



# **Amendments to the PCT Regulations as from 1 July 2016**

# PCT Rule Changes (1)

## ■ Amendment to PCT Rules 48 and 94

- ❑ Omission of certain information from publication (Rule 48) or public file access (Rule 94)
- ❑ Only upon reasoned request by the applicant to the IB
- ❑ Information must be omitted from publication/public file access, if
  - it does not obviously serve the purpose of informing the public about the international application,
  - publication of or public access to such information would clearly prejudice the personal or economic interests of any person, and
  - if there is no prevailing public interest to have access to that information

# PCT Rule Changes (2)

## ■ Amendment to PCT Rules 48 and 94 (*continued*):

- ❑ Time limit for a request under Rule 48:
  - Completion of technical preparations for international publication (normally, 15 days before the actual date of publication)
- ❑ Time limit for a request under Rule 94:
  - Any time
- ❑ RO, ISA, SISA or IB may draw the applicant's attention to information which it believes would qualify for omission from publication under Rule 48, and suggest to the applicant to make a request under Rule 48
- ❑ IB may also draw the applicant's attention to information which it believes would qualify for omission from public file access under Rule 94, and suggest to the applicant to make a request under Rule 94
- ❑ Where the IB grants a request under Rule 48 or 94, it informs all relevant Offices and Authorities not to give access to that information
- ❑ Effective as from 1 July 2016 for applications filed on or after that date

# PCT Rule Changes (3)

## ■ Amendment to PCT Rule 26*bis*.3

- General Rule: Obligation of the RO to forward to the IB all documents received from the applicant in relation to a request to restore the priority right
- Exception:
  - RO shall not forward information, upon reasoned request by the applicant or on its own decision, if
    - it does not obviously serve the purpose of informing the public about the international application,
    - publication of or public access to such information would clearly prejudice the personal or economic interests of any person, and
    - if there is no prevailing public interest to have access to that information
- Effective as from 1 July 2016 for applications filed on or after that date

# PCT Rule Changes (4)

## ■ Amendment to PCT Rule 9.2

- Extension of Rule 9.2 to the IB and SISA to suggest to the applicant to correct the PCT application before publication if it contains certain expressions defined under Rule 9.1
- Effective as from 1 July 2016 for applications filed on or after that date

# PCT Rule Changes (5)

## ■ Amendment to PCT Rule 82<sup>quater</sup>

- Extension of *force majeure* provisions to time limits missed due to “general unavailability of electronic communication services”
- PCT Assembly Understanding:
  - “In adopting the amendments to Rule 82<sup>quater</sup>.1, the Assembly noted that the [Offices and Authorities] should, in considering [such a request], interpret ‘general unavailability of electronic communications’ to apply to outages that affect widespread geographical areas or many individuals, as distinct from localized problems associated with a particular building or single user.”
- Effective as from 1 July 2016 for applications filed on or after that date, and for applications filed before that date where the “event” occurred on or after that date

# PCT Rule Changes (6)

## ■ Amendment to PCT Rule 92.2(d)

- Expansion of the accepted languages of communication from the applicant to the International Bureau through ePCT to the particular language of publication (in addition to English and French)
- Effective as from 1 July 2016 for applications filed on or after that date, and for applications filed before that date where such correspondence is received by the IB on or after that date