

## CHAPTER 13

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## Introduction

- 13.01 The PCT is a treaty that has been signed by over 100 countries (Contracting States), who have agreed to cooperate so as to avoid the need to make a series of national and/or regional applications where protection is sought in several countries. Under the PCT applicants may make a single “international” application to the International Bureau (IB) of the World Intellectual Property Organisation (WIPO) in Geneva for as many of the PCT Contracting States as they desire. Later, the applicant can then decide in which of them they wish to use the application to obtain protection by way of a national patent or a regional patent (e.g. a European Patent).
- 13.02 International applications therefore have an “international phase” during which they are processed under the PCT and its Rules, and a “national phase” (or “regional phase”) during which they are processed to grant in accordance with national (or regional) requirements.
- 13.03 The advantage of applying for an international application is that, initially, only one application and one set of fees (even though it is more expensive at the outset) has to be filed as opposed to filing several applications and sets of fees at several national offices.
- 13.04 To enter the international phase the application is filed at a so called "Receiving Office" (RO) in accordance with one set of Rules dealing with formal requirements and content. UK residents can choose either the UK Intellectual Property Office or, subject to national security requirements, the European Patent Office (EPO) acting as the RO, or the IB itself.
- 13.05 In the international application all those countries in which protection can be sought are deemed to be designated. The application is then sent to a so

called International Searching Authority (ISA) which carries out an International Search.

13.06 There are several ISAs; however, it is the EPO in The Hague that acts as the ISA for applications filed with the UK Office under the PCT. Like normal UK applications, once the search has been completed and a report issued, providing that all formal requirements have been met, the IB publishes the application with the search report, if available, at 18 months from the priority date.

13.07 Following this publication, if the applicant wishes, each country will then process the application as a national application under its own Act and Rules when it enters the 'National Phase'. Ss.89, 89A and 89B of the Patents Act 1977 govern the national processing of international applications for patents in the UK.

13.08 Further information about the PCT system can be found in the following pamphlets available from the Patents International Unit (PIU)

- General Information - PCT/SEM/91/1
- "Basic Facts About the PCT"
- RO Guidelines - PCT/GL/1 Rev.1
- PCT Applicants Guide - This is a complex manual (four volumes) but usually has all the answers about the PCT, both nationally and internationally.

A further source of information is the WIPO Website [www.wipo.int](http://www.wipo.int)

## Designation and Election

- 13.09 The applicant does not need to 'designate' in the request for the international application the country or countries (contracting states) in which a patent is sought in accordance with Article 4 of the PCT. All countries are now deemed to be 'designated' in the International Phase. The applicant may then enter the National Phase in any of those countries in which he wishes to pursue patent protection.
- 13.10 It should be noted that the Treaty provides for the EPO to be '**designated**' in addition to those countries listed in Annex 13A and for individual members of the European Patent Convention (EPC) to be nominated for a European Patent.
- 13.11 The PCT provides for a country (contracting state) to become '**elected**' under Chapter II of the Treaty if the applicant so wishes. For a country to become '**elected**' the applicant must indicate this intention to the appropriate International Preliminary Examination Authority (IPEA) within **19 months** of the earliest declared priority date, or, where there is no declaration of priority, the date of filing of the international application.
- 13.12 This 'election' entitles the applicant to an International Preliminary Examination (IPE) of the application in respect of that country before it reaches the National Phase stage. This IPE is undertaken by an International Preliminary Examination Authority (IPEA) and is a non-binding opinion on novelty, inventiveness and industrial applicability. It is in addition to the search carried out by the ISA. For applications filed with the UK Office, the EPO acts as the IPEA.

13.13 When the IB notifies the UK that it is a '**designated**' or '**elected**' state these and other various notifications will be used if the application enters the national phase.

13.14 For '**designated**' countries these documents will include:

ISA/210 - The International Search Report which is normally attached to the WIPO Pamphlet, ie the international application (see 13.53 below). For example see - <http://www.wipo.int/pct/en/forms/isa/index.htm>

IB/304 - The international receipt of the priority documents [Only found on file when documents are filed out of time - see 13.77]

IB/308 - The Notification of Communication of international application of designated states

IB/310 - The notification of Transmission of Documents by the IB. [There may be more than one on file]

IASR - International Application Status Report  
If the International Preliminary Examination Report section on the IASR states "Not available" then the case is 'designated'. If the IASR states "Chapter II demand received (date)" then the case is 'elected'.

13.15 For '**elected**' countries, in addition to the above it is also possible that there may be the following on file:

IB/337 - Notification concerning amendments of the claims

- IB/349 - Communication of international applications
- IPEP (IPRP) - The IPEP is now listed as International Preliminary Report on Patentability (IPRP) and although available on both 'designated' and 'elected' cases it is only required for 'elected' cases but see 13.52a et seq.

Examples of the latest versions of these IB notifications can be found at :

[www.wipo.int/pct/en/forms/ib/index.htm](http://www.wipo.int/pct/en/forms/ib/index.htm)

## Entry into the National Phase

- 13.16 An international application's National Phase normally commences when the period prescribed by r.66(1) expires, although it can commence earlier.
- 13.17 In a '**designated**' case, entry into the National Phase occurs at the expiry of the **31 month** period, calculated from the earliest declared priority date, or, where there is no declaration of priority, the date of filing of the international application r.66(1).
- 13.18 In an '**elected**' case, which is the most common, entry into the National Phase also occurs at the expiry of the **31 month** period, calculated from the earliest declared priority date, or, where there is no declaration of priority, the date of filing of the international application r.66(1). Both of these periods are extendable under r.108(2) by two months upon filing of F52 and the prescribed fee. Additionally discretionary extensions may be granted under the provisions of r.108(3) but subject to the restrictions of r.108(5) and (7) see 10.37 -41.

- 13.19 If the international application is not in the English language, then in order to proceed in the national phase the applicant must file a translation of the pamphlet. It is not required to file a copy of the application itself as the IB should have already forwarded a copy to the Office. Moreover, it is not necessary for the translation to be verified unless there is doubt over the validity of the translation in which case a verified translation may be required under r.115.
- 13.20 There is no statutory requirement that a particular form be used to gain entry into the National Phase. However, applicants/agents are encouraged to use the specially designed non statutory form NP1 (see Annex 13B).
- 13.21 Applicants are required to pay a fee (£30) to enter the national phase in the UK.

#### Early Entry to the National Phase

- 13.22 S.89A(3)(b) gives the applicant the option to **expressly** request early entry to the national phase as of right. Such cases are relatively rare but can be procedurally complex, since (depending on the time of the request in relation to international search and publication) they may require a full search under s.17 and actual - not deemed - publication under s.16. Early entry does not automatically entail accelerated examination, for which a reason will still need to be given. All requests for early entry are picked up by Indexing and Scanning who will direct them to the Formalities Manager in Security Section. See 13.134 - 13.154 for full details on processing of early entry cases. Any application which requests accelerated examination will be treated as an express request to enter the National Phase early. (MoPP 89A.21)

## The Section 89 case

- 13.23 When the application enters the National Phase a domestic 'Section 89' application will be prepared
- a) All associated documents (ie NP1, F10, F9A) will be stamped with the date the application was filed at the IB (ie the International filing date), **NOT** the date of receipt of the request for national processing.
  - b) Bibliographic data will be captured on OPTICS and ADP numbers created.
  - c) A copy of the WIPO gazette should be present.
- 13.24 The case is forwarded to the National Phase Officer in Security Section who will carry out the following action
- a) Obtain the WO published specification
  - b) Split the copy of the WO specification
  - c) Prepare any minutes to direct Formalities to any special requirements on the case.
- 13.25 After the dossier is created by Indexing and Scanning, the application is allocated by a Formalities Manager. The 's.89' label and if appropriate an 'Early Entry' label should be added to the dossier cover. Once allocated the Formalities Examiner obtains and imports any necessary documents from the IB via the PATENTSCOPE ordering system. Upon receipt of the

IASR the Formalities Examiner will determine whether the UK has been designated or elected.

13.26 It should be noted that as no preliminary search is conducted by this Office (see 13.40) and Section 16 publication is deemed to have taken place when the application enters the National Phase (s.89B(2)), the application will be "Open to Public Inspection" as soon as it enters the National Phase.

13.27 The application is only reprinted (see 13.118 - 13.125) to facilitate the allocation of a 'seven figure' serial number and a UK-type front page.

### **National Phase Formalities Examination**

13.28 It is very important to immediately identify whether or not an application is a case where the UK is a '**designated**' or '**elected**' country (contracting state). This information is supplied by the IB on request of an IASR.

13.29 Cases that are "**elected**" have the equivalent of a substantive examination (Chapter II of the PCT) carried out in the international phase of the application. Where a case is "**elected**" by the applicant they notify the IB of this within 19 months of the earliest date of the application and the details of this will appear on the IASR.

13.30 If the Notification of Election was submitted after the 19 month time limit the case must be referred to the (Assistant) Head of Administration via the Formalities Manager.

## **Application Fee**

- 13.31 The Application Fee for filing PCT national phase applications is zero rated. A £30 fee is instead paid to enter the National Phase. National Phase Formalities Examination should however be carried out on all legitimately filed applications.

## **Form NP1**

- 13.32 The non-statutory Form NP1 (see Annex 13B) should be checked to ensure that it has been properly completed.
- 13.33 The details on the NP1, in particular the data in Section 1 of the form, must be checked carefully against the front page of the WIPO pamphlet and against the data on OPTICS. Where any errors or discrepancies are discovered between the NP1 and the WIPO pamphlet, with the exception of a definite change in the name of the Applicant/Proprietor, the applicant/agent should be contacted and the correct information agreed and confirmed with a telephone report. The NP1 should then be annotated in the TOC. Any data entry errors on OPTICS should be corrected.
- 13.34 It should be noted that a written correction request is not necessary to correct the NP1 in these circumstances.

## **Patents Form 9A**

- 13.35 When the UK is a '**designated**' or '**elected**' country (contracting state), the F9A must be filed either :-

a) within the period as set out in rule 22(2)&(7) - ie.12 months from the (international) filing date or, if priority is claimed, 12 months from the earliest priority date or 2 months from the filing date if that is later.

OR

b) within 2 months of entry to the National Phase if that expires later. (r.68(3)) which will usually be the case.

- 13.36 If the application enters the National Phase at the normal 31 month point then b) above will always apply. If the application enters the National Phase very early then a) may apply but in any case the applicant will always have a minimum of 2 months in which to file the Form 9A.
- 13.37 On both '**designated**' and '**elected**' cases the period prescribed by r.68(3) may be extended by 2 months under r.108(2) by filing F52 and the fee. A further extension may be possible under the provisions of r.108(3) but subject to the restrictions of r.108(5) and (7).
- 13.38 Where the F9A is not filed within the prescribed period as extendable under r.108(2) the application is treated as withdrawn. In these circumstances the case should be referred to the Formalities Manager, who will discuss the case with the (Assistant) Head of Administration with regard to how to proceed.
- 13.39 Even though the application is treated as being withdrawn, the application may still have to be reprinted notwithstanding the availability of the provisions of s.20A to revive the case.
- 13.40 Although a formalities examination is carried out, following the filing of a F9A, no search is usually made by the Office apart from topping-up during substantive examination. Unless (exceptionally) an original search is to be

made by the Office, a s.89 application on which both a F9A and F10 are filed will **not** be treated as one for combined search and examination.

- 13.41 The fee payable with a F9A on an international application (GB) is £120 compared with £150 for normal GB applications (or £100 compared with £130 if filed electronically)
- 13.42 A copy of the International Search Report will, almost always, be attached as the last page of the WIPO pamphlet.
- 13.43 If, as in most cases, the application has been published by the IB, it is not formally published under s.16 because s.16 publication is deemed to take place at the expiry of the 31 months prescribed in r.66(1). Instead, for purely administrative purposes, the Office re-publishes the WIPO pamphlet as an “A” document with UK classification and a GB serial number.
- 13.44 The republication consists of a front page only if the IB publication was in English. If it was in a foreign language, it also includes a translation of the specification and any claims, included in the WIPO pamphlet.
- 13.45 Claims that the applicant has filed for the national phase only are not included.

## **Patents Form 10**

- 13.46 In accordance with r. 28(1) and (2), a F10 and fee have to be filed to enable an international application in the National Phase to proceed to substantive examination.

- 13.47 When the UK is a '**designated**' or an '**elected**' country (contracting state), the F10 and fee must be filed either:
- a) within **33 months** of the earliest declared priority date, or, where there is no declaration of priority, the date of filing the international application (r.68(4)(a))
- OR
- b) within 2 months of entry to the National Phase if that expires later. (r.68(4)(b)).
- 13.48 On both '**designated**' and '**elected**' cases the period prescribed by r.68(4) may be extended by two months under r.108(2) by filing F52 and the fee.
- 13.49 A further extension may be possible under the provisions of r108(3) subject to the restrictions of r.108(5) and (7).
- 13.50 Where the F10 is not filed within the prescribed period as extendable under r.108(2) the application is treated as withdrawn. In these circumstances the case should be referred to the Formalities Manager who will contact the applicant/agent by telephone and advise that the application will shortly be advertised as withdrawn, indicate the provisions of s.20A and give a period of **two weeks**, in the first instance, to submit the s.20A request or observations.
- 13.51 A longer subsequent period can be set if desired, by the Formalities Manager. The case should be suitably diarised. If the diary matures without F14 or other observations having been filed the case should be treated as withdrawn.

13.52 However, before withdrawal, the Formalities Manager must refer the case to the (Assistant) Head of Administration for consideration of whether prior to advertisement of withdrawal the application should be reprinted.

### **PCT (UK) Fast Track**

13.52a From 28<sup>th</sup> May 2010 applicants can request accelerated examination in the UK national phase if their PCT application has received a positive International Preliminary Report on Patentability (IPRP). This is to provide an incentive for applicants to get their applications in order whilst in the international phase.

13.52b The applicant must make a request in writing indicating a positive IPRP has been received. No further reasons are required. Requests may be made in relation to existing applications which have already entered the NP as well as applications entering from 28<sup>th</sup> May 2010 onwards.

13.52c The Formalities Examiner must check all correspondence for requests for accelerated treatment. On identifying a PCT (UK) Fast Track request the Formalities Examiner should apply the PCT FAST TRACK label and the ACCELERATED EXAMINATION label to the dossier cover. Any necessary documents (IPRP) which are not on the dossier should be ordered via PATENTSCOPE. If they are not available the Formalities Examiner should ask Security Section to order them from the IB. If they are still not available they should be requested from the applicant/agent.

13.52d The request should then be handled in the same way as any other request for accelerated examination. If the request is refused the PCT FAST TRACK label must remain on the dossier cover.

## **WIPO Pamphlet**

- 13.53 S.89A(3) of the Patents Act 1977 requires the applicant to file a copy of the international application at this Office in order to enter the National Phase if no copy has yet been sent to the Office in accordance with the PCT.
- 13.54 However, under PCT Article 20 (Communication to Designated Offices), the IB is required to provide the designated office with a copy of the international application in the form of the WIPO pamphlet.
- 13.55 When the pamphlet is provided by WIPO there is no obligation on the applicant to provide this Office with a copy of the international application.
- 13.56 On the very rare occasions when the Article 20 Communication from the IB has not been received in this Office in time, a specially extended period is allowed for filing the documents for a PCT Application ('designated' or 'elected') to enter the National Phase.
- 13.57 All amendments filed during the substantive examination stage **MUST** be incorporated for the working copy (See Chapter 9 for general procedure).

## **Translation of the WIPO Pamphlet and/or the International Application**

- 13.58 Where the WIPO pamphlet is in a foreign language a translation of the pamphlet or the international application must be filed in accordance with Section 89A(3) within the period set by r.66(1) (31 months). (For translation of textual matter in drawings see 13.105 - 8)

13.59 This period is extendable by two months under r.108(2) by filing Form 52 and fee. A further extension may be possible under the provisions of r.108(3).

13.60 It should be noted that this translation **does not** need to be a verified. However, if there are any doubts about the accuracy of the translation r.115 may be used to request a verified translation.

### **Publication of the translation**

13.61 When an international application is published by the IB in a language other than English, ss.89A(3) and (5) require a translation in English to be filed in order to enter the National Phase. In such instances the Office automatically prints the translation in full. This republication is purely an administrative act and does not constitute publication under s.16.

13.62 However, s.89A(6) provides for any translation supplied in accordance with ss.89A(3) or (5) to be published under s.16 on payment of the prescribed fee. There is no obligation on the applicant to file such a request, the purpose of which is to secure certain rights under s.55 and s.69 of the Patents Act as set out in s.89B(3). No publication other than the laying open of the translation is made in response to the request. Thus the onus is entirely upon the applicant to request publication though failure to do so does not prevent the application from being republished. Requests may be made in writing or by completing part 6 of Form NP1. Each request will need to be advertised in the Patents Journal and recorded in the register.

13.63

Action to be taken by the Formalities Officer

(1) The NP1 (Part 6) and all other documents filed by the agent/applicant must be checked carefully for a request to have the translation of the WIPO document published under s.89A(6).

(2) If a request has been filed, check the Form NP1 to ensure that the fee (currently £12) has been paid. The fee details will be shown on the NP1 in the same way as the £15.00 fee for extra citations (E-filed applications will not have the fee details on the form).

(3) If a request has been filed create a minute and refer to the Formalities Manager to deal with the register and journal entries.

(4) If a request has been filed without a fee, contact the agent/applicant and allow a period of two weeks for payment. The case should then be diarised accordingly. A message should be sent to the Patent Examiner via the Formalities Manager in the normal manner. However, the application should not be forwarded for republication until the fee has been paid or the request withdrawn. On receipt of the fee or the expiry of the two week period a message should be sent to the Formalities Manager.

13.64

Action to be taken by the Formalities Manager

(1) If the request and fee have been filed use the OPTICS function REG PCT to make the following automatic entry on the register and Patents Journal:

"Request for publication of translation under s.89A(6) filed on  
....."

Note the minute in the TOC "Reg PCT Action Taken".

(2) Where the case is referred by the Formalities Examiner due to failure to file the appropriate fee, advise the agent/applicant in writing and ask for the fee to be paid or the request withdrawn. A further period of two weeks should be allowed and the case diarised accordingly.

(3) If the fee is not paid nor the request withdrawn within the period set, then the case should be referred to the (Assistant) Head of Administration for advice.

13.65 No action is necessary in cases where a request to publish the translation of the WIPO document under s.89(6) has not been filed.

### **Amendments to the International Application**

13.66 An international application that has entered the National Phase may contain amendments of the following kind:

- Amendments to the application may have been submitted to the IB prior to the application entering the National Phase (in effect prior to publication of the application in the National Phase).
- Amendments may be made in response to the International Preliminary Examination Report (IPER) on elected cases only.

- Amendments submitted with NP1 purely for purposes of the UK national phase, eg. to add “omnibus claims” which are not allowed under the PCT.

- 13.67 On '**elected**' cases the Formalities Examiner must, in all cases where amended pages are attached to the IPER, indicate the action to be taken in the s.89 and Post Pub checklist.
- 13.68 Care must be taken when any amendments to the international application or annexed to the IPER have been made. **Only those amendments which have already been published by WIPO may be reprinted** and, if they are not in English may be reprinted only when the translation has been received.
- 13.69 The period for filing the amendments and, if appropriate, the translations of the amendments is the same as that for filing at this Office a copy of the application and any translation. However, where the applicant is required to file a translation both of an application as originally filed and of the amendments to it, in order to satisfy the requirements of s.89A(3) and (5), but has filed only a translation of the application, he will be given notice requiring him to file a translation of the amendment, and allowed a period of **3 MONTHS** from the date of notification (r.69(4)&(5) and r.66(2)).
- 13.70 In **ALL** cases where amendments (other than in response to the IPER) are filed late or without the appropriate translation, or if there is any doubt as to whether or not they should be reprinted, the case **must** be referred to the (Assistant) Head of Administration via the Formalities Manager.

## Declaration of Priority

- 13.71 An international application entering the National Phase may contain a declaration of priority made under the PCT. Such a declaration will be accepted and treated as a declaration under s.5(2) in accordance with s.89B(1)(b). Details of ‘continuation in part’ applications appearing on the WIPO document should be ignored.
- 13.72 The declaration will be considered to have been made in time where the provisions of PCT r.4.10(a) and (b) have been complied with (subject to PCT r.26bis.1, r.26bis.2(b) and PCT r.17.1) before the international application enters the National Phase as required by UK.
- 13.72a There will be no declared priority date if all the priority claims made on an international application are withdrawn or disregarded before the application enters the National Phase. (rule 3(2)(b) and 3(3)(b) refer)

## Late Declarations of Priority

- 13.73 Late claims to priority and late declarations of priority are now permitted on international applications under the PCT (PCT rules 26bis.3 and 49ter.2). The same principles apply as those set out for national applications in rule 6 and s.5(2B).(see Chapter 6)
- 13.74 For a late **declaration** of priority (ie where the international application is being filed more than 12 months after the priority application) the applicant can make a request in two ways:-
- a) with the Receiving Office when filing the international application and International Unit will deal with these requests.

**OR**

b) with the national office within **1 month** of entering the National Phase r.66(3). This time period cannot be extended. In either case the international application must have been filed within 14 months of the priority date. (see 6.26 -27) The request should be made on a Form 3 with fee and actioned as in 6.17 – 24.

## Priority Documents

13.75 Where it is found that the priority document was filed with the IB outside the prescribed period of 16 months from the earliest declared priority date under PCT r.17(1)(a) or (b) **no immediate action should be taken to cancel the declaration of priority**. The Formalities Examiner must allow the applicant reasonable time under PCT r.17(1)(c) to file the outstanding priority document (see 13.76 - 13.85).

13.76 In an international application containing a declaration of priority under PCT Article 8(1), the applicant should already have supplied (under PCT r.17.1) the IB with a copy of the priority document and therefore does not have to submit a copy to the National Office. In accordance with PCT r.17(2)(a), the IB will supply the National Office with a certified copy of the priority document.

13.77 The Formalities Examiner must determine whether or not the priority document was filed with the IB within the prescribed period of PCT r.17.1. This period is either:-

a) 16 months from the earliest priority date the same as r.8 for applications filed under the Act, or

b) the last day of that 16 month time limit when the priority document is received by the IB before international publication. This ruling usually

applies when a request for a copy is made within 16 months of the earliest priority date and there has been a delay in transmission of the priority document to the IB.

- 13.78 As a rule of thumb, any application that has a priority document on the dossier can be taken to have been filed in time. When a copy of the priority document has been requested on PATENTSCOPE and the IB advises that the document has not been supplied by the RO, then provided the request was filed by the applicant in time under PCT r.17(1)(a) or (b) the requirements of r.8(4)(a) are deemed to have been met.
- 13.79 If the application is otherwise in order for grant then the Formalities Examiner should contact the agent for the UK application and ask if they are able to supply a certified copy of the priority document themselves. If the agent is unable to supply the requested copy then the application may be sent for grant without delay. The Formalities Examiner should set a diary date of 6 months after grant to monitor receipt of the outstanding certified copy from the IB.
- 13.80 If a priority document has not been requested or filed in time the IB notify each designated office via an IB304. The IB304 will only be on file when the priority document was filed out of time.
- 13.81 Where it is found that the priority document was filed with the IB outside the prescribed period, the applicant must be allowed an opportunity to file the priority document under PCT r.17(1)(c).
- 13.82 The Formalities Examiner should issue the PROSE letter S89 Outstanding P/Doc(s) see Annex 13F. After issue of the letter the case should be diarised as appropriate.

- 13.83 If the diary matures without a response or a priority document having been filed, the case should be forwarded to the Assistant Head of Administration via the Formalities Manager with an explanatory minute. The Assistant Head of Administration will authorise the cancellation of the relevant priority documents, and make a suitable annotation against the WIPO Pamphlet in the TOC.
- 13.84 The Formalities Examiner must amend the OPTICS record as appropriate. The applicant should be informed of the cancellation by use of letter LFH, which is available on PROSE (See Chapter 6). The application in suit will now proceed either with its filing date or the next earliest declared priority date.
- 13.85 It should be remembered that **ALL** prescribed time limits will be calculated from this new date so OPTICS and the Formalities checklist will need up dating. The Patent Examiner should be informed by a minute highlighting the cancellation action and revised dates.

### **Translation of the Priority Document**

- 13.86 Translations of the priority document(s) are not required for the application to progress to substantive examination. A translation of the priority document will only be required in accordance with r.9 if the Patent Examiner needs it.

### **Amendment or Correction of Priority Details**

- 13.87 Where a request for the deletion of a priority declaration is received subsequent to reprinting, the case should be referred to the (Assistant) Head of Administration via the Formalities Manager with an explanatory minute.

- 13.88 If the request is allowed, the (Assistant) Head of Administration will authorise the deletion of the relevant priority declaration, annotate the WIPO pamphlet in the TOC and arrange for a suitable Register entry on OPTICS.
- 13.89 The Formalities Examiner must inform the applicant/agent of the allowance of the request in writing. Time limits are still calculated from the earliest originally declared priority date. As details of the declaration of priority remain on the Register the certified copy of the priority document and translation, if any, remain on the open part of the dossier.
- 13.90 The matter for consideration is quite complex and may require referral to Legal Section. However, if the request is allowed, the (Assistant) Head of Administration will advise the Formalities Examiner on what action, if any, is necessary with regard to the following points:
- (a) Note the WIPO Pamphlet in the TOC
  - (b) Inform the applicant/agent of allowance of the request;
  - (d) OPTICS action;
  - (e) Issue of erratum slip on the re-print;

### **Extension to Prescribed Periods of International Application**

- 13.91 If the period for entering the National Phase under r66(1) is extended under the provisions of r.108 or r.107 the time period for filing Forms 7, 9A and 10 will always be 2 months from the date of actual entry to the National Phase. (r.68)
- 13.92 In addition, r.72 allows specific provision for the 'rescue' of applications deemed withdrawn under the PCT when in equivalent circumstances a

domestic application could have been allowed to continue. Any such request for discretion under r.107, r.108 or r.110 in relation to r.72 should be referred to the Head of Administration via the Formalities Manager.

13.93 In granting any extension under r.108 of the period for entering the National Phase the Head of Administration will need to consider whether third party terms should be applied.

13.94 The period for which third party terms will apply will depend on whether GB has been designated within the EP regional designation. This affects the time period during which a third party might reasonably expect the application to have been advertised as terminated. See 10.68)

13.95 For further general information on extension of time limits and the application of third party terms see Chapter 10.

### **Reinstatement of International Applications**

13.96 Where there is a request to enter the National Phase after the prescribed period (and no automatic extension to the period is available under r108) the applicant must apply for the application to be reinstated.

13.97 Reinstatement is requested by filing a Form 14 plus a fee of £150. The request should be accompanied by supporting evidence as to why the application did not enter the national phase within the prescribed period. For further details of the procedure for reinstating an application see chapter 10.42-62.

## Patents Form 7

- 13.98 A Statement of Inventorship (F7) is not required under the provisions of s.89, providing the inventor(s) name(s) appears on the WIPO pamphlet (s.89B(1)(c)). On the rare occasion when the inventor's name is not given on the WIPO pamphlet a F7 will be required under the provisions of r.68(2) to comply with the requirements of s.13(2).
- 13.99 When the application enters the National Phase the Formalities Examiner should check that there are details of inventorship present on the WIPO Pamphlet. If there are no details a F7 should be requested and must be provided within 16 months of the earliest date or 2 months from entry into the National Phase if later.
- 13.100 Problems may arise with regard to details of inventorship when the WIPO Pamphlet is not in English. Rule 69 requires the applicant to provide a translation of the application **excluding** the Request (R0/101) and the abstract. As a result, although the name(s) of the inventors will be identifiable any address may not and therefore an ADP number cannot be allocated by Indexing and Scanning Section.
- 13.101 In these circumstances some agents/applicants supply the relevant information either by letter, or by the filing of F7 (even though it is not required) or by including a translation of the Request (R0/101) in their translation of the application.
- 13.102 **Only** the information about details of inventorship supplied in this manner may be used by the Formalities Examiner to request Indexing and Scanning Section to allocate an ADP number.

- 13.103 Under NO circumstances should the Formalities Examiner attempt to get this information from any translation of any priority document on the dossier.
- 13.104 In the situation where the Applicant/Agent has not supplied the information, the Formalities Examiner should contact the Applicant/Agent by telephone and request that the relevant information regarding the inventors' details be supplied within **ONE MONTH**. The basis for this request is to be found in the provisions of r.82(1)(a). Should any problems be encountered in making the request, the matter should be referred to the (Assistant) Head of Administration via the Formalities Manager.

## **Drawings**

- 13.105 For the purpose of reprinting of the international application in the National Phase, Publication Section will use the drawings attached to the WIPO print. Formal drawings will not be required.
- 13.106 In the case where the drawings contain textual matter/annotations in a foreign language, it will be necessary for drawings to be supplied with the text in English. Drawings filed with the National Phase application with textual matter translated into English will be covered by the 'application' translation.
- 13.107 If such drawings have not been supplied with the National Phase application, then the requirements for entry to the National Phase (s.89A(3)) are not met and the application is deemed to be withdrawn.
- 13.108 The time limit for entry to the National Phase and therefore for filing the translated drawings may be extended under rule 108(2) & (3) by filing Form 52 and the applicant/agent should be advised accordingly.

## OPTICS

13.109 Applications under the PCT entering the National Phase require the capture of the same information as any other case with the only difference being that AFS and details of inventorship are recorded under one set of screens.

13.110 Upon entering the National Phase, Indexing and Scanning Section will record the following details:

- UK Application Number
- UK filing date
- Title
- Name(s) of applicant(s)
- International Application Number
- International Publication Number
- International filing date
- Priority Details (if appropriate)
- Private Applicant Flag (if appropriate)

Formalities will need to add to this data by supplying an AFS and details of inventorship.

13.111 The function **ADD NP1** is used to delog the F9A and put an AFS on the system, it is also used to record the details of inventorship. On screen **ADD NP1 1** the Formalities Examiner should input the following:

- (a) The filing date of F9A
- (b) Confirmation of the AFS being the same as that of the first applicant or otherwise supply an ADP number for the AFS

- (c) Confirmation that the/each applicant is also an inventor or otherwise indicating further inventors to record
- (d) The International Publication date
- (e) The language of filing.

13.112 In recording the status of any applicant/inventor the Formalities Examiner may be confronted by several permutations of INID codes on the WIPO pamphlet, the meanings of which are as below:

INID (71)	Applicant Only
(72)	Inventor Only
(71)(72)	Applicant and Inventor
(72)&(75)	Inventor/Applicant (Primarily for US cases).

The table in Annex 13C shows how to record inventorship details from the WIPO pamphlet according to the various combinations of INID codes.

13.113 Having supplied the above information, screen **ADD NP1 2** will appear which is a confirmation screen of the AFS. If a satisfactory match between the NP1 and the screen results the details can be confirmed.

13.114 If you had indicated that there were further inventors to record, screen **ADD NP1 3** will appear. The Formalities Examiner should insert ADP Numbers for each inventor, following which screen **ADD NP1 4** will appear. This screen is a confirmation screen of the name and address of the inventor(s). (see 13.111 -13.112 for details of the inventor(s)). If there is a satisfactory match the details should be confirmed.

13.115 If there is a F10 on the file, then its filing should be acknowledged and the form de-logged by using the **REC PRE** function. Screen **REC PRE 1**

requires both the type of form filed and its filing date to be entered. There is **no** confirmation screen for this input and the accuracy of the data input should be checked on **DIS FUL**.

13.116 A **DIS FUL** print should be obtained and checked.

13.117 In addition to recordal on OPTICS, the application is also recorded on the PINT system used by the IU to handle international applications.

## **Reprinting**

13.118 An application under s.89 will already have been published as an international application and is deemed to have been published for the purposes of s.16 when the application enters the National Phase (s.89B(2)).

13.119 It should be noted that under PCT Rule 92*bis* the IB will, on the request of the applicant, record changes to the bibliographic data of the application eg. Applicant/Inventor.

13.120 For such a request to be allowed it must be filed with the IB before the prescribed period for entry to the national phase expires. The allowance of such a request is notified to the designated office on Form PCT/IB/306.

13.121 When such a change has taken place, and the form is present, the Formalities Examiner should refer the case to the Formalities Manager for the creation of the following footnote:

"This print reflects a change of applicant effected after publication by WIPO but prior to entry into the national phase."

- 13.122 If there is any need to amend the wording of the above footnote, the file should be referred to the Head of Administration for approval. Where the form is not present, the matter should be referred to the (Assistant) Head of Administration via the Formalities Manager.
- 13.123 After the preliminary examination has been completed, the case should be forwarded to the examiner.
- 13.124 When the case is forwarded to the appropriate examining group for the necessary recordal of the examiner data onto OPTICS no search is carried out as it is not required (see 13.26 - 13.27). When returned to the Formalities group via a Madras message the application dossier is checked by the Formalities officer and, if ready for publication, the application is prepared and set to await publication (reprinting) via digital transfer like any other application (see Chapter 8). However, it should be noted that with regard to the "Number of pages" to be entered in **REC FOR** screen 1, **ONLY** if a request to publish the translation under s.89(6) has been filed should the full number of pages be entered. In all other circumstances "1" or "2" should be entered for the number of pages depending on the front page of the WIPO spec. Only the front page of the WIPO pamphlet is re-published unless a specific request has been made under s.89A(6).
- 13.125 It should be noted that reprinting occurs only to facilitate the allocation of a '7 figure' serial number and to provide a UK-type front page.
- 13.125a If an error is identified on the front page of the PCT publication (for example the wrong abstract has been used) Formalities should contact the relevant processing team at the IB which can be found via <http://www.wipo.int/pctdb/en/iateamlookup.jsp> and inform them of the error. Once the error has been corrected on Patentscope a copy of the contents of the bibliographical data tab should be imported to the dossier

and given the Doc Code WIPOFP. This document will then be used for republication.

## **Post Reprinting Formalities Examination**

- 13.126 This examination is exactly the same as that carried out on a normal published case (see Chapter 9) with the exception that a check of the s.89 checklist should be made to see if there is an instruction to associate any amendments filed that are attached to the IPER or amendments filed by the agent. If such amendments are present they should be incorporated into the latest specification endorsed 'Working Copy' using the basic procedures laid down in Chapter 9. The checklists should be suitably completed.
- 13.127 It should be noted that where the F10 is on file at reprinting the published application will be given the OPTICS processing status '**A PUBLISHED**'.
- 13.128 It will therefore be necessary for the Formalities Examiner to update this status to '**READY FOR EXAMINATION**' using the function **REC PRO** (Option 8).
- 13.129 NB. Even if amendments have been incorporated it must not be given the status 'AMENDMENT' (See Chapter 9).
- 13.130 For the purposes of substantive examination and any subsequent formalities action the application is treated like any other in accordance with the procedures laid down in Chapter 9 with the 'Working Copy' being treated as the working specification.

## **Documents Listed in the ISR/IPER and Translations Thereof**

- 13.131 Prior to publication the Patent Examiner may request translations of any documents cited on the ISR (r.113(5)). If the requested translation is filed outside the prescribed period the case should be referred to the (Assistant) Head of Administration via the Formalities Manager for consideration of the exercise of the Comptroller's discretion under r.108(1).
- 13.132 If the requested translation is not filed at all, the case should be referred to the Patent Examiner for consideration of what further action to take. It is likely that the application will held to await expiry of the s.20 period.

## **Ordering documents from the IB**

- 13.133 The ordering of documents from the IB is made via the on line webpage called PATENTSCOPE. The Formalities Examiner processing a s89 application should obtain all the necessary documents - the IASR, IPER (if required), Priority Document and ISR (usually included in the WIPO spec) which can be downloaded via PATENTSCOPE and imported onto the dossier using the Madras manual import function. If a document is not available the Formalities Examiner should set a diary and re-check after a suitable time has elapsed.

## **Early Entry into the National Phase**

- 13.134 A PCT application normally enters the UK national phase at 31 months from the earliest priority date. An applicant may specifically request to enter the UK national phase earlier under s.89A(3)(b). Early entry does not always mean that the applicant requires accelerated processing. However, if accelerated grant is needed then the applicant should provide valid

reasons for the Examiner to consider. However, any request for accelerated examination will be treated as an express request to enter the National Phase early. (MoPP 89A.21)

### **Minimum requirements for Early Entry**

- 13.135 To enter the UK national phase early an applicant must file the following documentation under s.89A(3)(b) in order to secure a lodge date.
- a) Form NP1,
  - b) £30 fee,
  - c) a copy of the international application, if not available from the IB, and
  - d) an English translation, if the international application is in a foreign language.
- 13.136 If no copy of the international application/English translation is filed by the applicant and the published specification is not available from WIPO then the application cannot enter the national phase. When such a defective application is lodged a letter will be issued by Security Section advising the applicant that they must file a copy or translation of the international application to enter the national phase and secure a lodge date.
- 13.137 Upon the filing of a copy of the international application or translation Security Section will refer the application to Indexing and Scanning to be re-dated to the date the specification was lodged.
- 13.138 If no copy or translation of the international application is filed within two months the case should be referred to the (Assistant) Head of

Administration who will advise whether the application should be treated as a 'No Case'.

- 13.139 Once a lodge date has been established the processing of an early entry application will depend on the time the request for early entry is made and the stage which the international application has reached. Before taking any action the Formalities Examiner should refer to the minute on the dossier for any instructions.

### **Publication**

- 13.140 All s.89 applications which enter the national phase early will require publication in order to proceed.

### **WO specification published**

- 13.141 International applications are usually published by WIPO around 18 months from the filing or declared priority date and will be supplied by the IB on request to national offices. The National Phase Officer in Security Section will obtain a copy of the published WO specification for the s.89 early entry application which may then be sent for re-publication in the normal manner. The special early entry footnote 1 should be recorded on OPTICS using REC FOO. (See Annex 13D for early entry footnotes)

### **WO specification not yet published**

- 13.142 If the international application has not been published by WIPO then no published specification will be available from the IB via PATENTSCOPE. In such a situation the applicant will have to file a copy of the international application themselves in order to enter the national phase early. This

usually happens when a s.89 application enters the national phase less than 18 months from the international filing date or priority date.

- 13.143 If the WO specification is due to be published within two months of receipt of the s.89 application the case should be diarised. Once the diary has matured the WO specification should be requested from the IB via PATENTSCOPE. Upon receipt of the WO specification the s.89 application may be sent for re-publication in the normal manner. The special early entry footnote 1 should be recorded on OPTICS using REC FOO.
- 13.144 If the international application is unlikely to be published by WIPO and the WO specification will not be available from the IB for some time then the Formalities Examiner should check whether accelerated processing has been requested. If accelerated processing has **not** been requested then the Formalities Examiner should set a suitable diary date to mature when the WO specification becomes available. Once the WO specification has been published it may be requested from the IB via PATENTSCOPE. Upon receipt the case should be sent for re-publication with special early entry footnote 1.
- 13.145 If accelerated processing has been requested then instructions on how to proceed should be minuted. Guidance on how to treat requests for accelerated processing is found below.

### **Accelerated processing**

- 13.146 If the applicant has requested accelerated processing the Formalities Examiner should establish, if it is not apparent, that accelerated search, examination or grant has been requested and that reasons for accelerated

processing have been provided. See also 13.52a-d for PCT (UK) Fast Track procedure.

- 13.147 If the WO specification, international search report (ISR) and international preliminary examination report (IPER/IPRP) are all available then a minute should be sent to the Examiner to note the accelerated request and for classification. If the Examiner agrees to the request for accelerated processing the application should be sent for re-publication with special early entry footnote 1 and, once published, referred to the Examiner for accelerated action.
- 13.148 If accelerated processing has been requested and the ISR is not available from the IB then the application should be minuted to the Examiner to establish whether the Examiner agrees to the accelerated processing and that a search under s.17 will be carried out. If the Examiner allows the request then the Formalities Examiner should request an additional fee of £30 to be paid on Form 9A using letter at Annex 13E.
- 13.149 If the applicant pays the additional search fee then the application should be sent to the Examiner to conduct a search under s.17. Once the search has issued the case may be sent for re-publication with special early entry footnote 2.
- 13.150 If the applicant does not pay the additional fee then the case may be re-published but the accelerated request should be cancelled and the ISR awaited from the IB.
- 13.150a If the Examiner has performed a full search and the international application has been published by WIPO the specification should be republished but with the UK external search report appended. Early entry footnote 2 should be used.

13.151 Occasionally, a very early entry s.89 application may be filed which requests accelerated processing and the international application has not been published by WIPO and the ISR is not available. If the Examiner agrees to the accelerated processing and the applicant files the additional fee of £30 for a search under s.17 then the case may be re-published using special early entry footnote 3.

13.152 If the additional search fee is not paid the request for accelerated processing should be cancelled and the WO specification and ISR awaited from the IB.

#### **WO publication number**

13.153 When an early entry s.89 application is received and WO publication has not occurred then no WO publication number is available. In such circumstances Indexing and Scanning Section will input on OPTICS the words “Not Published” when using the function REC NP1.

13.154 When using ADD NP1 the Formalities Examiner should not enter an international publication date for a case recorded as “Not published” by WIPO. When the publication details become available action should be taken on OPTICS using CHA CAS to enter the international publication number, international publication date and language of publication.

**PCT Contracting States**

Albania (AL)	Liberia (LR)
Algeria (DZ)	Libyan Arab Jamahiriya (LY)
Angola (AO)	Liechtenstein (LI)
Antigua and Barbuda (AG)	Lithuania (LT)
Armenia (AM)	Luxembourg (LU)
Australia (AU)	Madagascar (MG)
Austria (AT)	Macedonia, the former Yugoslav Republic of (MK)
Azerbaijan (AZ)	Malawi (MW)
Bahrain (BH)	Malaysia (MY)
Barbados (BB)	Mali (ML)
Belarus (BY)	Malta (MT)
Belgium (BE)	Mauritania (MR)
Belize (BZ)	Mexico (MX)
Benin (BJ)	Moldova, Republic of (MD)
Bosnia and Herzegovina (BA)	Monaco (MC)
Botswana (BW)	Mongolia (MN)
Brazil (BR)	Montenegro (ME)
Bulgaria (BG)	Morocco (MA)
Burkina Faso (BF)	Mozambique (MZ)
Cameroon (CM)	Namibia (NA)
Canada (CA)	Netherlands (NL)
Central African Republic (CF)	New Zealand (NZ)
Chad (TD)	Nicaragua (NI)
Chile (CL)	Niger (NE)
China (CN)	Nigeria (NG)
Colombia (CO)	Norway (NO)
Comoros (KM)	Oman (OM)
Congo (CG)	Papua New Guinea (PG)
Costa Rica (CR)	Peru (PE)
Croatia (HR)	Philippines (PH)
Côte d'Ivoire (CI)	Poland (PL)
Cuba (CU)	Portugal (PT)
Cyprus (CY)	Romania (RO)
Czech Republic (CZ)	Russian Federation (RU)
Denmark (DK)	Saint Kitts and Nevis (KN)
Dominica (DM)	Saint Lucia (LC)
Dominican Republic (DO)	Saint Vincent and the Grenadines (VC)
Ecuador (EC)	San Marino (SM)
Egypt (EG)	Sao Tome and Principe (ST)
El Salvador (SV)	Senegal (SN)
Equatorial Guinea (GQ)	Serbia (RS)
Estonia (EE)	Seychelles (SC)





**Patents Form NP1**

Patents Act 1977 (*Rules 66 and 68-70*)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

**National processing of an international application for a patent (UK)**

*(See the notes on the back of this form)*

---

1. Your reference

---

2. International phase  
details

International  
application number

International  
filing date  
*(day/month/year)*

Earliest priority  
date  
*(day/month/year)*

---

3. UK Patent application number  
*(The Office will fill in this part)*

---

4. Full name, address and postcode of the  
or of each applicant  
*(underline all surnames)*

---

Patents ADP number *(if you know it)*

---

5. Name of your agent *(if you have one)*

“Address for service” (including postcode) in the  
European Economic Area or Channel Islands to  
which all correspondence should be sent.

Patents ADP number *(if you know it)*

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6. Are you requesting publication of a translation  
filed under Section 89A(3) or (5)?  
*(Answer “Yes” if this applies, and see note h)*

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7. a) Do you wish to enter the national phase  
early (i.e. before 31 months from the priority  
date)? *(Answer “Yes” if this applies)*

b) If so, has the demand been filed and on what date?

## Patents Form NP1

8. State which of the following Documents you are filing with this (Answer by writing (a) – (j) as appropriate)
- (a) Request for search  
*(Patents Form 9A; Rules 22(2), 27(1) and 68(3))*
  - (b) Request for substantive examination  
*(Patents Form 10; Rules 28(1), 28(2) and 68(4))*
  - (c) Statement of inventorship  
*(Patents Form 7; Rules 10 and 68(2))*
  - (d) Request for late declaration of priority  
*(Patents Form 3; Rules 6, 7 and 66(3))*
  - (e) Translation of international application  
*(Section 89A(3); Rules 67 and 70)*
  - (f) Translation of information relating to deposit of a biological material *(Rule 69(1))*
  - (g) Copy of application under the Patent Cooperation Treaty *(Section 89A(3)(b)(i))*
  - (h) Copy of amendment under the Patent Cooperation Treaty *(Section 89A(5)(b)(i))*
  - (i) Translation of amendment under the Patent Cooperation Treaty  
*(Section 89A(5); Rules 69 and 70)*
  - (j) Any other documents  
*(please specify)*

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9. Signature Date

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10. Name, email address, telephone, fax and / or mobile number, if any, of a contact point for the applicant

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### Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *You may use this form if you want the office to begin the national phase of an international application. The national phase cannot begin until you have paid the fee for national processing (see note (h) below) and filed any necessary documents mentioned at (d), (e) and (f), at part 8 above.*
- c) *Do not use this form if you want the international application to be treated as an application under the Act, in accordance with section 89(3) or (5), when it, or the designation of the United Kingdom in it, has been deemed withdrawn, or when it has been refused a filing date under the Treaty. In these circumstances you should apply in writing to the office within 2 months of the notification mentioned in PCT Rule 51. You should include a statement of the facts on which you rely together with the fee which is payable (see rule 71). Within the same period of 2 months you should ask the International Bureau to send copies of the documents on file to the office (PCT Article 25.1).*
- d) *Although you may have an address for service in the Channel Islands, any agent you appoint to act for you must reside in or have a place of business in the European Economic Area or Isle of Man.*
- e) *Write your answers in capital letters using black ink or you may type them.*
- f) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheet should be attached to this form and have "NP1 continuation sheet" and the international filing number as a heading.*
- g) *Once you have filled in the form remember to sign and date it.*
- h) *A fee is payable upon entering the national phase. For details of that fee, and fees due in respect of requests made under part 6 and parts 8(a) and (b) above, and ways to pay, please contact the Office.*

CODE COMBINATION	MEANING			METHOD OF ENTRY
	APPLICANT WHO IS NOT ALSO AN INVENTOR	INVENTOR WHO IS ALSO AN APPLICANT	INVENTOR WHO IS NOT ALSO AN APPLICANT	
SINGLE CODE (71) + SINGLE CODE (72)	YES	NO	YES	Enter N at line 16 and Y at line 17 of screen ADD NP1 1 Use screen ADD NP1 3 to enter inventors who are not also applicants
COMBINATION CODE (71) (72)	NO	YES	NO	Enter Y at line 16 and N at line 17 of screen ADD NP1 1 Do not use screen ADD NP1 3.
SINGLE CODE (71) + COMBINATION CODE (71) (72)	YES	YES	NO	Enter N at line 16 and Y at line 17 of screen ADD NP1 1 Use screen ADD NP1 3 to enter inventors who are also applicants
SINGLE CODE (72) + COMBINATION CODE (71) (72)	NO	YES	YES	Enter Y at line 16 and Y at line 17 of screen ADD NP1 1 Use screen ADD NP1 3 to enter inventors who are not applicants
SINGLE CODE (71) + SINGLE CODE (72) + COMBINATION CODE (71) (72)	YES	YES	YES	Enter N at line 16 and Y at line 17 of screen ADD NP1 1 Use screen ADD NP1 3 to record inventors who are or are not applicants
Entries of code (72) + (75) should be treated as the same as a single code (72)				

**Footnote 1**

This international application has entered the national phase early

**Footnote 2**

This international application has entered the national phase early. As an international search had not been established at early entry a search has been conducted under section 17.

**Footnote 3**

This international application has entered the national phase early. As it had not been published nor had an international search been conducted at early entry, it is published under section 16 and has been searched under section 17.

**Text of letter or e-mail inviting applicant to pay £30 search fee**

Dear Sir/Madam

**International Application – WO Publication No: .....**

You have requested accelerated processing of the above international application which has entered the UK national phase early. However, an international Search Report is not yet available and the Office will not proceed with republication, as part of the processing of the application, until a search has been undertaken.

If you want the Office to publish the application before the ISR is made available, you should send us a written request to undertake a search under section 17 of the Patents Act 1977 together with a payment of £30 within one month from the date of this letter. If we do not receive the request and fee within that period the application will not proceed to publication until the ISR is available. If we do receive a request and fee in that period but the ISR becomes available to the Office before we commence the search we will refund the fee to you and proceed with publication.

Yours faithfully

.....

A. N. Other  
c/o An Agent  
Any Street  
Any Town  
Any Where

**Intellectual Property Office  
Patents Directorate**

Concept House  
Cardiff Road, Newport  
South Wales  
NP10 8QQ  
United Kingdom

**Direct line:** 01633 81\*\*\*\*  
**†E-mail:** \*\*\*\*\*@ipo.gov.uk  
**Switchboard:** 01633 814000  
**Minicom:** 08459 222250  
**Fax:** 01633 814444  
DX 722540/41 Cleppa Park 3  
<http://www.ipo.gov.uk>

**Your reference: xxx**

**Application number: GB \*\*\*\*\*.\***

Date

**Patents Act 1977: Patents Rules 2007  
Outstanding Priority Documents**

With reference to the above mentioned patent application, you are advised that the certified copies of the Japan priority application(s) numbered \*\*\*\*\* were not filed with the International Bureau in accordance with prescribed requirements. You are therefore now provided with a period (under PCT r.17(1)(c)) of two months from the date of this letter to file the outstanding priority documents. Therefore they must be filed by **DD/MM/YYYY**.

If no priority documents are filed within the time period specified above, this office will take action to cancel the declaration of priority from the application. Such cancellation takes effect prior to reprinting of the application in suit.

Yours faithfully

Formalities Examiner

September 2011

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†Use of E-mail: Please note that e-mail should be used for correspondence only.