

## The British Library - Recent Additions to the Library

The following transcripts of High Court Decisions have been received at the British Library.

Plaintiff(s) & Defendants(s)	Date Of Hearing	SRIS code No.
(1) Diageo North America, Inc (2) Diageo Great Britain Limited -and- (1) ICB Limited (2) Intercontinental Brands (holdings) Limited (3) Incorporated Beverages (Jersey) Ltd	13 August 2009	C/106/09
E I du Pont Nemours & Co -and- United Kingdom Intellectual Property Office	19 August 2009	C/107/09
Novartis AG -and- (1) Glaxosmithkline Biologicals SA (2) Smithkline Beecham Plc	02 October 2009	C/108/09

# Provision of Information from the Intellectual Property Office

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## **Electronic Filing of International Applications at the UK Receiving Office using PCT-SAFE and EPO Online Filing**

### **Fees update - requests for transmittal of copies of an earlier search, earlier application and/or cited documents to the ISA under PCT Rule 12bis.1(c)**

Applicants who file international applications with the Intellectual Property Office using WIPO PCT-SAFE or EPO online filing should note that these systems have been updated with effect from 13 October 2009. The update to the PCT Request Form PCT/RO/101 implements the £5 fee charged by the IPO for a request for transmittal of a copy of an earlier application to the ISA under PCT Rule 12bis.1(c) (where the search of the earlier application was carried out by the IPO – see Box VII of form PCT/RO/101).

**IMPORTANT** - It has come to our attention that there is an error in the system which causes the £5 fee to be added whenever one or more of the following options are selected under the heading “Transmit copy of results of earlier search and other documents” in Box VII of the request form PCT/RO/101:

- a copy of the results of the earlier search,
- a copy of the earlier application,
- a copy of any document cited in the results of the earlier search.

Applicants should note that the £5 fee is only applicable when a request for transmittal of a copy of the earlier application is made i.e. when the second box is selected. However, if one or both of the first and third boxes are selected (without selecting the second box), the system will request a £5 fee, even though no fee is required. If this is the case, the fee shown on the electronic filing receipt will be incorrect, but the correction will be undertaken and any necessary refund given when the application undergoes processing by the UK receiving Office.

### **Background**

Under PCT Rule 12bis, which came into force on 1 July 2008, applicants may request that the International Searching Authority (ISA) takes into account the results of an earlier search. Such a request is made by selecting the relevant box in Box VII of the request form PCT/RO/101. Rule 12bis.1(c) provides that, if the receiving Office (RO) carried out the earlier search, the applicant may indicate the wish that the RO prepares and transmits a copy of the earlier search, the earlier application and/or any document cited in the results of the search to the ISA. Box VII of form PCT/RO/101 contains tick boxes allowing such indications to be made.

As previously advertised in issue 6268 of the Journal (see page 4 at <http://www.ipo.gov.uk/2009-6268-special.pdf>), the IPO has been notified by the European Patent Office (EPO) that, as ISA, they do not require the UK RO to transmit copies of documents cited in the results of an earlier search to them. Therefore, there is no need for applicants to tick the relevant box in Box VII of form PCT/RO/101 to request this. If the Intellectual Property Office finds that such a request has been made, it will take no further action with respect to the request unless specifically requested to do so by the EPO.

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Any queries about this notice should be directed to: Phil Jones, Patent International Filings Manager [phil.jones@ipo.gov.uk](mailto:phil.jones@ipo.gov.uk) or telephone 01633 814933.