še pred mednarodno objavo mednarodne prijave vloži izrecno zahtevo pri izbranem uradu, Mednarodni urad na zahtevo prijavitelja ali izbranega urada temu uradu takoj dostavi dokumente, kot predvideva 20. člen.

61.3 Informacija za prijavitelja

Mednarodni urad pisno obvesti prijavitelja o obvestilu iz drugega odstavka 61. pravila in o izbranih uradih, ki so bili obveščeni po sedmem odstavku 31. člena.

61.4 Objava v Glasniku

Mednarodni urad takoj po vložitvi zahteve, vendar ne pred objavo mednarodne prijave, objavi obvestilo o zahtevi in izbranih državah v Glasniku, kakor to določajo upravna navodila.

62. pravilo

Izvod pisnega mnenja ustanove za mednarodno poizvedbo in sprememb po 19. členu za ustanovo za mednarodni predhodni preizkus

62.1 Izvod pisnega mnenja ustanove za mednarodno poizvedbo in sprememb, opravljenih pred vložitvijo zahteve

Ko Mednarodni urad od ustanove za mednarodni predhodni preizkus prejme zahtevo ali njen izvod, tej ustanovi tako posreduje:

(i) izvod pisnega mnenja, sestavljenega po prvem odstavku 43. a pravila, razen če je državni urad ali medvladna organizacija, ki je delovala kot ustanova za mednarodno poizvedbo, hkrati tudi ustanova za mednarodni predhodni preizkus, in

(ii) izvod vsake spremembe na podlagi 19. člena in morebitnih izjav iz tega člena, razen če je ta ustanova navedla, da je izvod že prejela.

62.2 Spremembe, opravljeni po vložitvi zahteve

Če je bila ob vložitvi sprememb po 19. členu zahteve že predložena, naj prijavitelj po možnosti hkrati z vložitvijo sprememb pri Mednarodnem uradu vloži še izvod teh sprememb in morebitne izjave iz tega člena pri ustanovi za mednarodni predhodni preizkus. Mednarodni urad pa v vsakem primeru tej ustanovi takoj posreduje izvod takih sprememb.

62. a pravilo

Prevod pisnega mnenja ustanove za mednarodno poizvedbo za ustanovo za mednarodni predhodni preizkus

62. a 1 Prevod in pripombe

(a) Če pisno mnenje, sestavljeno na podlagi prvega odstavka 43. a pravila, ni sestavljeno v angleškem jeziku ali jeziku, ki ga sprejema ustanova za mednarodni predhodni preizkus, ga na zahtevo te ustanove Mednarodni urad prevede ali pa je odgovoren za njegov prevod v angleški jezik.

(b) Mednarodni urad posreduje izvod prevoda ustanovi za mednarodni predhodni preizkus v dveh mesecih od dneva prejema zahteve za prevod, istočasno pa en izvod posreduje tudi prijavitelju.

(c) Prijavitelj lahko predloži pisne pripombe o pravilnosti prevoda in pošlje izvod pripomb ustanovi za mednarodni predhodni preizkus in Mednarodnemu uradu.

63. pravilo

Najnujnejše zahteve za ustanove za mednarodni predhodni preizkus

63.1 Opredelitev najnujnejših zahtev

Najnujnejše zahteve iz tretjega odstavka 32. člena so:

(i) državni urad ali medvladna organizacija mora imeti vsaj 100 zaposlenih s polnim delovnim časom, ki so dovolj tehnično usposobljeni za opravljanje preizkusov;

(ii) ta urad ali organizacija mora imeti na razpolago vsaj najnujnejšo dokumentacijo, kot je opredeljena v 34. pravilu, ki mora biti urejena tako, da ustrezha preizkušanju;

(iii) ta urad ali organizacija mora imeti osebje, usposobljeno za opravljanje preizkusov na zahtevanih tehničnih področjih, in ustrezno jezikovno znanje, da razume vsaj tiste jezike, v katerih je najnujnejša dokumentacija iz 34. pravila napisana ali v katere je prevedena;

(iv) ta urad ali organizacija mora biti imenovana kot ustanova za mednarodno poizvedbo.

64. pravilo Stanje tehnike za mednarodni predhodni preizkus

64.1 Stanje tehnike

(a) Za namene drugega in tretjega odstavka 33. člena je stanje tehnike vse, kar je kjer koli na svetu dostopno javnosti s pisnim razkritjem (vključno s skicami in drugimi ponazoritvami), če je bilo vse to javnosti dostopno pred ustreznim datumom.

(b) Za namene pododstavka (a) je ustrezen datum:

(i) ob upoštevanju točke (ii) datum mednarodne vložitve mednarodne prijave, ki je v postopku mednarodnega predhodnega preizkusa;

(ii) če se mednarodna prijava, ki je v postopku mednarodnega predhodnega preizkusa, veljavno sklicuje na prednost prejšnje prijave – datum vložitve te prejšnje prijave.

64.2 Nepisna razkritja

Če je kar koli postal dostopno javnosti z ustnim razkritjem, uporabo, razstavljivo na razstavi ali kakim drugim nepisnim načinom ("nepisna razkritja"), pred ustreznim datumom, kakor je opredeljen v pododstavku (b) prvega odstavka 64. pravila, in če je datum takega nepisnega razkritja naveden v pisnem razkritju, ki je bil dostopen javnosti na dan ustreznega datuma ali pozneje, se nepisno razkritje ne šteje za del stanja tehnike za namene drugega in tretjega odstavka 33. člena . Kljub temu se v poročilu o mednarodnem predhodnem preizkusu opozori na tako nepisno razkritje, kot je določeno v devetem odstavku 70. pravila.

64.3 Nekateri objavljeni dokumenti

Če bi bila prijava ali patent, ki bi, če bi bila objavljena pred ustreznim datumom iz prvega odstavka 64. pravila, predstavljala stanje tehnike po drugem in tretjem odstavku 33. člena , objavljena na dan ustreznega datuma ali pozneje, vendar je bila vložena pred njim ali se je sklicevala na prednost prejšnje prijave, ki je bila vložena pred njim, se ta objavljena prijava ali patent ne šteje za del stanja tehnike po drugem in tretjem odstavku 33. člena. Kljub temu se v poročilu o mednarodnem predhodnem preizkusu opozori na tako prijavo ali patent, kot je določeno v desetem odstavku 70. pravila.

65. pravilo Ustvarjalno delo, ki očitno ne izhaja iz znanega stanja tehnike

65.1 Pристop do stanja tehnike

Po tretjem odstavku 33. člena se pri mednarodnem predhodnem preizkusu upošteva razmerje med vsakim posameznim patentnim zahtevkom in stanjem tehnike v celoti. Ne upošteva se le razmerje med patentnim zahtevkom in posameznimi dokumenti ali njihovimi deli, vzeti ločeno, temveč tudi med njimi in kombinacijo takih dokumentov ali njihovih delov, kadar so take kombinacije za osebo, ki je strokovnjak na tem področju, očitne.

65.2 Ustrezeni datum

Po tretjem odstavku 33. člena je ustrezen datum za upoštevanje ustvarjalnega dela (ki očitno ne izhaja iz znanega stanja tehnike) datum, predpisani v prvem odstavku 64. pravila.

66. pravilo Postopek pri ustanovi za mednarodni predhodni preizkus

66.1 Podlaga za mednarodni predhodni preizkus

(a) Ob upoštevanju pododstavkov (b) do (d) mednarodni predhodni preizkus temelji na mednarodni prijavi, kakršna je bila vložena.

(b) Prijavitelj lahko predloži spremembe po 34. členu ob vložitvi zahteve ali pa ob upoštevanju četrtega a odstavka 66. pravila, dokler ni sestavljeno poročilo o mednarodnem predhodnem preizkusu.

(c) Vsaka sprememba po 19. členu, opravljena pred vložitvijo zahteve, se upošteva v postopku mednarodnega predhodnega preizkusa, razen če je nadomeščena ali se šteje za preklicano s spremembou po 34. členu.

(d) Vsaka sprememba po 19. členu, opravljena po vložitvi zahteve, in vse spremembe po 34. členu, predložene ustanovi za mednarodni predhodni preizkus, se ob upoštevanju četrtega a odstavka 66. pravila upoštevajo v postopku mednarodnega predhodnega preizkusa.

(e) Za patentne zahteve, ki se nanašajo na izume, za katere še ni bilo sestavljeni poročilo o mednarodni poizvedbi, mednarodni predhodni preizkus ni potreben.

66.1. a Pisno mnenje ustanove za mednarodno poizvedbo

(a) Ob upoštevanju pododstavka (b) se šteje, da je pisno mnenje ustanove za mednarodno poizvedbo po prvem odstavku 43. a pravila pisno mnenje ustanove za mednarodni predhodni preizkus po pododstavku (a) drugega odstavka 66. pravila.

(b) Ustanova za mednarodni predhodni preizkus lahko obvesti Mednarodni urad, da se pododstavek (a) ne uporablja za postopek v zvezi s pisnimi mnenji, ki jih je po prvem odstavku 43. a pravila sestavila ustanova za mednarodno poizvedbo, ali ustanove, navedene v obvestilu, če tako obvestilo ne velja za primere, ko je državni urad ali medvladna organizacija, ki je delovala kot ustanova za mednarodno poizvedbo, hkrati tudi ustanova za mednarodni predhodni preizkus. Mednarodni urad vsa tako obvestila takoj objavi v Glasniku.¹⁷

(c) Če se pisno mnenje, ki ga sestavi ustanova za mednarodno poizvedbo po prvem odstavku 43. a pravila na podlagi obvestila iz pododstavka (b), ne šteje za pisno obvestilo ustanove za mednarodni predhodni preizkus po pododstavku (a) drugega odstavka 66. pravila, ustanova za mednarodni predhodni preizkus o tem pisno obvesti prijavitelja.

(d) Ustanova za mednarodni predhodni preizkus v postopku po pododstavku (a) drugega odstavka 66. pravila kljub temu upošteva pisno mnenje, ki ga sestavi ustanova za mednarodno poizvedbo po prvem odstavku 43. a pravila, ki na podlagi obvestila iz pododstavka (b) ne šteje za pisno obvestilo ustanove za mednarodni predhodni preizkus po pododstavku (a) drugega odstavka 66. pravila.

66.2 Pisno mnenje ustanove za mednarodni predhodni preizkus

(a) Če ustanova za mednarodni predhodni preizkus:

(i) meni, da gre za enega od primerov iz četrtega odstavka 34. člena;

(ii) meni, da mora biti poročilo o mednarodnem predhodnem preizkusu negativno za kateri koli patentni zahtevek, ker ni videti, da bi bil izum, za katerega se zahteva varstvo, nov, niti ni videti, da bi bil rezultat ustvarjalnega dela (ki očitno ne izhaja iz znanega stanja tehnike), ali ni videti, da bi bil uporaben v industriji;

(iii) opazi kako pomanjkljivost glede oblike ali vsebine mednarodne prijave na podlagi pogodbe ali tega pravilnika;

(iv) meni, da spremembe presegajo okvire, v katerih je izum razložen v mednarodni prijavi, kakršna je bila vložena;

(v) želi, da se poročilu o mednarodnem predhodnem preizkusu priložijo tudi pripombe o jasnosti patentnih zahtevkov, opisa in skic ali o tem, ali so patentni zahtevki v celoti utemeljeni z opisom;

(vi) meni, da se zahtevek nanaša na izum, za katerega še ni bilo sestavljeni poročilo o mednarodni poizvedbi, in se odloči, da za ta patentni zahtevek ne bo izvedla mednarodnega predhodnega preizkusa, ali

(vii) meni, da nima na razpolago prikaza zaporedja nukleotidov in/ali aminokislin v obliki, ki bi omogočala tehtnejši mednarodni predhodni preizkus,

ta ustanova o tem pisno obvesti prijavitelja. Če notranja zakonodaja državnega urada, ki deluje kot ustanova za mednarodni predhodni preizkus, ne dovoljuje, da bi bili večkratni odvisni patentni zahtevki sestavljeni drugače, kot je predvideno v drugem in tretjem stavku pododstavka (a) četrtega odstavka 6. pravila, lahko ustanova za mednarodni predhodni preizkus ob neupoštevanju take oblike in vsebine patentnega zahtevka uporabi pododstavek (b) četrtega odstavka 34. člena. V tem primeru o tem pisno obvesti prijavitelja.

(b) V obvestilu se v celoti navede obrazložitev mnenja ustanove za mednarodni predhodni preizkus.

(c) V obvestilu je prijavitelj pozvan, da predloži pisni odgovor po potrebi skupaj s spremembami.

(d) V obvestilu se določi rok za odgovor. Rok je primeren danim okoliščinam. Po navadi znaša dva meseca od dneva obvestila. Nikakor ne sme biti krajši od enega meseca od navedenega datuma. Če se poročilo o mednarodni poizvedbi posreduje hkrati z obvestilom, znaša rok najmanj dva meseca od navedenega datuma. Ob upoštevanju pododstavka (e) rok ni daljši od treh mesecev od navedenega datuma.

¹⁷ Opomba izdajatelja: Ta informacija se objavi tudi na spletni strani organizacije WIPO: www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

(e) Rok za odgovor na obvestilo se lahko podaljša, če prijavitelj to zahteva pred njegovim potekom.

66.3 Uradni odgovor ustanovi za mednarodni predhodni preizkus

(a) Prijavitelj lahko odgovori na poziv iz pododstavka (c) drugega odstavka 66. pravila ustanove za mednarodni predhodni preizkus tako, da opravi spremembe, če se ne strinja z mnenjem te ustanove, tako da ji predloži dokaze, odvisno od primera, ali da stori oboje.

(b) Vsi odgovori se predložijo neposredno ustanovi za mednarodni predhodni preizkus.

66.4 Dodatna možnost za predložitev sprememb ali dokazov

(a) Če želi ustanova za mednarodni predhodni preizkus izdati eno ali več dodatnih mnenj, lahko to stori in uporablja se drugi in tretji odstavek 66. pravila.

(b) Na zahtevo prijavitelja mu lahko ustanova za mednarodni predhodni preizkus da eno ali več možnosti, da predloži spremembe ali dokaze.

66.4. a Upoštevanje sprememb in dokazov

Ustanovi za mednarodni predhodni preizkus pri sestavljanju pisnega mnenja ali poročila o mednarodnem predhodnem preizkuusu ni treba upoštevati sprememb ali dokazov, če jih prejme potem, ko je ta ustanova že začela sestavljalati to mnenje ali poročilo.

66.5 Sprememba

Vsaka sprememba patentnih zahtevkov, opisa ali skic, vključno s preklicem zahtevkov, izpustitvijo delov v opisu ali izpustitvijo nekaterih skic, razen popravkov očitnih napak, se šteje za spremembo.

66.6 Neuradni stiki s prijaviteljem

Ustanova za mednarodni predhodni preizkus ima lahko kadar koli neuradne stike s prijaviteljem po telefonu, pisno ali osebno. Ta ustanova po svoji presoji odloči, ali bo prijavitelju na njegovo zahtevo omogočila več kot en osebni pogovor oziroma ali želi odgovoriti na morebitno prijaviteljevo neuradno pisno sporočilo.

66.7 Izvod in prevod prejšnje prijave, katere prednost se zahteva

(a) Če ustanova za mednarodni predhodni preizkus potrebuje izvod prejšnje prijave, katere prednost se zahteva v mednarodni prijavi, ji Mednarodni urad na njeno zahtevo takoj pošlje ta izvod. Če se ta izvod ne pošlje ustanovi za mednarodni predhodni preizkus, ker prijavitelj ni ravnal v skladu s prvim odstavkom 17. pravila, in če ta prejšnja prijava ni bila vložena pri tej ustanovi v vlogi državnega urada ali ta ustanova ne more pridobiti dokumenta o prednosti iz digitalne knjižnice v skladu z upravnimi navodili, se lahko poročilo o mednarodnem predhodnem preizkuusu sestavi tako, kot da se prednost ni zahtevala.

(b) Če je prijava, katere prednost se zahteva v mednarodni prijavi, napisana v jeziku, ki ni jezik ali eden od jezikov ustanove za mednarodni predhodni preizkus, lahko ta ustanova, če je veljavnost zahtevane prednosti pomembna za oblikovanje mnenja iz prvega odstavka 33. člena, pozove prijavitelja, naj v dveh mesecih od dneva, ko mu je bil poslan poziv, pošlje prevod v ta jezik oziroma enega od teh jezikov. Če se prevod v tem roku ne pošlje, se lahko poročilo o mednarodnem predhodnem preizkuusu sestavi, kot da se prednost ni zahtevala.

66.8 Oblika sprememb

(a) Ob upoštevanju pododstavka (b) se od prijavitelja zahteva, da predloži nadomestno stran za vsako stran mednarodne prijave, ki se zaradi neke spremembe razlikuje od prvotno vložene strani. Spremno pismo k nadomestnim stranem mora opozoriti na razlike med nadomeščenimi in nadomestnimi stranmi in po možnosti tudi razložiti razloge za spremembo.

(b) Če gre pri spremembi za črtanje delov ali manjše spremembe ali dodatke, je nadomestna stran iz pododstavka (a) lahko izvod ustrezne strani mednarodne prijave, ki vsebuje spremembe ali dodatke, če jasnost in možnost neposrednega razmnoževanja te strani ostaneta neokrnjeni. Če morebitna sprememba pomeni razveljavitev celotne strani, je treba tako spremembo sporočiti v pismu, v katerem so po možnosti tudi razloženi razlogi zanjo.

66.9 Jezik sprememb

(a) Ob upoštevanju pododstavkov (b) in (c), če je bila mednarodna prijava vložena v jeziku, ki ni jezik, v katerem je objavljena, se vse spremembe in vsa pisma iz osmega odstavka 66. pravila predložijo v jeziku objave.

(b) Če se izvaja mednarodni predhodni preizkus v skladu z drugim odstavkom 55. pravila na podlagi prevoda mednarodne prijave, se vsaka sprememba in tudi vsako pismo iz pododstavka (a) predložijo v jeziku tega prevoda.

(c) Ob upoštevanju tretjega odstavka 55. pravila, če sprememba ali pismo ni predloženo v jeziku, kakor zahteva pododstavek (a) ali (b), ustanova za mednarodni predhodni preizkus, če so roki taki, da omogočajo pripravo poročila o mednarodnem predhodnem preizkusu, pozove prijavitelja, da predloži spremembo ali pismo v zahtevanem jeziku v roku, ki je glede na okoliščine smiseln.

(d) Če prijavitelj v roku iz pododstavka (c) ne predloži s pozivom zahtevane spremembe v zahtevanem jeziku, se sprememba ne upošteva pri izvedbi mednarodnega predhodnega preizkusa. Če prijavitelj v roku iz pododstavka (c) ne pošlje pisma iz pododstavka (a) v zahtevanem jeziku, spremembe ni treba upoštevati pri mednarodnem predhodnem preizkusu.

67. pravilo

Predmet preizkusa po točki (i) pododstavka (a) četrtega odstavka 34. člena

67.1 Opredelitev

Nobeni ustanovi za mednarodni predhodni preizkus ni treba opravljati mednarodnega predhodnega preizkusa v zvezi z mednarodno prijavo, če in kolikor so predmet preizkusa:

(i) znanstvene in matematične teorije;

(ii) rastlinske sorte in živalske vrste ali bistveni biološki postopki za njihovo pridelavo oziroma vzrejo, razen mikrobioloških postopkov in njihovih proizvodov;

(iii) sheme, pravila ali metode za poslovanje, za opravljanje izključno umskega dela ali za igro;

(iv) metode zdravljenja človeškega ali živalskega telesa s kirurškim posegom ali terapijo ter diagnostične metode;

(v) zgolj predstavitev informacij;

(vi) računalniški programi v taki meri, da ustanova za mednarodni predhodni preizkus ni opredeljena za izvajanje mednarodnega predhodnega preizkusa v zvezi s takimi programi.

68. pravilo

Neenotnost izuma (mednarodni predhodni preizkus)

68.1 Ni poziva za omejitev ali plačilo

Če ustanova za mednarodni predhodni preizkus ugotovi, da pogoj glede enotnosti izuma ni izpolnjen, in se odloči, da ne bo pozvala prijavitelja, naj omeji patentne zahtevke ali plača dodatne pristojbine, ob upoštevanju pododstavka (b) četrtega odstavka 34. člena in pododstavka (e) prvega odstavka 66. pravila nadaljuje mednarodni predhodni preizkus celotne mednarodne prijave, vendar v vsakem pisnem mnenju in poročilu o mednarodnem predhodnem preizkusu navede, da pogoj glede enotnosti izuma ni izpolnjen, ter razloge za to.

68.2 Poziv za omejitev ali plačilo

Če ustanova za mednarodni predhodni preizkus ugotovi, da pogoj glede enotnosti izuma ni izpolnjen, in se odloči, da bo pozvala prijavitelja, da po svoji izbiri omeji patentne zahtevke ali plača dodatne pristojbine, v pozivu:

(i) navede vsaj eno možnost za omejitev, ki bi bila po mnenju ustanove za mednarodni predhodni preizkus v skladu z veljavnim pogojem;

(ii) navede razloge, zaradi katerih meni, da mednarodna prijava ne izpolnjuje zahteve o enotnosti izuma;

(iii) pozove prijavitelja, da ravna v skladu s pozivom v enem mesecu od dneva poziva;

(iv) navede znesek zahtevanih dodatnih pristojbin, ki jih je treba plačati, če se prijavitelj tako odloči, in

(v) pozove prijavitelja, da v ustreznih primerih v enem mesecu od dneva poziva plača pristojbino za ugovor iz pododstavka (e) tretjega odstavka 68. pravila ter navede znesek, ki ga je treba plačati.

68.3 Dodatne pristojbine

(a) Znesek dodatnih pristojbin za mednarodni predhodni preizkus po pododstavku (a) tretjega odstavka 34. člena določi pristojna ustanova za mednarodni predhodni preizkus.

(b) Dodatne pristojbine za mednarodni predhodni preizkus po pododstavku (a) tretjega odstavka 34. člena se plačajo neposredno ustanovi za mednarodni predhodni preizkus.

(c) Prijavitelj lahko plača dodatne pristojbine z ugovorom, to je s priloženo obrazložitvijo, da mednarodna prijava izpolnjuje zahteve o enotnosti izuma ali da je znesek zahtevanih dodatnih pristojbin previšok. Tak ugovor obravnava revizijsko telo, ki ga ustanovi ustanova za mednarodni predhodni preizkus, ki ob ugotovitvi, da je ugovor upravičen, zahteva, da se prijavitelju delno ali v celoti povrnejo dodatne pristojbine. Na zahtevo prijavitelja se besedili ugovora in z njim povezane odločitve uradno pošljeta izbranim uradom kot priloga k poročilu o mednarodnem predhodnem preizkusu.

(d) Med člani revizijskega telesa iz pododstavka (c) so lahko osebe, ki so sprejele odločitev, povezano z ugovorom, vendar ne samo te osebe.

(e) Ustanova za mednarodni predhodni preizkus za obravnavanje ugovora iz pododstavka (c) lahko zahteva plačilo pristojbine za ugovor. Kadar prijavitelj ne plača zahtevane pristojbine za ugovor v roku iz točke (v) drugega odstavka 68. pravila, se šteje, da ni dal ugovora, ustanova za mednarodni predhodni preizkus pa da o tem izjava. Pristojbina za ugovor se prijavitelju vrne, kadar revizijsko telo iz pododstavka (c) ugotovi, da je bil ugovor povsem upravičen.

68.4 Postopek ob nezadostni omejitvi patentnih zahtevkov

Če prijavitelj omeji patentne zahtevke, vendar ne dovolj, da bi bil izpolnjen pogoj glede enotnosti izuma, ustanova za mednarodni predhodni preizkus v nadaljevanju ravna v skladu s pododstavkom (c) tretjega odstavka 34. člena.

68.5 Glavni izum

Ob dvому, kateri izum je glavni, se za namene pododstavka (c) tretjega odstavka 34. člena šteje za glavni izum tisti izum, ki je v patentnih zahtevkih naveden kot prvi.

69. pravilo

Začetek mednarodnega predhodnega preizkusa in rok zanj

69.1 Začetek mednarodnega predhodnega preizkusa

(a) Ob upoštevanju pododstavkov (b) do (e) začne ustanova za mednarodni predhodni preizkus izvajati mednarodni predhodni preizkus takrat, ko dobi:

(i) zahtevo;

(ii) znesek za plačilo (v celoti) za manipulativno pristojbino in pristojbino za mednarodni predhodni preizkus, vključno po potrebi s pristojbino za zamudo pri plačilu iz drugega odstavka 58. a pravila, in

(iii) poročilo o mednarodni poizvedbi ali izjavo ustanove za mednarodno poizvedbo po pododstavku (a) drugega odstavka 17. člena, da ne bo sestavljen nobeno poročilo o mednarodni poizvedbi, ter pisno mnenje, sestavljen v skladu s prvim odstavkom 43. a pravila, če ustanova za mednarodni predhodni preizkus ne začne mednarodnega predhodnega preizkusa pred potekom veljavnega roka po pododstavku (a) prvega odstavka 54. a pravila, razen če prijavitelj izrecno ne zahteva, da se postopek začne prej.

(b) Če državni urad ali medvladna organizacija, ki deluje kot ustanova za mednarodno poizvedbo, deluje tudi kot ustanova za mednarodni predhodni preizkus, se lahko mednarodni predhodni preizkus, če tako želi ta državni urad ali medvladna organizacija in ob upoštevanju pododstavkov (d) in (e) začne sočasno z mednarodno poizvedbo.

(b a) Če želi državni urad ali medvladna organizacija, ki hkrati deluje kot ustanova za mednarodno poizvedbo in ustanova za mednarodni predhodni preizkus v skladu s pododstavkom (b), začeti mednarodni predhodni preizkus sočasno z mednarodno poizvedbo in meni, da so vsi pogoji iz točk (i) do (iii) pododstavka (c) drugega odstavka 34. člena izpolnjeni, temu državnemu uradu ali medvladni organizaciji v vlogi ustanove za mednarodno poizvedbo ni treba sestaviti pisnega mnenja po prvem odstavku 43. a pravila.

(c) Če izjava o spremembah vsebuje navedbo, da je treba upoštevati spremembe po 19. členu (točka (i) pododstavka (a) devetega odstavka 53. pravila), ustanova za mednarodni predhodni preizkus ne začne mednarodnega predhodnega preizkusa, dokler ne prejme izvoda sprememb.

(d) Če izjava o spremembah vsebuje navedbo, da je treba začetek mednarodnega predhodnega preizkusa odložiti (pododstavek (b) devetega odstavka 53. pravila), ustanova za mednarodni predhodni preizkus ne začne mednarodnega predhodnega preizkusa, dokler:

- (i) ne prejme izvoda vsake spremembe na podlagi 19. člena;
- (ii) od prijavitelja ne prejme obvestila o tem, da ne želi uveljavljati sprememb iz 19. člena, ali
- (iii) ne poteče ustrezni rok po prvem odstavku 46. pravila, odvisno od tega, kaj se zgodi prej.

(e) Če izjava o spremembah vsebuje navedbo, da so spremembe po 34. členu predložene hkrati z zahtevo (pododstavek (c) devetega odstavka 53. pravila), dejansko pa ni predložena nobena takšna sprememba, ustanova za mednarodni predhodni preizkus ne začne mednarodnega predhodnega preizkusa, dokler ne prejme sprememb ali dokler ne poteče rok, določen v pozivu iz pododstavka (g) prvega odstavka 60. pravila, odvisno od tega, kaj se zgodi prej.

69.2 Rok za mednarodni predhodni preizkus

Rok za sestavo poročila o mednarodnem predhodnem preizkusu, odvisno od tega, kateri rok poteka zadnji, je:

- (i) 28 mesecev od prednostnega datuma ali
- (ii) šest mesecev od časa, ki je po prvem odstavku 69. pravila predviden za začetek mednarodnega predhodnega preizkusa, ali
- (iii) šest mesecev od dneva, ko ustanova za mednarodni predhodni preizkus prejme prevod, ki se predloži po drugem odstavku 55. pravila.

70. pravilo

Mednarodno predhodno poročilo ustanove za mednarodni predhodni preizkus o možnosti patentiranja (poročilo o mednarodnem predhodnem preizkusu)

70.1 Opredelitev

V tem pravilu "poročilo" pomeni poročilo o mednarodnem predhodnem preizkusu.

70.2 Podlaga za poročilo

(a) Če so bili patentni zahtevki spremenjeni, se poročilo nanaša na zahtevke, kakor so bili spremenjeni.

(b) Če je poročilo v skladu s pododstavkom (a) ali (b) sedmega odstavka 66. pravila sestavljeno tako, kot da prednost ni bila zahtevana, se v njem to navede.

(c) Če ustanova za mednarodni predhodni preizkus meni, da kakšna sprememba presega obseg razkritja v mednarodni prijavi, kakršna je bila vložena, se poročilo sestavi, kot da te spremembe ni bilo, v poročilu pa se to navede. Navedejo se tudi razlogi, zaradi katerih se meni, da sprememba presega obseg takega razkritja.

(d) Če se patentni zahtevki nanašajo na izume, za katere še ni bilo sestavljeno poročilo o mednarodni poizvedbi in zato zanje ni bil izведен mednarodni predhodni preizkus, se to navede v poročilu.

70.3 Identifikacije

V poročilu se določita ustanova za mednarodni predhodni preizkus, ki ga je sestavila, z navedbo imena te ustanove ter mednarodna prijava z navedbo številke mednarodne prijave, imena prijavitelja in datumom vložitve mednarodne prijave.

70.4 Datumi

V poročilu se navedeta:

- (i) datum, ko je bila vložena zahteva, in
- (ii) datum poročila; ta datum je datum, ko je bilo poročilo končano.

70.5 Klasifikacija

(a) V poročilu se povzame klasifikacija iz tretjega odstavka 43. pravila, če se ustanova za mednarodni predhodni preizkus strinja z njo.

(b) V nasprotnem primeru ustanova za mednarodni predhodni preizkus v poročilu navede klasifikacijo, ki je vsaj glede na mednarodno klasifikacijo patentov po njenem mnenju pravilna.

70.6 Izjava po drugem odstavku 35. člena

(a) Izjava iz drugega odstavka 35. člena je sestavljena iz besed "DA" ali "NE" ali njunih enakovrednih izrazov v jeziku poročila ali kakega ustreznega znaka, določenega v upravnih navodilih, spremljajo pa jo navedbe, pojasnila in pripombe, navedene v zadnjem stavku drugega odstavka 35. člena.

(b) Če katero od merit iz drugega odstavka 35. člena (to je novost, ustvarjalno delo (ki očitno ne izhaja iz znanega stanja tehnike), industrijska uporabljivost) ni izpolnjeno, je izjava negativna. Če je v takem primeru izpolnjeno katero koli posamezno merilo, se v poročilu navedejo merila, ki so izpolnjena.

70.7 Navedbe po drugem odstavku 35. člena

(a) V poročilu se navedejo dokumenti, ki se zdijo pomembni za potrditev izjav, danih na podlagi drugega odstavka 35. člena, ne glede na to, ali so ti dokumenti navedeni v poročilu o mednarodni poizvedbi. Dokumente, navedene v poročilu o mednarodni poizvedbi, je treba navesti v poročilu samo, če ustanova za mednarodni predhodni preizkus meni, da so pomembni.

(b) Pododstavka (b) in (e) petega odstavka 43. pravila veljata tudi za poročilo.

70.8 Pojasnila po drugem odstavku 35. člena

Upravna navodila vsebujejo smernice za primere, v katerih so pojasnila iz drugega odstavka 35. člena potrebna ali ne, in obliko teh pojasnil. Smernice temeljijo na teh načelih:

(i) pojasnila se dajo vedno, kadar je izjava glede kakega patentnega zahtevka negativna;

(ii) pojasnila se dajo vedno, kadar je izjava pozitivna, razen če je razlog za navedbo kakega dokumenta jasno razviden na podlagi vpogleda v navedeni dokument;

(iii) pojasnila se na splošno dajo v primeru, predvidenem v zadnjem stavku pododstavka (b) šestega odstavka 70. pravila.

70.9 Nepisna razkritja

Vsa nepisna razkritja, ki so v poročilu navedena na podlagi drugega odstavka 64. pravila, se omenijo z navedbo njihove vrste, datuma, ko je na nepisno razkritje, sklicajoče se na pisno razkritje, postalo dostopno javnosti, in datumom, ko je nepisno razkritje prišlo v javnost.

70.10 Nekateri objavljeni dokumenti

Vse objavljene prijave ali patenti, navedeni v poročilu na podlagi tretjega odstavka 64. pravila, se navedejo kot taki, obenem pa se navedejo še datum njihove objave, datum njihove vložitve in datum morebitne zahteve za prednost. Glede na prednostni datum katerega koli takega dokumenta se v poročilu lahko navede, da po mnenju ustanove za mednarodni predhodni preizkus priznanje tega datuma ni bilo veljavno zahtevano.

70.11 Omemba sprememb

Če so bile pri ustanovi za mednarodni predhodni preizkus opravljene spremembe, se to navede v poročilu. Če je bila zaradi take spremembe razveljavljena cela stran, se tudi to navede v poročilu.

70.12 Omemba nekaterih pomanjkljivosti in drugo

Če ustanova za mednarodni predhodni preizkus ob sestavljanju poročila meni, da:

(i) mednarodna prijava vsebuje kakšno pomanjkljivost iz točke (iii) pododstavka (a) drugega odstavka 66. pravila, vključi to mnenje z obrazložitvijo v poročilo;

(ii) mednarodna prijava zahteva kakršne koli pripombe iz točke (v) pododstavka (a) drugega odstavka 66. pravila lahko vključi to mnenje v poročilo; če to storiti, navede v poročilu tudi razloge za tako mnenje;

(iii) obstaja katera koli okoliščina iz četrtega odstavka 34. člena, to mnenje in razloge zanj izrazi v poročilu;

(iv) meni, da nima na razpolago prikaza zaporedja nukleotidov in/ali aminokislin v obliki, ki bi omogočala izvedbo tehtnejšega mednarodnega predhodnega preizkusa, to navede v poročilu.

70.13 Opombe, ki se nanašajo na enotnost izuma

Če je prijavitelj plačal dodatne pristojbine za mednarodni predhodni preizkus ali če je bila mednarodna prijava ali mednarodni predhodni preizkus omejen na podlagi tretjega odstavka 34. člena,

se to navede v poročilu. Če je bil mednarodni predhodni preizkus opravljen na podlagi omejenih patentnih zahtevkov (pododstavek (a) tretjega odstavka 34. člena) ali samo na podlagi glavnega izuma (pododstavek (a) tretjega odstavka 34. člena), se v poročilu poleg tega navede, kateri deli mednarodne prijave so bili mednarodno predhodno preizkušani in kateri ne. Če se je ustanova za mednarodni predhodni preizkus odločila, da prijavitelja ne bo pozvala k omejitvi patentnih zahtevkov ali k plačilu dodatnih pristojbin, vsebuje poročilo navedbe, predvidene s prvim odstavkom 68. pravila.

70.14 Pooblaščeni uslužbenec

V poročilu se navedeta ime in priimek uslužbenca ustanove za mednarodni predhodni preizkus, ki je odgovoren za to poročilo.

70.15 Oblike, naslov

(a) Zahteve glede oblike poročila so predpisane v upravnih navodilih.

(b) Poročilo ima naslov "mednarodno predhodno poročilo o možnosti patentiranja (II. poglavje Pogodbe o sodelovanju na področju patentov)" in vsebuje navedbo, da gre za mednarodni predhodni preizkus, ki ga je pripravila ustanova za mednarodni predhodni preizkus.

70.16 Priloge k poročilu

(a) Vsaka nadomestna stran po pododstavku (a) ali (b) osmega odstavka 66. pravila, vsaka nadomestna stran, ki vsebuje spremembe po 19. členu, in vsaka nadomestna stran, ki vsebuje popravke očitnih napak, ki jih dovoljuje točka (iii) pododstavka (e) prvega odstavka 91. pravila, razen če ni nadomeščena s poznejšimi nadomestnimi stranmi ali spremembami, zaradi katerih se razveljavijo cele strani po pododstavku (b) osmega odstavka 66. pravila, se priložijo poročilu. Nadomestne strani, ki vsebujejo spremembe po 19. členu, ki se štejejo za preklicane s spremembami na podlagi 34. člena, in pisma na podlagi osmega odstavka 66. pravila se ne prilagajo.

(b) Ne glede na pododstavek (a) se poročilu priložijo vse preklicane ali nadomestne strani iz tega pododstavka, če ustanova za mednarodni predhodni preizkus meni, da vsaka nadomeščena ali preklicana sprememba presega obseg razkritja v mednarodni prijavi, kakršna je bila vložena, in poročilo vsebuje navedbo iz pododstavka (c) drugega odstavka 70. pravila. V tem primeru se nadomeščena ali preklicana nadomestna stran označi, kakor to določajo upravna navodila.

70.17 Jeziki poročila in prilog

Poročilo in vse priloge so v jeziku, v katerem je bila objavljena mednarodna prijava, na katero se nanašajo, če pa se opravlja mednarodni predhodni preizkus na podlagi drugega odstavka 55. pravila na podlagi prevoda mednarodne prijave, v jeziku tega prevoda.

71. pravilo Posredovanje poročila o mednarodnem predhodnem preizkusu

71.1 Prejemniki

Ustanova za mednarodni predhodni preizkus istega dne posreduje en izvod poročila o mednarodnem predhodnem preizkusu in njegove morebitne priloge Mednarodnemu uradu, en izvod pa prijavitelju.

71.2 Izvodi navedenih dokumentov

(a) Zahteva iz četrtega odstavka 36. člena se lahko predloži kadar koli v sedmih letih od dneva vložitve mednarodne prijave, na katero se poročilo nanaša.

(b) Ustanova za mednarodni predhodni preizkus lahko zahteva, da ji stranka (prijavitelj ali izbrani urad), ki vлага zahtevo, plača stroške priprave in pošiljanja izvodov. Višina stroškov za pripravo izvodov se določi s sporazumi iz drugega odstavka 32. člena med ustanovami za mednarodni predhodni preizkus in Mednarodnim uradom.

(c) [črtano]

(d) Vsaka ustanova za mednarodni predhodni preizkus lahko izpolnjuje obveznosti iz pododstavkov (a) in (b) prek druge agencije, ki ji je odgovorna.

72. pravilo**Prevod poročila o mednarodnem predhodnem preizkusu in pisnega mnenja ustanove za mednarodno poizvedbo****72.1 Jeziki**

(a) Vsaka izbrana država lahko zahteva, da se poročilo o mednarodnem predhodnem preizkusu, napisano v jeziku, ki ni uradni jezik oziroma eden od uradnih jezikov njenega državnega urada, prevede v angleški jezik.

(b) O vsaki taki zahtevi je treba obvestiti Mednarodni urad, ki jo takoj objavi v Glasniku.

72.2 Izvod prevoda za prijavitelja

Mednarodni urad posreduje izvod prevoda poročila o mednarodnem predhodnem preizkusu iz pododstavka (a) prvega odstavka 72. pravila prijavitelju hkrati z dostavo tega prevoda enemu ali več izbranim uradom.

72.2 a Prevod pisnega mnenja ustanove za mednarodno poizvedbo, ki se sestavlja po prvem odstavku 43. a pravila

V primeru iz točke (ii) pododstavka (b) drugega odstavka 73. pravila Mednarodni urad na zahtevo državnega urada pisno mnenje, ki ga sestavi ustanova za mednarodno poizvedbo po prvem odstavku 43. a pravila, prevede v angleški jezik ali poskrbi za njegov prevod. Mednarodni urad posreduje izvod prevoda temu izbranemu uradu v dveh mesecih od dneva prejema zahteve za prevod, istočasno pa en izvod pošlje tudi prijavitelju.

72.3 Pripombe k prevodu

Prijavitelj lahko predloži pisne pripombe o pravilnosti prevoda poročila o mednarodnem predhodnem preizkusu ali pisnem mnenju ustanove za mednarodno poizvedbo po prvem odstavku 43. a pravila ter pošlje izvod pripomb vsakemu zainteresiranemu izbranemu uradu in Mednarodnemu uradu.

73. pravilo**Dostava poročila o mednarodnem predhodnem preizkusu ali pisnega mnenja ustanove za mednarodno poizvedbo****73.1 Priprava izvodov**

Mednarodni urad pripravi izvode dokumentov za dostavo na podlagi pododstavka (a) tretjega odstavka 36. člena.

73.2 Dostava izbranim uradom

(a) Mednarodni urad dostavi dokumente, kot predvideva pododstavek (a) tretjega odstavka 36. člena, vsakemu izbranemu uradu v skladu s prvim odstavkom 93. a pravila, vendar ne pred potekom 30 mesecev od prednostnega datuma.

(b) Če prijavitelj na podlagi drugega odstavka 40. člena uveljavlja izrecno zahtevo pri izbranem uradu, Mednarodni urad na zahtevo tega urada ali prijavitelja:

(i) če je bilo poročilo o mednarodnem predhodnem preizkusu že posredovano Mednarodnemu uradu po prvem odstavku 71. pravila, takoj dostavi dokumente, kot predvideva pododstavek (a) tretjega odstavka 36. člena, temu uradu;

(ii) če poročilo o mednarodnem predhodnem preizkusu ni bilo posredovano Mednarodnemu uradu po prvem odstavku 71. pravila, takoj dostavi temu uradu izvod pisnega mnenja, ki ga je sestavila ustanova za mednarodno poizvedbo po prvem odstavku 43. a pravila.

(c) Če je prijavitelj umaknil zahtevo ali eno oziroma vse izbire, se kljub temu izbranemu uradu ali uradom, na katere se umik nanaša, dostavijo dokumenti, kot predvideva pododstavek (a).

74. pravilo**Prevod prilog k poročilu o mednarodnem predhodnem preizkusu in njihovo posredovanje****74.1 Vsebina prevoda in rok za posredovanje**

(a) Kadar izbrani urad zahteva, da se mu v skladu s prvim odstavkom 39. člena posreduje prevod mednarodne prijave, mu prijavitelj v roku iz prvega odstavka 39. člena pošlje prevod vsake nadome-

stne strani iz šestnajstega odstavka 70. pravila, ki je priložena poročilu o mednarodnem predhodnem preizkusu, razen če je ta stran napisana v jeziku zahtevanega prevoda mednarodne prijave. Isti rok velja, kadar je treba prevod mednarodne prijave zaradi izjave iz točke (i) pododstavka (a) drugega odstavka 64. člena poslati izbranemu uradu v roku iz 22. člena.

(b) Kadar izbrani urad ne zahteva, da se mu v skladu s prvim odstavkom 39. člena pošlje prevod mednarodne prijave, pa lahko zahteva, da mu prijavitelj v roku iz tega člena pošlje prevod vsake nadomestne strani iz šestnajstega odstavka 70. pravila, ki je priložena poročilu o mednarodnem predhodnem preizkusu in ni v jeziku objave mednarodne prijave, v jeziku, v katerem je bila mednarodna prijava objavljena.

75. pravilo

[črtano]

76. pravilo

Prevod dokumenta o prednosti; uporaba nekaterih pravil za postopke pri izbranih uradih

76.1, 76.2 in 76.3 [črtano]

76.4 Rok za prevod dokumenta o prednosti

Prijavitelju ni treba nobenemu izbranemu uradu predložiti prevoda dokumenta o prednosti pred potekom roka, veljavnega po 39. členu.

76.5 Uporaba nekaterih pravil za postopke pri izbranih uradih

Tretji odstavek 13. b pravila, pododstavek (g) prvega odstavka 22. pravila, prvi odstavek 47. pravila, 49. pravilo, 49. a pravilo in 51. a pravilo se uporabljajo pod pogojem:

(i) da se v teh pravilih vsako sklicevanje na imenovani urad ali imenovano državo razume kot sklicevanje na izbrani urad oziroma na izbrano državo;

(ii) da se v teh pravilih vsako sklicevanje na 22. člen ali drugi odstavek 24. člena razume kot sklicevanje na prvi odstavek 39. člena oziroma tretji odstavek 39. člena;

(iii) da se besede "mednarodne prijave, vložene" v pododstavku (c) prvega odstavka 49. pravila nadomestijo z besedami "zahtevo za mednarodni predhodni preizkus, predloženo";

(iv) da se za namene prvega odstavka 39. člena, če je bilo poročilo o mednarodnem predhodnem preizkusu sestavljen, prevod katere koli spremembe po 19. členu zahteva samo, če je ta sprememba priložena temu poročilu;

(v) da se sklicevanje v pododstavku (a) prvega odstavka 47. pravila na četrти odstavek 47. pravila razume kot sklicevanje na pododstavek (d) drugega odstavka 61. pravila.

77. pravilo

Možnosti po pododstavku (b) prvega odstavka 39. člena

77.1 Izraba možnosti

(a) Vsaka država pogodbenica, ki dopušča rok, ki poteče pozneje kot rok, določen v pododstavku (a) prvega odstavka 39. člena, obvesti Mednarodni urad o tako določenem roku.

(b) Mednarodni urad vsa obvestila, ki jih prejme po pododstavku (a), takoj objavi v Glasniku.

(c) Obvestila o skrajšanju prej določenega roka veljajo za zahteve, predložene po poteku treh mesecev od dneva, ko je Mednarodni urad objavil obvestilo.

(d) Obvestila o podaljšanju prej določenega roka začnejo za zahteve, ki so takrat v postopku ali so bile predložene po dnevu objave, veljati, ko jih Mednarodni urad objavi v Glasniku, če pa država pogodbenica, ki obvešča, določi kak poznejši datum, pa od tega datuma naprej.

78. pravilo

Sprememba patentnih zahtevkov, opisa in skic pri izbranih uradih

78.1 Rok

(a) Če prijavitelj želi, lahko uveljavlja pravico iz 41. člena do spremembe patentnih zahtevkov, opisa in skic pri ustrezнем izbranem uradu, in sicer v enem mesecu od izpolnitve zahteve iz pododstavka (a) prvega odstavka 39. člena, pod pogojem, da to pravico uveljavlja najpozneje v štirih mesecih po poteku tega roka, če poročilo o mednarodnem predhodnem preizkusu po prvem odstavku 36. člena

ni bilo posredovano do poteka roka iz 39. člena. V obeh primerih pa prijavitelj lahko uveljavlja to pravico kadar koli, če to dovoljuje notranja zakonodaja te države.

(b) V vseh izbranih državah, v katerih je z notranjo zakonodajo določeno, da se preizkus opravi samo na podlagi posebne zahteve, se lahko z notranjo zakonodajo določi, da je rok, v katerem, ali čas, ob katerem lahko prijavitelj uveljavi pravico iz 41. člena, tisti rok oziroma tisti čas, ki je z notranjo zakonodajo določen za vložitev sprememb pri preizkušu državnih prijav na posebno zahtevo, če ta rok ne poteče prej ali če ta čas ni pred potekom roka iz pododstavka (a).

78.2 [črtano]

78.3 Uporabni modeli

Določbe petega odstavka 6. pravila in petega odstavka 13. pravila se uporabljam smiselnopri izbranih uradih. Če je bila izbira opravljena pred potekom 19 mesecev od prednostnega datuma, se sklicevanje na rok, ki velja na podlagi 22. člena, nadomesti s sklicevanjem na rok, ki velja po 39. členu.

DEL D PRAVILA, KI SE NANAŠAO NA III. POGLAVJE POGODBE

79. pravilo Koledar

79.1 Navedba datumov

Prijavitelji, državni uradi, prejemni uradi, ustanove za mednarodno poizvedbo in ustanove za mednarodni predhodni preizkus ter Mednarodni urad po tej pogodbi in pravilniku navajajo vse datume po našem štetju in gregorijanskem koledarju, če pa uporabljam druga štetja in koledarje, navedejo vse datume tudi v našem štetju in gregorijanskem koledarju.

80. pravilo Izračun rokov

80.1 Obdobja, izražena v letih

Če se obdobje izrazi kot eno leto ali določeno število let, se začne šteti od dneva, ki sledi dnevu, ko se je dogodek zgodil, poteče pa ustreznega prihodnjega leta v mesecu z istim imenom in na dan z isto številko, kot sta mesec in dan, ko se je ta dogodek zgodil, s tem da obdobje, če v ustremnem mesecu naslednjega leta ni dneva z isto številko, poteče zadnjega dne tega meseca.

80.2 Obdobja, izražena v mesecih

Če se obdobje izrazi kot mesec dni ali določeno število mesecev, se začne šteti od dneva, ki sledi dnevu, ko se je dogodek zgodil, poteče pa v ustremnem mesecu na dan z isto številko kot dan, ko se je ta dogodek zgodil, s tem da obdobje, če v ustremnem naslednjem mesecu ni dneva z isto številko, poteče zadnjega dne tega meseca.

80.3 Obdobja, izražena v dnevih

Če se obdobje izrazi v določenem številu dni, se začne šteti na dan, ki sledi dnevu, ko se je dogodek zgodil, poteče pa na dan, ki je zadnji dan z rokom določenega števila dni.

80.4 Lokalni datumi

(a) Datum, ki se šteje za začetni datum za izračun katerega koli obdobja, je datum, ki velja v kraju in v času, ko se je dogodek zgodil.

(b) Datum, ko poteče neko obdobje, je datum, ki velja v kraju, v katerem je treba vložiti zahtevane dokumente in plačati zahtevane pristojbine.

80.5 Potek roka na dela prost dan ali praznik

Če katero koli obdobje, v katerem mora dokument ali pristojbina prispeti do državnega urada ali medvladne organizacije, poteče na dan:

- (i) ko ta urad ali organizacija ni odprta za javnost za opravljanje uradnih zadev;
 - (ii) ko se navadna pošta ne dostavlja v kraj, v katerem ima ta urad ali organizacija sedež;
 - (iii) ki je praznik najmanj v enem od krajev, kjer ima ta urad ali organizacija sedež, če ima ta urad ali organizacija sedež v več krajih, ter kadar notranja zakonodaja, ki jo uporablja ta urad ali organizacija, v zvezi z državnimi prijavami določa, da v tem primeru to obdobje poteče naslednji dan, ali
 - (iv) ki je praznik v delu te države, kadar je ta urad vladna ustanova države pogodbenice, pristojna za izdajo patentov, in kadar notranja zakonodaja, ki jo uporablja ta urad, v zvezi z državnimi prijavami določa, da v tem primeru to obdobje poteče naslednji dan,
- obdobje poteče prvega naslednjega dne, ko prenehajo vse te štiri okoliščine.

80.6 Datum dokumentov

Če se obdobje začne na dan, ki je kot datum naveden v dokumentu ali pismu državnega urada ali medvladne organizacije, lahko vsaka zainteresirana stranka dokaže, da je bil ta dokument ali pismo odposlano po datumu, ki je v njem naveden, v tem primeru se datum dejanske pošiljke pri štetju roka šteje za datum, ko začne obdobje teče. Če prijavitelj državnemu uradu ali medvladni organizaciji predloži dokaze, iz katerih je po mnenju državnega urada ali medvladne organizacije razvidno, da je bil dokument ali pismo prejeto več kot sedem dni po datumu, ki je v njem naveden, državni urad ali medvladna organizacija ne glede na datum, ko je bil ta dokument ali pismo odposlano, šteje, da obdobje, ki se začne z datumom iz dokumenta ali pisma, poteče toliko dni pozneje, za kolikor dni več od sedmih dni po datumu, navedenem v dokumentu ali pismu, je bil dokument ali pismo prejeto.

80.7 Konec delovnika

- (a) Obdobje, ki poteče na določen dan, poteče v trenutku, ko državni urad ali medvladna organizacija, pri katerem oziroma pri kateri je treba vložiti dokument ali plačati pristojbino, tega dne konča delo.
- (b) Vsak urad ali organizacija lahko odstopi od določb pododstavka (a) do polnoči ustreznega dne.

81. pravilo Spremembe rokov, določenih v pogodbi

81.1 Predlog

- (a) Vsaka država pogodbenica ali generalni direktor lahko predлага spremembo na podlagi drugega odstavka 47. člena.
- (b) Predlogi države pogodbenice se pošljejo generalnemu direktorju.

81.2 Sklep skupščine

- (a) Kadar je predlog naslovljen na skupščino, ga generalni direktor pošlje vsem državam pogodbenicam vsaj dva meseca pred zasedanjem skupščine, na katere dnevnem redu bo predlog.
- (b) Med obravnavanjem predloga skupščine se predlog lahko spremeni ali pa se lahko predlagajo poznejše spremembe.
- (c) Predlog je sprejet, če nobena od držav pogodbenic, ki je navzoča pri glasovanju, ne glasuje proti njemu.

81.3 Glasovanje po pošti

- (a) Če se izbere glasovanje po pošti, se predlog vključi v pisno sporočilo generalnega direktorja državam pogodbenicam in v katerem jih pozove, naj glasujejo pisno.
- (b) V pozivu se določi rok, v katerem mora odgovor, ki vsebuje pisni glas, prispeti do Mednarodnega urada. Rok je najmanj tri mesece od dneva poziva.
- (c) Odgovori morajo biti pozitivni ali negativni. Predlogi za spremembe ali samo pripombe se ne upoštevajo kot glasovanje.
- (d) Predlog je sprejet, če nobena država pogodbenica ne nasprotuje spremembam in če se vsaj polovica držav pogodbenic strinja z njim ali je neopredeljena ali se vzdrži glasovanja.

82. pravilo

Nepravilnosti v poštnem prometu

82.1 Zamuda ali izguba pošiljke

(a) Vsaka zainteresirana stranka lahko predloži dokaz, da je dokument ali pismo odposlala pet dni pred potekom roka. Razen kadar navadna pošiljka v normalnih okoliščinah prispe v namembni kraj v dveh dneh po tem, ko je bila odposljena, ali kadar ni na razpolago letalske pošte, se ta dokaz lahko predloži samo, če je bila pošiljka posljana z letalsko pošto. V vsakem primeru pa se dokaz lahko predloži samo, če je bila pošiljka posljana s priporočeno pošto.

(b) Če se v skladu s pododstavkom (a) odpošiljanje dokumenta ali pisma dokaže na način, ki je sprejemljiv za državni urad ali medvladno organizacijo, ki je naslovnik, se zamuda prispeta spregleda, ali če se dokument ali pismo na pošti izgubi, dovoli, da se pošiljka nadomesti z novim izvodom, in sicer če zainteresirana stranka temu uradu ali organizaciji zadovoljivo dokaže, da je nadomestni dokument ali pismo enako izgubljenemu dokumentu ali pismu.

(c) V primerih, predvidenih v pododstavku (b), se dokaz o odpošiljanju v predpisanim roku, in če se je dokument ali pismo izgubilo, nadomestni dokument ali pismo skupaj z dokazom o njuni istovetnosti z izgubljenim dokumentom ali pismom, pošljejo v enem mesecu od dneva, ko je zainteresirana stranka opazila – ali bi ob potrebnih pozornosti morala opaziti – zamudo ali izgubo, najpozneje pa v šestih mesecih po poteku roka, ki velja v tem primeru.

(d) Vsak državni urad ali medvladna organizacija, ki je o tem obvestila Mednarodni urad, uporablja takrat, kadar dostavo dokumentov ali pisem opravlja dostavna služba, ki ni del uradne poštne službe, določbe pododstavkov (a) do (c) tako, kot da bi bila dostavna služba uradna poštna služba. V tem primeru se ne uporablja zadnji stavek pododstavka (a), dokaz pa se lahko predloži samo, če je podatki o pošiljki ob odpošiljanju zapisala dostavna služba. Obvestilo lahko vsebuje navedbo, da se nanaša samo na pošiljanje pošiljek, ki ga opravlja le določene dostavne službe ali tiste dostavne službe, ki izpolnjujejo določena merila. Mednarodni urad prejeto informacijo objavi v Glasniku.

(e) Vsak državni urad ali medvladna organizacija lahko ravna v skladu s pododstavkom (d):

- (i) čeprav v ustreznih primerih uporabljena dostavna služba ni bila ena od dostavnih služb, navedenih v ustreznem obvestilu iz pododstavka (d), ali ni ustrezaла v njem navedenim merilom ali
- (ii) čeprav ta urad ali organizacija Mednarodnemu uradu ni poslala obvestila iz pododstavka (d).

82.2 Motnje v poštnem prometu

(a) Vsaka zainteresirana stranka lahko predloži dokaze o tem, da je bil poštni promet katerega koli dne od desetih dni pred potekom roka prekinjen zaradi vojne, revolucije, državljanskih nemirov, stavke, naravne nesreče ali drugega podobnega razloga v kraju, v katerem zainteresirana stranka živi ali ima poslovni sedež ali začasno prebiva.

(b) Če se predložijo dokazi, iz katerih je po mnenju državnega urada ali medvladne organizacije, ki je naslovnik, jasno razvidno, zakaj je do zamude prišlo, se to spregleda, in sicer če zainteresirana stranka temu uradu ali organizaciji zadovoljivo dokaže, da je pošiljko odposlala v petih dneh po vnovični vzpostavitvi poštnega prometa. Določbe prvega odstavka 82. pravila se uporabljajo smiselnno.

82. a pravilo

Zamude nekaterih rokov, ki jih imenovana ali izbrana država opraviči

82. a 1 Pomen besede "rok" v drugem odstavku 48. člena

Sklicevanje na "kateri koli rok" v drugem odstavku 48. člena se razume kot sklicevanje na:

(i) kateri koli rok, določen v pogodbi ali tem pravilniku;

(ii) kateri koli rok, ki ga je določil prejemni urad, ustanova za mednarodno poizvedbo, ustanova za mednarodni predhodni preizkus ali Mednarodni urad, ali rok, ki ga prejemni urad uporablja na podlagi notranje zakonodaje;

(iii) kateri koli rok, ki ga je določil ali ga na podlage notranje zakonodaje uporablja imenovani ali izbrani urad za izvajanje katerega koli dejanja pri tem uradu.

82. a 2 Ponovna vzpostavitev pravic in druge določbe, na katere se nanaša drugi odstavek 48. člena

Določbe notranje zakonodaje, na katere se sklicuje drugi odstavek 48. člena, o tem, da imenovana ali izbrana država lahko opraviči zamudo katerega koli roka, so tiste določbe, ki kljub neupoštevanju roka predvidevajo ponovno vzpostavitev pravic, obnovo postopka, vrnitev v prejšnje stanje ali nadaljnji postopek, ter vse druge določbe, ki predpisujejo podaljšanje rokov ali opravičilo zamude rokov.

82. b pravilo Popravek napak prejemnega urada ali Mednarodnega urada

82. b 1 Napake, ki se nanašajo na datum vložitve mednarodne prijave in zahtevo za prednost

Če prijavitelj imenovanemu ali izbranemu uradu zadovoljivo dokaže, da je datum vložitve mednarodne prijave nepravilen zaradi napake prejemnega urada ali da je prejemni urad ali Mednarodni urad zmotno štel, da zahteva za prednost ni bila vložena, ter je ta napaka take vrste, da bi jo imenovani ali izbrani urad sam popravil v skladu s svojo zakonodajo ali prakso, če bi jo zakrivil, navedeni urad popravi napako in obravnava mednarodno prijavo, kot da ima popravljen datum vložitve mednarodne prijave ali kot da se ni štelo, da zahteva za prednost ni bila vložena.

83. pravilo Pravica do udeležbe v postopku pri mednarodnih ustanovah

83.1 Dokaz o pravici

Mednarodni urad, pristojna ustanova za mednarodno poizvedbo in pristojna ustanova za mednarodni predhodni preizkus lahko zahtevajo, da se jim predloži dokaz o pravici do udeležbe iz 49. člena.

83.1. Mednarodni urad kot prejemni urad

(a) Katera koli oseba, ki ima pravico zastopanja pred državnim uradom ali uradom, ki deluje v imenu države pogodbenice, katere stalni prebivalec ali državljan je prijavitelj ali eden od prijaviteljev, če jih je več, lahko zastopa pri mednarodni prijavi tudi pred mednarodnim uradom kot prejemnim uradom v skladu s točko (iii) pododstavka (a) prvega odstavka 19. pravila.

(b) Katera koli oseba, ki ima pravico zastopati pred mednarodnim uradom kot prejemnim uradom pri mednarodni prijavi, lahko zastopa v zvezi s to prijavo pred Mednarodnim uradom v vseh drugih zadevah, ravno tako pa tudi pred pristojno ustanovo za mednarodno poizvedbo in pristojno ustanovo za mednarodni predhodni preizkus.

83.2 Informacije

(a) Državni urad ali medvladna organizacija, pred katero naj bi se zainteresirana oseba imela pravico udeležiti postopka, na zahtevo obvesti Mednarodni urad, pristojno ustanovo za mednarodno poizvedbo ali pristojno ustanovo za mednarodni predhodni preizkus o tem, ali se ima taka oseba pravico udeležiti postopka pred njim.

(b) Take informacije so obvezujoče za Mednarodni urad, ustanovo za mednarodno poizvedbo in ustanovo za mednarodni predhodni preizkus, odvisno od primera.

DEL E PRAVILA, KI SE NANAŠAO NA V. POGLAVJE POGODEBE

84. pravilo Stroški delegacij

84.1 Stroški, ki jih krije vlada

Stroške delegacije, ki sodeluje v kakem organu, ustanovljenem s pogodbo ali na podlagi pogodbe, krije vlada, ki jo je imenovala.

85. pravilo Nesklepčnost v skupščini

85.1 Glasovanje po pošti

V primeru, določenem v pododstavku (b) petega odstavka 53. člena, Mednarodni urad sporoči sklepe skupščine (razen tistih, ki se nanašajo na skupščinski postopek) državam pogodbenicam, ki niso bile zastopane, in jih pozove, da v treh mesecih od dneva sporočila pisno izrazijo svoj glas ali vzdržanost. Če po poteku tega obdobja število držav pogodbenic, ki so tako izrazile svoj glas oziroma vzdržanost, doseže število držav pogodbenic, kolikor jih je bilo še potrebno, da bi bilo samo zasedanje sklepčno, postanejo ti sklepi veljavni, če je hkrati še vedno zagotovljena potrebna večina.

86. pravilo Glasnik

86.1 Vsebina¹⁸

Glasnik iz četrtega odstavka 55. člena vsebuje:

- (i) za vsako objavljeno mednarodno objavo podatke, predpisane z upravnimi navodili, povzete z naslovne strani objave mednarodne prijave, morebitno skico s te naslovne strani in izvleček;
- (ii) cenik vseh pristojbin, ki se plačujejo prejemnim uradom, Mednarodnemu uradu, ustanovam za mednarodno poizvedbo in ustanovam za mednarodni preizkus;
- (iii) obvestila, ki jih je treba objaviti na podlagi pogodbe ali tega pravilnika;
- (iv) informacije, če in kolikor jih Mednarodnemu uradu pošljejo imenovani ali izbrani uradi, v zvezi z vprašanjem, ali so zahteve iz 22. ali 39. člena v zvezi z mednarodnimi prijavami, v katerih je imenovan ali izbran ustrezni urad, izpolnjene ali ne;
- (v) vse druge koristne informacije, predpisane z upravnimi navodili, če dostop do takih informacij ni prepovedan po pogodbi in tem pravilniku.

86.2 Jeziki; oblika in način objave; časovna razporeditev¹⁹

- (a) Glasnik izhaja hkrati v angleškem in francoskem jeziku. Prevode v angleški in francoski jezik zagotovi Mednarodni urad.
- (b) Skupščina lahko odredi objavo Glasnika tudi v drugih jezikih poleg tistih, ki so navedeni v pododstavku (a).
- (c) Obliko in način izhajanja Glasnika urejajo upravna navodila.
- (d) Mednarodni urad zagotovi, da se v Glasniku za vsako objavljeno mednarodno prijavo objavijo informacije iz točke (i) prvega odstavka 86. pravila, in to na dan objave mednarodne prijave ali čim prej za tem.

86.3 Izhajanje

Pogostost izhajanja Glasnika določi generalni direktor.

86.4 Prodaja

Naročnino in druge prodajne cene Glasnika določi generalni direktor.

86.5 Naslov

Naslov Glasnika določi generalni direktor.

86.6 Druge podrobnosti

Več podrobnosti o Glasniku se lahko določi v upravnih navodilih.

87. pravilo²⁰ Dostava publikacij

87.1 Dostava publikacij na zahtevo

Mednarodni urad brezplačno dostavi ustanovam za mednarodno poizvedbo, ustanovam za mednarodni preizkus in državnim uradom na njihovo zahtevo izvod vsake objavljene mednarodne prijave, Glasnika in vseh drugih publikacij splošnega interesa, ki jih je objavil Mednarodni urad v zvezi s pogodbo ali tem pravilnikom. Več podrobnosti v zvezi z obliko in načinom dostave publikacij urejajo upravna navodila.

¹⁸ Opomba izdajatelja: Prvi odstavek 86. pravila, kot velja od 1. aprila 2006, se uporablja za izdaje Glasnika, objavljene na dan 1. aprila 2006 ali pozneje, ne glede na datume vložitev mednarodnih prijav, na katere se te izdaje nanašajo.

¹⁹ Opomba izdajatelja: Drugi odstavek 86. pravila, kot velja od 1. aprila 2006, se uporablja za izdaje Glasnika, objavljene na dan 1. aprila 2006 ali pozneje, ne glede na datume vložitev mednarodnih prijav, na katere se te izdaje nanašajo.

²⁰ Opomba izdajatelja: 87. pravilo, kot velja od 1. aprila 2006, se uporablja za pošiljanje mednarodnih prijav, Glasnika in drugih publikacij, objavljenih na dan 1. aprila 2006 ali pozneje, ne glede na datume vložitev mednarodnih prijav, na katere se te izdaje nanašajo.

88. pravilo Sprememba pravilnika

88.1 Pogoj soglasnosti

Pogoj za spremembo naslednjih določb tega pravilnika je, da nobena država, ki ima pravico glasovati v skupščini, ne glasuje proti predlagani spremembi:

- (i) prvega odstavka 14. pravila (pristojbina za posredovanje)
- (ii) [črtano]
- (iii) tretjega odstavka 22. pravila (rok po tretjem odstavku 12. člena),
- (iv) 33. pravila (stanje tehnike, ki se upošteva pri mednarodni poizvedbi),
- (v) 64. pravila (stanje tehnike, ki se upošteva pri mednarodnem predhodnem preizkusu),
- (vi) 81. pravila (spremembe rokov, določenih v pogodbi),
- (vii) tega pododstavka (tj. prvega odstavka 88. pravila).

88.2 [črtano]

88.3 Pogoj nenasprotovanja nekaterih držav

Pogoj za spremembo naslednjih določb tega pravilnika je, da nobena država iz točke (ii) pododstavka (a) tretjega odstavka 58. člena, ki ima pravico glasovati v skupščini, ne glasuje proti predlagani spremembi:

- (i) 34. pravila (minimalna dokumentacija),
- (ii) 39. pravila (predmet izuma po točki (i) pododstavka (a) drugega odstavka 17. člena),
- (iii) 67. pravila (predmet preizkusa po točki (i) pododstavka (a) četrtega odstavka 34. člena),
- (iv) tega pododstavka (tj. tretji odstavek 88. pravila).

88.4 Postopek

Predlogi za spremembo določbe iz prvega ali tretjega odstavka 88. pravila se vsem državam pogodbenicam sporočijo vsaj dva meseca pred začetkom seje skupščine, na kateri se bo odločalo o predlogu, če se o predlogu odloča v skupščini.

89. pravilo Upravna navodila

89.1 Obseg

(a) Upravna navodila vsebujejo:

- (i) določbe o vprašanjih, glede katerih se ta pravilnik izrecno sklicuje na taka navodila;
- (ii) določbe o vseh podrobnostih glede uporabe tega pravilnika.

(b) Upravna navodila ne smejo biti v nasprotju s pogodbo, tem pravilnikom ali katerim koli sporazumom, sklenjenim med Mednarodnim uradom in določeno ustanovo za mednarodno poizvedbo ali ustanovo za mednarodni predhodni preizkus.

89.2 Vir

(a) Upravna navodila sestavi in izda generalni direktor po posvetovanju s prejemnimi uradi in ustanovami za mednarodno poizvedbo in mednarodni predhodni preizkus.

(b) Generalni direktor lahko navodila spremeni po posvetovanju z uradi ali ustanovami, na katere se predlagane spremembe neposredno nanašajo.

(c) Skupščina lahko pozove generalnega direktorja, da spremeni upravna navodila, generalni direktor pa ravna v skladu s tem.

89.3 Objava in začetek veljavnosti

(a) Upravna navodila in njihove morebitne spremembe se objavijo v Glasniku.

(b) V vsaki objavi se navede datum, s katerim objavljene določbe začnejo veljati. Datumi so lahko različni za različne določbe, pri čemer velja, da se nobena določba ne more razglasiti za veljavno, dokler ni objavljena v Glasniku.

DEL F
PRAVILA, KI SE NANAŠAO NA VEČ POGLAVIJ POGODBE

89. a pravilo

Vlaganje, obravnavanje in dostava mednarodnih prijav in drugih dokumentov v elektronski oblik ali po elektronskih sredstvih

89. a 1 Mednarodne prijave

(a) Mednarodne prijave se ob upoštevanju pododstavkov (b) do (e) lahko vlagajo in obravnavajo v elektronski oblik ali po elektronskih sredstvih v skladu z upravnimi navodili, če kateri koli prejemni urad dovoli vlaganje mednarodnih prijav v papirni oblik.

(b) Ta pravilnik se smiselno uporablja za mednarodne prijave, vložene v elektronski oblik ali po elektronskih sredstvih, ob upoštevanju vseh posebnih določb upravnih navodil.

(c) Upravna navodila predpisujejo določbe in zahteve v zvezi z vlaganjem in obravnavanjem mednarodnih prijav, ki so v celoti ali delno vložene v elektronski oblik ali po elektronskih sredstvih, kar med drugim vključuje tudi določbe in zahteve v zvezi s potrditvijo prejema, postopki v zvezi z določitvijo datuma vložitve mednarodne prijave, zahtevami glede oblike in posledic neizpolnjevanja teh zahtev, podpisom dokumentov, potrjevanjem verodostojnosti dokumentov in identitete strank, ki imajo stike z uradi in ustanovami, ter delovanjem 12. člena glede izvoda za prejemni urad, arhivskega izvoda in poizvedbenega izvoda ter lahko vsebuje različne določbe in zahteve v zvezi z mednarodnimi prijavami, vloženimi v različnih jezikih.

(d) Noben državni urad ali medvladna organizacija ni dolžna sprejemati ali obravnavati mednarodnih prijav, vloženih v elektronski oblik ali po elektronskih sredstvih, če ni Mednarodnega urada uradno obvestila, da je pripravljena to storiti v skladu z veljavnimi določbami upravnih navodil. Mednarodni urad prejeto informacijo objavi v Glasniku.

(e) Noben prejemni urad, ki je Mednarodnemu uradu poslal obvestilo v skladu s pododstavkom (d), ne sme odkloniti obravnavanja mednarodne prijave, vložene v elektronski oblik ali po elektronskih sredstvih, ki izpolnjuje ustrezne zahteve iz upravnih navodil.

89. a 2 Drugi dokumenti

Prvi odstavek 89. a pravila se smiselno uporablja tudi za druge dokumente in pisma v zvezi z mednarodnimi prijavami.

89. a 3 Dostava med uradi

Kadar pogodba, ta pravilnik ali upravna navodila predvidevajo, da en državni urad ali medvladna organizacija dostavi mednarodno prijavo, obvestilo, sporočilo, pismo ali drug dokument drugemu uradu ali organizaciji, jo obvesti o njem ali ji ga posreduje ("dostavi"), to lahko stori v elektronski oblik ali po elektronskih sredstvih, če se s tem strinjata pošiljatelj in prejemnik.

89. b pravilo

Izvodi elektronskih dokumentov, vloženih v papirni oblik

89. b 1 Izvodi elektronskih dokumentov, vloženih v papirni oblik

Vsak državni urad ali medvladna organizacija lahko določi, da lahko prijavitelj izvod mednarodne prijave ali drugega dokumenta v zvezi z mednarodno prijavo, ki je vložena v papirni oblik, pošlje v elektronski oblik v skladu z upravnimi navodili.

90. pravilo

Zastopniki in drugi predstavniki

90. I Imenovanje za zastopnika

(a) Osebo, ki ima pravico zastopanja pred državnim uradom, pri katerem je vložena mednarodna prijava, ali če je mednarodna prijava vložena pri Mednarodnem uradu, ima pravico zastopanja v zvezi z mednarodno prijavo pred mednarodnim uradom kot prejemnim uradom, lahko prijavitelj imenuje za svojega zastopnika, ki ga bo zastopal pred prejemnim uradom, Mednarodnim uradom, ustanovo za mednarodno poizvedbo in ustanovo za mednarodni predhodni preizkus.

(b) Osebo, ki ima pravico zastopanja pred državnim uradom ali medvladno organizacijo, ki deluje kot ustanova za mednarodno poizvedbo, lahko prijavitelj imenuje za svojega zastopnika, ki ga bo posebej zastopal pred to ustanovo.

(c) Osebo, ki ima pravico zastopanja pred državnim uradom ali medvladno organizacijo, ki deluje kot ustanova za mednarodni predhodni preizkus, lahko prijavitelj imenuje za svojega zastopnika, ki ga bo posebej zastopal pred to ustanovo.

(d) Zastopnik, ki je imenovan v skladu s pododstavkom (a), lahko, če v dokumentu o njegovem imenovanju ni drugače določeno, določi enega ali več nadomestnih zastopnikov, ki kot prijaviteljev zastopnik zastopajo prijavitelja:

(i) pred prejemnim uradom, Mednarodnim uradom, ustanovo za mednarodno poizvedbo in ustanovo za mednarodni predhodni preizkus, če ima vsaka oseba, imenovana za nadomestnega zastopnika, pravico do zastopanja pred državnim uradom, pri katerem je bila vložena mednarodna prijava, ali ima pravico do zastopanja v zvezi z mednarodno prijavo pred mednarodnim uradom kot prejemnim uradom, odvisno od posameznega primera;

(ii) posebej in samo pred ustanovo za mednarodno poizvedbo ali ustanovo za mednarodni predhodni preizkus, če ima oseba, imenovana za nadomestnega zastopnika, pravico do zastopanja pred državnim uradom ali medvladno organizacijo, ki deluje kot ustanova za mednarodno poizvedbo ali ustanova za mednarodni predhodni preizkus, odvisno od posameznega primera.

90.2 Skupni predstavnik

(a) Kadar je prijaviteljev več in prijavitelji niso imenovali zastopnika, ki bi zastopal vse ("skupni zastopnik") v skladu s pododstavkom (a) prvega odstavka 90. pravila, lahko prijavitelji za svojega skupnega zastopnika imenujejo enega od prijaviteljev, ki ima v skladu z 9. členom pravico vložiti mednarodno prijavo.

(b) Kadar je prijaviteljev več in vsi prijavitelji niso imenovali skupnega zastopnika v skladu s pododstavkom (a) prvega odstavka 90. pravila ali skupnega zastopnika v skladu s pododstavkom (a), se tisti prijavitelj, ki je v zahtevi naveden prvi in ima v skladu s prvim odstavkom 19. pravila pravico vložiti mednarodno prijavo pri prejemnem uradu, šteje za skupnega predstavnika vseh prijaviteljev.

90.3 Učinki dejanj zastopnikov in skupnih predstavnikov

(a) Vsako dejanje zastopnika ali v zvezi z zastopnikom ima učinek dejanja prijavitelja ali prijaviteljev ali dejanja v zvezi s prijaviteljem ali prijavitelji.

(b) Če dva ali več zastopnikov zastopa istega prijavitelja ali prijavitelje, ima vsako dejanje katerega koli od teh zastopnikov ali v zvezi s tem zastopnikom učinek dejanja tega prijavitelja ali prijaviteljev ali dejanja v zvezi s tem prijaviteljem ali prijavitelji.

(c) Ob upoštevanju drugega stavka pododstavka (a) petega odstavka 90. a pravila ima vsako dejanje skupnega predstavnika ali njegovega zastopnika ali v zvezi z njim učinek dejanja vseh prijaviteljev ali dejanja v zvezi z njimi.

90.4 Način imenovanja zastopnika ali skupnega predstavnika

(a) Zastopnika se imenuje tako, da prijavitelj podpiše zahtevo za priznanje pravic, zahtevo za mednarodni predhodni preizkus ali posebno pooblastilo. Kadar sta prijavitelja dva ali jih je več, je skupni zastopnik imenovan tako, da vsak prijavitelj po svoji izbiri podpiše zahtevo za priznanje pravic, zahtevo za mednarodni predhodni preizkus ali posebno pooblastilo.

(b) Ob upoštevanju petega odstavka 90. pravila je treba prejemnemu uradu ali Mednarodnemu uradu predložiti posebno pooblastilo, pri čemer ga je treba predložiti, kadar je s takim pooblastilom imenovan zastopnik v skladu s pododstavkom (b), (c) ali točko (ii) pododstavka (d) prvega odstavka 90. pravila, ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, odvisno od primera.

(c) Če posebno pooblastilo ni podpisano ali če zahtevano posebno pooblastilo ni bilo predloženo ali če navedba imena in naslova imenovane osebe ni v skladu s četrtim odstavkom 4. pravila, se šteje, da pooblastila ni, če se pomanjkljivost ne odpravi.

(d) Ob upoštevanju pododstavka (e) lahko vsak prejemni urad, vsaka ustanova za mednarodno poizvedbo, vsaka ustanova za mednarodni predhodni preizkus in Mednarodni urad odstopi od zahteve iz pododstavka (b), da se ji predloži posebno pooblastilo, in v tem primeru se pododstavek (c) ne uporablja.

(e) Kadar zastopnik ali skupni predstavnik predloži obvestilo o umiku iz prvega do četrtega odstavka 90. a pravila, se od zahteve iz pododstavka (b) glede posebnega pooblastila ne odstopa po pododstavku (d).

90.5 Splošno pooblastilo

(a) Zastopnik je lahko v zvezi z neko mednarodno prijavo imenovan tako, da se nanj sklicuje v zahtevi za priznanje pravic, zahtevi za mednarodni predhodni preizkus ali v opombi k že obstoječemu posebnemu pooblastilu kot na osebo, ki prijavitelja zastopa v kateri koli mednarodni prijavi, ki jo prijavitelj lahko vloži (tj. "splošno pooblastilo"), pod pogojem:

(i) da je bilo splošno pooblastilo deponirano v skladu s pododstavkom (b) in

(ii) da je njegova kopija priložena zahtevi za priznanje pravic, zahtevi za mednarodni predhodni preizkus ali kot opomba k že obstoječemu pooblastilu, odvisno od primera; te kopije ni treba podpisati.

(b) Splošno pooblastilo se deponira pri prejemnem uradu, kadar pa je zastopnik imenovan v skladu s pododstavkom (b), (c) ali točko (ii) pododstavka (d) prvega odstavka 90. pravila, pa se deponira pri ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, odvisno od primera.

(c) Vsak prejemni urad, vsaka ustanova za mednarodno poizvedbo in vsaka ustanova za mednarodni predhodni preizkus lahko odstopi od zahteve iz točke (ii) pododstavka (a), da je kopija splošnega pooblastila priložena zahtevi za priznanje pravic, zahtevi za mednarodni predhodni preizkus ali kot opomba k že obstoječemu pooblastilu, odvisno od primera.

(d) Kadar zastopnik predloži obvestilo o umiku iz prvega do četrtega odstavka 90. a pravila prejemnemu uradu, ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, se ne glede na pododstavek (c) temu uradu ali ustanovi predloži tudi kopija splošnega pooblastila.

90.6 Preklic ali odpoved

(a) Vsakega zastopnika ali skupnega predstavnika lahko odpokličejo tisti, ki so ga imenovali, ali njihovi nasledniki, pri tem se šteje za odpoklicanega tudi vsak nadomestni zastopnik, ki ga je v skladu s pododstavkom (d) prvega odstavka 90. pravila imenoval ta zastopnik. Prijavitelj pa lahko odpokliče tudi nadomestnega zastopnika, imenovanega po pododstavku (d) prvega odstavka 90. pravila.

(b) Če ni drugače določeno, ima imenovanje zastopnika po pododstavku (a) prvega odstavka 90. pravila učinek odpoklica vsakega prejšnjega zastopnika, ki je bil imenovan po tem pravilu.

(c) Če ni drugače določeno, ima imenovanje skupnega predstavnika učinek odpoklica vsakega prejšnjega skupnega predstavnika.

(d) Zastopnik ali skupni predstavnik se lahko odpove svojim pooblastilom s podpisano pisno odpovedno izjavo.

(e) Pododstavka (b) in (c) četrtega odstavka 90. pravila se smiselnouporablja za dokument o preklicu ali odpovedi po tem pravilu.

90. a pravilo Umiki

90. a 1 Umik mednarodne prijave

(a) Prijavitelj lahko umakne mednarodno prijavo kadar koli pred potekom 30 mesecev od prednostnega datuma.

(b) Prijava se šteje za umaknjeno, ko Mednarodni urad, prejemni urad, ali kadar se uporablja prvi odstavek 39. člena, ustanova za mednarodni predhodni preizkus prejme prijaviteljevo obvestilo, ki ga ta po svoji izbiri pošlje na enega od zgornjih naslovov.

(c) Nobena mednarodna prijava ne bo mednarodno objavljena, če Mednarodni urad prejme prijaviteljevo obvestilo o umiku ali mu ga posreduje prejemni urad ali ustanova za mednarodni predhodni preizkus pred končanimi tehničnimi pripravami za mednarodno objavo.

90. a 2 Umik navedb

(a) Prijavitelj lahko navedbo katere koli imenovane države kadar koli pred potekom 30 mesecev od prednostnega datuma. Umik navedbe izbrane države ima za posledico umik ustrezne izbire po četrtem odstavku 90. a pravila.

(b) Kadar je neka država navedena, zato da se pridobi državni in regionalni patent, se umik navedbe te države, če ne bo kako drugače določeno, šteje samo za umik navedbe z namenom pridobitve državnega patentja.

(c) Umik navedb vseh imenovanih držav se obravnava kot umik mednarodne prijave po prvem odstavku 90. a pravila.

(d) Navedba se šteje za umaknjeno, ko Mednarodni urad, prejemni urad, ali kadar se uporablja prvi odstavek 39. člena, ustanova za mednarodni predhodni preizkus prejme prijaviteljevo obvestilo, ki ga ta po svoji izbiri pošlje na enega od zgornjih naslovov.

(e) Nobena navedba ne bo mednarodno objavljena, če Mednarodni urad prejme prijaviteljevo obvestilo o umiku ali mu ga posreduje prejemni urad ali ustanova za mednarodni predhodni preizkus pred končanimi tehničnimi pripravami za mednarodno objavo.

90. a 3 Umik zahtev za prednost

(a) Prijavitelj lahko umakne zahtevo za prednost, ki jo je izrazil v mednarodni prijavi na podlagi prvega odstavka 8. člena, kadar koli pred potekom 30 mesecev od prednostnega datuma.

(b) Kadar mednarodna prijava vsebuje več kot eno zahtevo za prednost, lahko prijavitelj izkoristi pravico, predvideno v pododstavku (a) za eno ali več zahtev za prednost.

(c) Zahteva za prednost se šteje za umaknjeno, ko Mednarodni urad, prejemni urad, ali kadar se uporablja prvi odstavek 39. člena, ustanova za mednarodni predhodni preizkus prejme prijaviteljevo obvestilo, ki ga ta po svoji izbiri pošlje na enega od zgornjih naslovov.

(d) Če se zaradi umika zahteve za prednost spremeni prednostni datum, se vsak rok, ki začne teči od prvotnega prednostnega datuma in ki še ni potekel, ob upoštevanju pododstavka (e) šteje od novega prednostnega datuma, ki izhaja iz te spremembe.

(e) Pri roku iz pododstavka (a) drugega odstavka 21. člena lahko Mednarodni urad kljub temu nadaljuje postopek mednarodne objave na podlagi tega roka, ki začne teči s prvotnim prednostnim datumom, če Mednarodni urad prejme prijaviteljevo obvestilo o umiku ali mu ga posreduje prejemni urad ali ustanova za mednarodni predhodni preizkus po končanih tehničnih pripravah za mednarodno objavo.

90. a 4 Umik zahteve za mednarodni predhodni preizkus ali izbir

(a) Prijavitelj lahko umakne zahtevo ali katero koli ali vse izbire kadar koli pred potekom 30 mesecev od prednostnega datuma.

(b) Umik začne veljati, ko Mednarodni urad od prijavitelja prejme obvestilo o umiku.

(c) Če prijavitelj predloži obvestilo o umiku ustanovi za mednarodni predhodni preizkus, ta ustanova na obvestilo vpiše datum prejema in ga takoj posreduje Mednarodnemu uradu. Šteje se, da je bilo obvestilo predloženo Mednarodnemu uradu na dan, ki je nanj vpisan.

90. a 5 Podpis

(a) Ob upoštevanju pododstavka (b) vsako obvestilo o umiku iz prvega do četrtega odstavka 90. a pravila podpiše prijavitelj, ali če jih je več, vsi prijavitelji. Ob upoštevanju pododstavka (b) prijavitelj, ki velja za skupnega predstavnika po pododstavku (b) drugega odstavka 90. pravila, nima pravice podpisati takega obvestila v imenu drugih prijaviteljev.

(b) Kadar dva ali več prijaviteljev vložijo mednarodno prijavo, v kateri je imenovana država, katere notranja zakonodaja predpisuje, da državne prijave vlaga izumitelj, in kadar prijavitelja za to imenovano državo, ki je izumitelj, kljub prizadevanjem ni mogoče najti ali ni dosegljiv, podpis tega prijavitelja ("zadevni prijavitelj") na obvestilu o umiku iz prvega do četrtega odstavka 90. a pravila ni potreben, če ga je podpisal vsaj en prijavitelj, in

(i) če se prejemnemu uradu, mednarodnemu uradu ali ustanovi za mednarodni predhodni preizkus, odvisno od primera, predloži ustrezna izjava, v kateri se pojasni, zakaj ni podpisa zadevnega prijavitelja, ali

(ii) pri obvestilu o umiku iz pododstavka (b) prvega odstavka, pododstavka (d) drugega odstavka ali pododstavka (c) tretjega odstavka 90. a pravila, ko zadevni prijavitelj ni podpisal zahteve za priznanje pravic, vendar so bili izpolnjeni pogoji iz pododstavka (b) petnajstega odstavka 4. pravila, ali

(iii) pri obvestilu o umiku iz pododstavka (b) četrtega odstavka 90. a pravila, ko zadevni prijavitelj ni podpisal zahteve za mednarodni predhodni preizkus, vendar so bili izpolnjeni pogoji iz pododstavka (b) osmega odstavka 53. pravila.

90. a 6 Učinek umika

(a) Umik mednarodne prijave, kakršne koli navedbe, kakršne koli zahteve za prednost, zahteve za mednarodni predhodni preizkus ali katere koli izbire po 90. a pravilu nima nobenega učinka v nobenem imenovanem ali izbranem uradu, v katerem že poteka postopek obravnave ali preizkus mednarodne prijave po drugem odstavku 23. člena ali drugem odstavku 40. člena.

(b) Če je mednarodna prijava umaknjena na podlagi prvega odstavka 90. a pravila, se postopek obravnaye mednarodne prijave prekine.

(c) Če so zahteva za mednarodni predhodni preizkus ali vse izbire umaknjene na podlagi četrtega odstavka 90. a pravila, se postopek obravnave mednarodne prijave pri ustanovi za mednarodni predhodni preizkus prekine.

90. a 7 Možnosti po pododstavku (b) četrtega odstavka 37. člena

(a) Država pogodbenica, katere notranja zakonodaja predpisuje vse tisto, kar je opisano v pododstavku (b) četrtega odstavka 37. člena, mora Mednarodnemu uradu poslati pisno obvestilo.

(b) Obvestilo iz pododstavka (a) Mednarodni urad nemudoma objavi v Glasniku in ima učinek za vse mednarodne prijave, vložene več kot en mesec po datumu te objave.

91. pravilo Očitne napake v dokumentih

91.1 Popravek²¹

(a) Ob upoštevanju pododstavkov (b) do (g c) se očitne napake v mednarodni prijavi ali v drugih listinah, ki jih je predložil prijavitelj, lahko popravijo.

(b) Napake, pri katerih je v mednarodni prijavi ali kaki drugi listini napisano nekaj drugega, kot je pisec očitno nameraval napisati, se štejejo za očitne napake. Sam popravek je očiten v smislu, da lahko vsakdo takoj dojame, da pisec ni mogel misliti nič drugega kakor to, kar je ponujeno kot popravek.

(c) Če manjkajo celotne sestavine ali strani mednarodne prijave, čeprav je jasno razvidno, da je do tega prišlo zaradi nepazljivosti, na primer pri kopiranju ali zlaganju strani, popravek ni mogoč.

(d) Popravek se lahko opravi na zahtevo prijavitelja. Ustanova, ki odkrije kaj, kar je videti kot očitna napaka, lahko pozove prijavitelja, da vloži zahtevek za popravek, kot je določeno v pododstavkih (e) do (g c). Četrti odstavek 26. pravila se smiselnouporablja glede na to, kako se zahteva popravek.

(e) Nobeni popravki niso dovoljeni, razen z izrecnim dovoljenjem:

(i) prejemnega urada, če je napaka v zahtevi za priznanje pravic;

(ii) ustanove za mednarodne poizvedbe, če je napaka v katerem koli delu mednarodne prijave, razen v zahtevi za priznanje pravic ali v kateri koli listini, ki je bila predložena tej ustanovi;

(iii) ustanove za mednarodni predhodni preizkus, če je napaka v katerem koli delu mednarodne prijave, razen v zahtevi za priznanje pravic ali v kateri koli listini, ki je bila predložena tej ustanovi;

(iv) Mednarodnega urada, če je napaka v kateri koli listini, razen v mednarodni prijavi ali spremembah ali popravkih te prijave, ki so bili predloženi Mednarodnemu uradu.

(f) Ustanova, ki dovoli ali zavrne kakršen koli popravek, o tem takoj obvesti prijavitelja, če popravek zavrne, pa obvesti tudi o razlogih za to. Ustanova, ki dovoli popravek, o tem takoj obvesti Mednarodni urad. Če je dovoljenje za popravek zavrnjeno, Mednarodni urad na zahtevo prijavitelja, ki je bila poslana pred ustreznim rokom iz pododstavkov (g a), (g b) ali (g c) in za katero se mora plačati posebna pristojbina, katere znesek je določen v upravnih navodilih, objavi zahtevo za popravek skupaj z mednarodno prijavo. Izvod te zahteve za popravek je tudi del dostave na podlagi 20. člena, kadar mednarodna prijava ni objavljena na podlagi tretjega odstavka 64. člena.

(g) Dovoljenje za popravek iz pododstavka (e) velja ob upoštevanju pododstavkov (g a), (g b) in (g c):

(i) kadar ga izda prejemni urad ali ustanova za mednarodno poizvedbo, če Mednarodni urad prejme njegovo obvestilo pred potekom 17 mesecev od prednostnega datuma;

(ii) kadar ga izda ustanova za mednarodni predhodni preizkus, če ga izda še pred pripravo poročila o mednarodnem predhodnem preizkusu;

(iii) kadar ga izda Mednarodni urad, če ga izda 17 mesecev pred prednostnim datumom.

(g a) Če Mednarodni urad prejme obvestilo po točki (i) pododstavka (g) ali če je dovoljenje za popravek po točki (iii) pododstavka (g) izdal Mednarodni urad po poteku 17 mesecev od prednostnega datuma, vendar še preden so se končale tehnične priprave za mednarodno objavo, dovoljenje velja, popravek pa se vključi v to objavo.

(g b) Če je prijavitelj zahteval od Mednarodnega urada, da njegovo mednarodno prijavo objavi pred potekom 18 mesecev od prednostnega datuma, morajo vsa obvestila, poslana na podlagi točke

²¹ Opomba izdajatelja: Prvi odstavek 91. pravila, kot velja od 1. aprila 2006, se uporablja za mednarodne prijave, vložene 1. aprila 2006 ali pozneje, in za mednarodne prijave, ki so bile vložene pred 1. aprilom 2006 in so dostavljene po 20. členu 1. aprila 2006 ali pozneje.

(i) pododstavka (g), prispeti v Mednarodni urad, ta pa mora dovoliti vse popravke po točki (iii) pododstavka (g), da bi bilo dovoljenje veljavno, najpozneje do takrat, ko so priprave za mednarodno objavo končane.

(g c) Če mednarodna prijava ni objavljena na podlagi tretjega odstavka 64. člena, morajo vsa obvestila, poslana na podlagi točke (i) pododstavka (g), prispeti v Mednarodni urad, ta pa mora dovoliti vse popravke po točki (iii) pododstavka (g), da bi bilo dovoljenje veljavno, najpozneje do dostave mednarodne prijave na podlagi 20. člena.

92. pravilo Korespondenca

92.1 Nujnost pisem in podpisov

(a) Vse listine, ki jih prijavitelj predloži med mednarodnim postopkom, določenim s pogodbo in tem pravilnikom, razen same mednarodne prijave, če same niso v obliki pisma, sprembla pismo, v katerem je navedena mednarodna prijava, na katero se nanašajo. Pismo podpiše prijavitelj.

(b) Če zahteve iz pododstavka (a) niso izpolnjene, je treba o tem prijavitelja obvestiti in ga pozvati, da pomanjkljivost popravi v roku, ki je določen v pozivu. Tako določen rok je primeren okoliščinam; tudi če tako določen rok poteče po roku, v katerem je treba poslati listino (ali tudi če je ta že potekel), ni krajši od 10 dni in ne daljši od enega meseca od dneva, ko je bil poziv poslan. Če se pomanjkljivost popravi v roku, ki je določen v pozivu, se pomanjkljivosti ne upošteva; drugače pa je treba prijavitelja obvestiti, da se listina ne upošteva.

(c) Če se spregleda, da zahteve, določene v pododstavku (a), niso izpolnjene, in se listina upošteva v mednarodnem postopku, se neizpolnjevanje zahtev ne upošteva.

92.2 Jeziki

(a) Ob upoštevanju prvega odstavka 55. pravila in devetega odstavka 66. pravila ter pododstavka (b) tega pravila so vsa pisma ali dokumenti, ki jih prijavitelj predloži ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, v istem jeziku kakor mednarodna prijava, na katero se nanašajo. Če pa je prevod mednarodne prijave posredovan na podlagi pododstavka (b) prvega odstavka 23. pravila ali predložen na podlagi drugega odstavka 55. pravila, se uporablja jezik tega prevoda.

(b) Vsa pisma, ki jih prijavitelj pošlje ustanovi za mednarodno poizvedbo ali ustanovi za mednarodni predhodni preizkus, so lahko tudi v jeziku, ki ni jezik mednarodne prijave, če ta ustanova dovoli uporabo tega jezika.

(c) [črtano]

(d) Vsa pisma, ki jih prijavitelj pošlje Mednarodnemu uradu, so v angleškem ali francoskem jeziku.

(e) Vsa pisma ali uradna obvestila, ki jih Mednarodni urad pošlje prijavitelju ali kakemu državnemu uradu, so v angleškem ali francoskem jeziku.

92.3 Odpošiljanje pošte v državnih uradih in medvladnih organizacijah

Vsi dokumenti ali pisma, ki jih sestavi ali posreduje državni urad ali medvladna organizacija in pomenijo dogodek, od katerega se na podlagi pogodbe ali tega pravilnika štejejo roki, se pošiljajo z letalsko pošto, s tem da se lahko namesto z letalsko pošto pošiljajo z navadno pošto, kadar ta prispe v namembni kraj v dveh dneh od dneva pošiljanja ali če ni letalske pošte.

92.4 Uporaba telegrafa, teleprinterja, telefaksa ipd.

(a) Ne glede na štirinajsti odstavek 11. pravila in pododstavek (a) prvega odstavka 92. pravila, vendar ob upoštevanju pododstavka (h), se lahko vsi dokumenti, ki sestavljajo mednarodno prijavo, in vsi pozneje predloženi dokumenti ali korespondenca v zvezi z njim po možnosti posredujejo po telegrafu, teleprinterju, telefaksu ali kakem drugem komunikacijskem sredstvu, ki izdela tiskan ali pisni dokument.

(b) Podpis na dokumentih, posredovanih s telefaksom, se za namene pogodbe in tega pravilnika priznava za veljavnega.

(c) Če je prijavitelj skušal posredovati dokument prek katerega od sredstev iz pododstavka (a), vendar je del prejetega dokumenta nečitljiv ali del dokumenta ni bil prejet, se šteje, da tisti del dokumenta, ki je nečitljiv, ali tisti del, katerega posredovanje ni uspelo, ni bil prejet. Državni urad ali medvladna organizacija o tem nemudoma obvestita prijavitelja.

(d) Vsak državni urad ali medvladna organizacija lahko zahteva, da se ji pošlje izvirnik katerega koli dokumenta, posredovanega po katerem koli sredstvu iz pododstavka (a), obenem s spremnim pisom, iz katerega je razvidno, da je bil dokument že posredovan, in sicer v 14 dneh od dneva, ko je bil posredovan, če je bil o tej zahtevi obveščen Mednarodni urad in je to informacijo objavil v Glasniku. V uradnem obvestilu je navedeno, ali ta zahteva zadeva vse ali samo določene vrste dokumentov.

(e) Kadar prijavitelj ne predloži izvirnika dokumenta, kot zahteva pododstavek (d), lahko ustrezen državni urad ali medvladna organizacija, odvisno vrste posredovanega dokumenta in ob upoštevanju 11. pravila in tretjega odstavka 26. pravila:

(i) odstopi od zahteve iz pododstavka (d) ali

(ii) pozove prijavitelja, naj v okoliščinam primerinem roku, ki je določen v pozivu, dostavi izvirnik posredovanega dokumenta, in če je posredovani dokument pomanjkljiv ali je iz njega razvidno, da ima izvirnik določene pomanjkljivosti, v zvezi s katerimi državni urad ali medvladna organizacija lahko pozove prijavitelja, naj jih odpravi, lahko državni urad ali medvladna organizacija izda tak poziv kot dopolnilo ali nadomestilo točke (i) ali (ii).

(f) Če se izvirnik dokumenta ne zahteva na podlagi pododstavka (d), vendar državni urad ali medvladna organizacija menita, da potrebuje izvirnik tega dokumenta, lahko izdata poziv, predviden v točki (ii) pododstavka (e).

(g) Če prijavitelj ne ravna v skladu s pozivom iz točke (i) pododstavka (e) ali pododstavka (f):

(i) če je ta dokument mednarodna prijava, se šteje, da je umaknjena, prejemni urad pa da o tem izjavo;

(ii) če je ta dokument dokument, ki je bil predložen po mednarodni prijavi, se šteje, da ni bil predložen.

(h) Nobenemu državnemu uradu ali medvladni organizaciji ni treba sprejemati nobenih dokumentov, posredovanih po sredstvih iz pododstavka (a), razen če je obvestila Mednarodni urad, da je pripravljena sprejemati tako posredovane dokumente, in je Mednarodni urad informacijo o tem objavil v Glasniku.

92. a pravilo

Evidentiranje sprememb določenih podatkov v zahtevi za priznanje pravic ali zahtevi za mednarodni predhodni preizkus

92. a 1 Evidentiranje sprememb v Mednarodnem uradu

(a) Mednarodni urad na zahtevo prijavitelja ali prejemnega urada evidentira spremembe v naslednjih navedbah, do katerih pride v zahtevi za priznanje pravic ali zahtevi za mednarodni predhodni preizkus:

(i) oseba, ime, stalno prebivališče, državljanstvo ali naslov prijavitelja;

(ii) oseba, ime ali naslov zastopnika, skupnega predstavnika ali izumitelja.

(b) Mednarodni urad ne evidentira zahtevane spremembe, če prejme zahtevo za evidentiranje po poteku 30 mesecev od prednostnega datuma.

93. pravilo

Hranjenje arhivov in spisov

93.1 Prejemni urad

Prejemni urad hrani arhiv in dokumente v zvezi z vsako mednarodno prijavo ali domnevno mednarodno prijavo, vključno z izvodom za prejemni urad, najmanj 10 let po vložitvi mednarodne prijave ali po njenem prejemu, če ni določen datum vložitve mednarodne prijave.

93.2 Mednarodni urad

(a) Mednarodni urad hrani spis, vključno z arhivskim izvodom, vseh mednarodnih prijav najmanj 30 let po prejemu arhivskega izvoda.

(b) Čas hrambe osnovnega arhiva Mednarodnega urada ni omejen.

93.3 Ustanova za mednarodno poizvedbo in ustanova za mednarodni predhodni preizkus

Ustanova za mednarodno poizvedbo in ustanova za mednarodni predhodni preizkus hranita spis o vsaki prejeti mednarodni prijavi najmanj 10 let po njeni vložitvi.

93.4 Reprodukcije

Po tem pravilu se lahko arhivski izvodi, kopije in spisi hranijo v obliki fotografskih, elektronskih ali drugih reprodukcij, če so reprodukcije take, da so izpolnjene zahteve hranjenja arhiva, kopij in spisov iz prvega do tretjega odstavka 93. pravila.

93. a pravilo Način dostavljanja dokumentov

93. a 1 Dostava na zahtevo; dostava prek digitalne knjižnice

(a) Kadar pogodba, ta pravilnik ali upravna navodila predvidevajo, da Mednarodni urad dostavi mednarodno prijavo, obvestilo, sporočilo, pismo ali drug dokument ("dokument") imenovanemu ali izbranemu uradu, ga obvesti o njem ali mu ga posreduje ("dostavi"), se dostavi le na zahtevo tega urada in v času, ki ga navede. Lahko se zahtevajo posamezen naveden dokument ali določena vrsta ali vrste dokumentov.

(b) Šteje se, da je dostava po pododstavku (a), če se o tem dogovorita Mednarodni urad in imenovani ali izbrani urad, opravljena takrat, ko Mednarodni urad v skladu z upravnimi navodili pošlje dokument temu uradu v elektronski obliki v digitalno knjižnico, iz katere ima ta urad pravico priklicati ta dokument.

94. pravilo²² Dostop do spisov

94.1 Dostop do spisa Mednarodnega urada

(a) Mednarodni urad na zahtevo prijavitelja ali osebe, ki jo je prijavitelj pooblastil, pošlje izvode vseh dokumentov, ki jih vsebuje spis prijaviteljeve mednarodne prijave ali domnevne mednarodne prijave, pri čemer prijavitelj plača stroške storitve.

(b) Mednarodni urad na zahtevo kogar koli, vendar ne pred mednarodno objavo mednarodne prijave in ob upoštevanju 38. člena in prvega odstavka 44. b pravila, pošlje ob plačilu stroškov izvode katerega koli dokumenta, ki ga vsebuje njegov spis.

(c)²³ Mednarodni urad, če to zahteva izbrani urad, pošlje izvode poročila o mednarodnem predhodnem preizkusu iz pododstavka (b) v imenu tega urada. Mednarodni urad podatke o taki zahtevi takoj objavi v Glasniku.²⁴

94.2 Dostop do spisa ustanove za mednarodni predhodni preizkus

Ustanova za mednarodni predhodni preizkus na zahtevo prijavitelja ali osebe, ki jo je prijavitelj pooblastil, ali potem ko je bilo poročilo o mednarodnem predhodnem preizkusu sestavljen, na zahtevo izbranega urada pošlje ob plačilu stroškov izvode vseh dokumentov, ki jih vsebuje njegov spis.

²² Opomba izdajatelja: 94. pravilo, kakor velja od 1. julija 1998, se uporablja samo za mednarodne prijave, vložene tega dne ali pozneje. 94. pravilo, kakor velja do 30. junija 1998, se uporablja tudi po tem datumu za mednarodne prijave, vložene do tega dne. Besedilo 94. pravila, kakor je veljalo do 30. junija 1998, je navedeno v nadaljevanju:

"94. pravilo

Pošiljanje izvodov Mednarodnega urada in ustanove za mednarodni predhodni preizkus

94.1 Obvezno pošiljanje

Mednarodni urad in ustanova za mednarodni predhodni preizkus na zahtevo prijavitelja ali osebe, ki jo je prijavitelj pooblastil, pošljeta izvode vseh dokumentov, ki jih vsebuje spis prijaviteljeve mednarodne prijave ali domnevne mednarodne prijave, s tem da prijavitelj plača stroške storitve."

²³ Opomba izdajatelja: Pododstavek (c) prvega odstavka 94. pravila, kakor velja od 1. julija 2004, se uporablja samo za mednarodne prijave, vložene tega dne ali pozneje. Pododstavek (c) prvega odstavka 94. pravila se uporablja tudi za posredovanje poročila o mednarodnem predhodnem preizkusu v zvezi s katero koli mednarodno prijavo od vključno 1. januarja 2004 naprej ne glede na to, ali je datum vložitve mednarodne prijave pred 1. januarju 2004 ali po njem.

²⁴ Opomba izdajatelja: Informacije o izbranih uradih, ki so zahtevali, da Mednarodni urad v njihovem imenu posreduje izvode poročil o mednarodnem predhodnem preizkusu, so objavljeni tudi na Wipovi spletni strani:

www.wipo.int/pct/en/texts/pdf/access_iper.pdf.

94.3 Dostop do spisa izbranega urada

Če notranja zakonodaja, ki jo uporablja izbrani urad, tretjim osebam dovoljuje dostop do spisa državne prijave, lahko ta urad dovoli dostop do vseh dokumentov v zvezi z mednarodno prijavo, vključno z dokumenti v zvezi z mednarodnim predhodnim preizkusom, ki jih vsebuje spis, v enakem obsegu, kot notranja zakonodaja določa glede dostopa do spisa pri državni prijavi, vendar ne pred mednarodno objavo mednarodne prijave. Za pošiljanje izvodov dokumentov se lahko zahteva plačilo stroškov.

**95. pravilo
Dostopnost prevodov****95.1 Pošiljanje izvodov prevodov**

- (a) Na zahtevo Mednarodnega urada mu vsi imenovani ali izbrani uradi pošljejo izvod prevoda mednarodne prijave, ki jo je prijavitelj poslal ustreznemu uradu.
(b) Mednarodni urad lahko na zahtevo in ob plačilu stroškov pošlje kateri koli osebi izvode prevodov, prejetih na podlagi pododstavka (a).

**96. pravilo
Cenik pristojbin****96.1 Cenik pristojbin, priložen pravilniku**

Zneski pristojbin iz 15. in 57. pravila so izraženi v švicarski valuti. Navedeni so v ceniku pristojbin, ki je priložen temu pravilniku in je njegov sestavni del.

CENIK PRISTOJBIN
(začne veljati 12. oktobra 2006)

Pristojbine

1. mednarodna prijavna pristojbina:
(drugi odstavek 15. pravila)
2. manipulativna pristojbina:
(drugi odstavek 57. pravila)

Zneski

1400 švicarskih frankov in
15 švicarskih frankov za posamezne
liste mednarodne prijave nad 30

200 švicarskih frankov

Znižanja

3. Mednarodna prijavna pristojbina se zniža za naslednji znesek, če je mednarodna prijava vložena, kot je predvideno v upravnih navodilih:
 - (a) v papirni obliku skupaj z izvodom zahteve in povzetka v elektronski obliku, zapisanimi s kodiranimi znaki: 100 švicarskih frankov
 - (b) v elektronski obliku, pri čemer zahteva ni zapisana s kodiranimi znaki: 100 švicarskih frankov
 - (c) v elektronski obliku, pri čemer je zahteva zapisana s kodiranimi znaki: 200 švicarskih frankov
 - (d) v elektronski obliku, pri čemer so zahteva, opis, patentni zahtevgi in povzetek zapisani s kodiranimi znaki: 300 švicarskih frankov
4. Mednarodna prijavna pristojbina (po možnosti znižana na podlagi 3. točke) in manipulativna pristojbina se znižata za 75 %, če mednarodno prijavo vloži:
 - (a) prijavitelj, ki je fizična oseba in je državljan s stalnim prebivališčem v državi, v kateri je nacionalni dohodek na prebivalca pod 3000 ameriških dolarjev (glede na povprečne vrednosti nacionalnega prihodka na prebivalca, ki so jih Združeni narodi uporabili za izdelavo razdelilnika prispevkov za 1995, 1996 in 1997), ali
 - (b) prijavitelj, ne glede na to, ali je fizična oseba ali ne, ki je državljan s stalnim prebivališčem v državi, ki jo Združeni narodi uvrščajo med najmanj razvite države;

če pa je prijavitelj več, mora vsak izpolnjevati merila iz podtočke (a) ali (b).

Št. 00713-40/2006
Ljubljana, dne 13. decembra 2006
EVA 2006-2111-0010

mag. Božo Predalič l.r.
Generalni sekretar
Vlade Republike Slovenije

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

3. Obvestilo o začetku veljavnosti Sporazuma o mednarodnem programu za ohranjanje delfinov

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 12. decembra 2006 začel za Republiko Slovenijo veljati Sporazum o mednarodnem programu za ohranjanje delfinov, sestavljen 15. maja 1998 v Washingtonu D.C., objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 20/06 (Uradni list Republike Slovenije, št. 114/06).

Ljubljana, dne 14. decembra 2006

Ministrstvo za zunanje zadeve
Republike Slovenije

4. Obvestilo o začetku veljavnosti prilog 2 in 3 k Sporazumu o ohranjanju afriško-evrazijskih selitvenih vodnih ptic, kot sta bili spremenjeni na zasedanju pogodbenic 2002

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da sta dne 13. decembra 2006 začeli za Republiko Slovenijo veljati prilogi 2 in 3 k Sporazumu o ohranjanju afriško-evrazijskih selitvenih vodnih ptic, kot sta bili spremenjeni na zasedanju pogodbenic 2002, objavljeni v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/06 (Uradni list Republike Slovenije, št. 129/06).

Ljubljana, dne 18. decembra 2006

Ministrstvo za zunanje zadeve
Republike Slovenije

5. Obvestilo o začetku veljavnosti Sporazuma med Republiko Slovenijo in Zvezno republiko Nemčijo o izogibanju dvojnega obdavčevanja v zvezi z davki od dohodka in premoženja

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 19. decembra 2006 začel veljati Sporazum med Republiko Slovenijo in Zvezno republiko Nemčijo o izogibanju dvojnega obdavčevanja v zvezi z davki od dohodka in premoženja, podpisani 3. maja 2006 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/06 (Uradni list Republike Slovenije, št. 129/06).

Ljubljana, dne 21. decembra 2006

Ministrstvo za zunanje zadeve
Republike Slovenije

6. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Republike Hrvaške o medsebojni pomoči pri carinskih zadevah

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 1. januarja 2007 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Hrvaške o medsebojni pomoči pri carinskih zadevah, podpisani 10. junija 2005 na Brionih in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe št. 19/06 (Uradni list Republike Slovenije, št. 110/06).

Ljubljana, dne 5. januarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

7. Obvestilo o začetku veljavnosti Sporazuma o sodelovanju na področju zdravstva in medicinskih znanosti med Vlado Republike Slovenije in Vlado Države Kuvajt

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 26. septembra 2000 začel veljati Sporazum o sodelovanju na področju zdravstva in medicinskih znanosti med Vlado Republike Slovenije in Vlado Države Kuvajt, podpisani 10. oktobra 1998 v Kuwait Cityju in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe št. 9/00 (Uradni list Republike Slovenije, št. 33/00).

Ljubljana, dne 5. januarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

8. Obvestilo o začetku veljavnosti Sprememb Statuta Haaške konference, sprejetih na dvajsetem diplomatskem zasedanju 30. junija 2005

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da so dne 1. januarja 2007 začele za Republiko Slovenijo veljati Spremembe Statuta Haaške konference, sprejete na dvajsetem diplomatskem zasedanju 30. junija 2005 in objavljene v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 3/06 (Uradni list Republike Slovenije, št. 12/06).

Ljubljana, dne 9. januarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

9. Obvestilo o začetku veljavnosti Protokola med Ministrstvom za notranje zadeve Republike Slovenije in ministrom za notranje zadeve in administracijo Republike Poljske o izvajanju Sporazuma med Vlado Republike Slovenije in Vlado Republike Poljske o vračanju in prevzemu oseb, ki nimajo dovoljenja za prebivanje

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 1. januarja 2007 začel veljati Protokol med Ministrstvom za notranje zadeve Republike Slovenije in ministrom za notranje zadeve in administracijo Republike Poljske o izvajanju Sporazuma med Vlado Republike Slovenije in Vlado Republike Poljske o vračanju in prevzemu oseb, ki nimajo dovoljenja za prebivanje, podpisani 27. aprila 2006 v Luksemburgu in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/06 (Uradni list Republike Slovenije, št. 129/06).

Ljubljana, dne 10. januar 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

10. Obvestilo o začetku veljavnosti Sporazuma o razvojnem sodelovanju med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 4. januarja 2007 začel veljati Sporazum o razvojnem sodelovanju med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine, podpisani 8. septembra 2003 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe št. 22/06 (Uradni list Republike Slovenije, št. 129/06).

Ljubljana, dne 15. januarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

11. Obvestilo o začetku veljavnosti Pogodbe med Kraljevino Belgijo, Češko republiko, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Helensko republiko, Kraljevino Španijo, Francosko republiko, Irsko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim Vojvodstvom Luksemburg, Republiko Madžarsko, Republiko Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko, Republiko Finsko, Kraljevino Švedsko, Združenim kraljestvom Velike Britanije in Severne Irske (državami članicami Evropske unije) ter Republiko Bolgarijo in Romunijo o pristopu Republike Bolgarije in Romunije k Evropski uniji s Sklepno listino

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je 1. januarja 2007 začela veljati Pogodba med Kraljevino Belgijo, Češko republiko, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Helensko republiko, Kraljevino Španijo, Francosko republiko, Irsko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim Vojvodstvom Luksemburg, Republiko Madžarsko, Republiko Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko, Republiko Finsko, Kraljevino Švedsko, Združenim kraljestvom Velike Britanije in Severne Irske (državami članicami Evropske unije) ter Republiko Bolgarijo in Romunijo o pristopu Republike Bolgarije in Romunije k Evropski uniji s Sklepno listino, podpisana 25. aprila 2005 v Luxembourgu in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 4/06 (Uradni list Republike Slovenije, št. 15/06).

Ljubljana, 15. januarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

Izdali smo

prof. dr. Ljubo Bavcon

izzivi in odzivi

človekove pravice · kriminalitetna politika
kazensko pravo · mednarodno kazensko pravo

»Teoretično sem sicer vedel, da prizadevanj za uresničitev človekovih pravic ni in ne more biti nikoli konec, a nisem si predstavljal, da bo tako hitro minilo navdušenje za nosilna gesla družbene preobrazbe iz konca osemdesetih let in začetka devetdesetih let prejšnjega stoletja ... Vrednotam, kot so: pluralna demokracija, delitev oblasti, strpnost, vladavina prava in učinkovito pravno varstvo človekovih pravic kot krona demokratične pravne države, so naklonjeni samo zelo redki trenutki v zgodovini človeštva.«

Te misli smo iztrgali iz uvoda prof. Bavcona h knjižni izdaji člankov in razprav, ki jih je objavil v minulih dveh desetletij. Antologijo enega najbolj plodovitih in zvestih avtorjev je založniška hiša Uradni list izdala ob 60-letnici.



ZALOŽBA
Uradni list
Republike Slovenije

Cena: 6000 SIT z DDV (25,04 EUR)

Slovenska ul. 9, 1000 Ljubljana
Spletna trgovina: www.uradni-list.si
Naročite po faksu: 01/425 14 18

N A R O Č I L N I C A**S tem nepreklicno naročam****• IZZIVI IN ODZIVI**

– vezana izdaja

6000 SIT (25,04 EUR)

Štev. izvodov _____

Podjetje _____

Oddelek _____

Davčna št. _____

Davčni zavezanc _____

DA _____ NE _____

Ulica in številka _____

Kraj _____

Datum _____

Podpis in žig _____

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