

Rule 26 Checking by, and Correcting before, the Receiving Office of Certain Elements of the International Application

	<i>[rO]</i>	Art.10
	<i>[rO checks IA for defects and invites applicant to correct; if not corrected IA considered withdrawn]</i>	Art.14(1)
	<i>[IA considered withdrawn]</i>	R.29
	<i>[what happens if abstract is missing or defective?]</i>	AG-IP 5.173
	<i>[how and at what stages may claims, description and drawings in IA be amended?]</i>	AG-IP 11.045
	<i>[EPO as rO: substitute sheets]</i>	GL/PCT-EPO H-IV 1
26.1	Invitation under Article 14(1)(b) to Correct	
	<i>[rO invites applicant to correct defects in IA]</i>	Art.14(1)(b)
	<i>[defects in IA under Art.14(1)(b): time limit for correction]</i>	R.26.2
	<i>[what are main procedural steps at rO?]</i>	AG-IP 6.001
	<i>[what defects do not influence IFD?]</i>	AG-IP 6.032
	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.	Art.14(1)(b)
	In the invitation, the receiving Office shall invite the applicant to furnish the required correction, and give the applicant the opportunity to make observations, within the time limit under Rule 26.2 .	AG-IP 6.001
		AG-IP 6.032
		R.26.2
26.2	Time Limit for Correction	
	<i>[rO invites applicant to correct defects in IA]</i>	Art.14(1)(b)
	<i>[defects in IA under Art.14(1)(b): invitation to correct]</i>	R.26.1
	<i>[what defects do not influence IFD?]</i>	AG-IP 6.032
	<i>[can time limit fixed by rO be extended?]</i>	AG-IP 6.037
	<i>[what must be done if applicant is temporarily unavailable to sign IA?]</i>	AG-IP 11.027
	The time limit referred to in Rule 26.1 shall be two months from the date of the invitation to correct.	R.26.1
	It may be extended by the receiving Office at any time before a decision is taken.	AG-IP 6.037
		<i>[ex officio extension]</i>
26.2bis	Checking of Requirements under Article 14(1)(a)(i) and (ii)	
	<i>[IA is not signed]</i>	Art.14(1)(a)(i)
	<i>[IA does not contain prescribed indications applicant]</i>	Art.14(1)(a)(ii)
	<i>[request for IA: address of applicant]</i>	R.4.5(a)(ii)
	<i>[request for IA: nationality and residence of applicant]</i>	R.4.5(a)(iii)
	<i>[request for IA: signature]</i>	R.4.15
	<i>[where to file IA]</i>	R.19.1
	<i>[dO may require confirmation of IA by signature of applicant for designated State who has not signed request for IA]</i>	R.51bis.1(a)(vi)
	<i>[dO may require any missing indication required under R.4.5(a)(ii) and (iii) in respect of any applicant for designated State]</i>	R.51bis.1(a)(vii)
	<i>[notice of withdrawal must be signed by (all) applicant(s); deemed common representative is not entitled to sign on behalf of other applicants]</i>	R.90bis.5
	<i>[must indications in respect of applicants be provided for all applicants?]</i>	AG-IP 5.032
	<i>[who must sign IA and when?]</i>	AG-IP 5.088
	<i>[what defects do not influence IFD?]</i>	AG-IP 6.032
	<i>[what must be done if applicant is temporarily unavailable to sign IA?]</i>	AG-IP 11.027
	(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 <u>signed by one</u> of them.	Art.14(1)(a)(i)
		R.4.15
		R.51bis.1(a)(vi)
		AG-IP 5.088

(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

 Art.14(1)(a)(ii)

 R.4.5(a)(ii)
 R.4.5(a)(iii)

 R.51bis.1(a)(vii)

 R.19.1
 AG-IP 5.032

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)

[IA does not comply with physical requirements]
[missing drawings]

Art.14(1)(a)(v)
 Art.14(2)

[physical requirements]
[languages accepted for filing IA]
[translation for purposes of IS]

R.11
 R.12.1
 R.12.3

[translation for purposes of international publication]
[languages of publication: Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, Spanish]

R.12.4
 R.48.3

[what defects do not influence IFD?]

AG-IP 6.032

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

R.12.1(b)(ii)
 R.48.3(a)

(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;

R.11

(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.

R.12.3

 R.11

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

R.48.3

(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;

R.11

(ii) any **translation furnished under Rule 12.3 or 12.4**

R.12.3

and the **drawings**

R.12.4

 Art.14(2)

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.

R.11

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

[rO invites applicant to correct defects in IA]

Art.14(1)(b)

[physical requirements]

R.11

[checking of physical requirements under Art.14(1)(a)(v)]

R.26.3

The receiving Office shall not be required to issue the **invitation under Article 14(1)(b)**

Art.14(1)(b)

to correct a **defect under Rule 11** where the physical requirements referred to in that Rule are complied with

R.11

to the extent **required under Rule 26.3.**

R.26.3

26.3ter Invitation to Correct Defects under Article 3(4)(i)	
	Art.3(4)(i)
<i>[IA must be in prescribed language]</i>	R.8
<i>[abstract]</i>	R.11
<i>[languages accepted for filing IA]</i>	R.12.1
<i>[languages accepted for filing IA]</i>	R.12.2
<i>[language of changes in IA]</i>	R.12.3
<i>[translation of IA for purpose of IS]</i>	R.26.1
<i>[defects in IA under Art.14(1)(b): invitation to correct]</i>	R.26.2
<i>[defects in IA under Art.14(1)(b): time limit for correction]</i>	R.26.3
<i>[checking of physical requirements under Art.14(1)(a)(v)]</i>	R.26.3bis
<i>[invitation to correct defects under Art.14(1)(a)(v)]</i>	R.26.5
<i>[correction of defects in IA under Art.14(1)(b): decision of rO]</i>	R.29.1
<i>[finding by rO: IA considered withdrawn]</i>	R.48.3
<i>[languages of publication: Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, Spanish]</i>	
<i>[what are translation requirements if abstract or text matter in drawings of IA are in language different from language of description and claims?]</i>	AG-IP 6.018
<i>[what are translation requirements if request for IA is in language which is not language of publication accepted by rO for purpose of filing request for IA?]</i>	AG-IP 6.019
<i>[what defects do not influence IFD?]</i>	AG-IP 6.032
(a) Where the abstract	R.8
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	R.11.11
	AG-IP 6.032
(i) a translation of the international application is required under Rule 12.3(a) , or	R.12.3(a)
(ii) the abstract	R.8
or the text matter of the drawings is	R.11.11
in the language in which the international application is to be published ,	R.48.3
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, 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply <i>mutatis mutandis</i> .	R.26.1-3
	R.26.3bis
	R.26.5
	R.29.1
	AG-IP 6.032
(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.	<i>[see Annex 5]</i>
(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.	R.12.1(c)
Rules 3, 26.1, 26.2, 26.5 and 29.1 shall apply <i>mutatis mutandis</i> .	AG-IP 6.018-019
	R.3
	R.26.1-2
	R.26.5
	R.29.1
(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.	<i>[see Annex 5]</i>

26.4 Procedure

[rO invites applicant to correct defects in IA] Art.14(1)(b)
[R.24.1 applicable to: sequence listings: procedure before ISA] R.13ter.1
[R.24.1 applicable to: international publication: contents] R.48.2
[R.24.1 applicable to: rectification of obvious mistakes in IA and other documents] R.91.2
[R.24.1 applicable to: access to files held by IB] R.94.1
[how should correction be presented?] AG-IP 6.052
[does correction entail payment of fee?] AG-IP 6.053

A correction of the request 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 request without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred;

otherwise, and in the case of a correction of any element of the international application other than the request, 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.

AG-IP 6.053
[free of charge]

26.5 Decision of the Receiving Office

[international publication] Art.21
[physical requirements IA] R.11
[checking requirements under Art.14(1)(a)(i) and (ii)] R.26.2
[international publication] R.48
[what defects do not influence IFD?] AG-IP 6.032

The receiving Office shall decide whether the applicant has submitted the correction within the applicable **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**.

R.26.2

R.11

Art.21
R.48

Rule 26bis Correction or Addition of Priority Claim

	<i>[definition priority date]</i>	Art.2(xi)
	<i>[time limits are calculated from earliest priority date]</i>	Art.2(xi)(b)
	<i>[claiming priority]</i>	Art.8
	<i>[international publication]</i>	Art.21
	<i>[priority claim: Paris Convention country + member WTO]</i>	R.4.10
	<i>[priority document]</i>	R.17
	<i>[withdrawal of priority claims]</i>	R.90bis.3
26bis.1	Correction or Addition of Priority Claim	
	<i>[early publication of IA on request applicant]</i>	Art.21(2)(b)
	<i>[priority claim: Paris Convention country + member WTO]</i>	R.4.10
	<i>[rectification of obvious mistakes in IA and other documents]</i>	R.91
	<i>[how should request for restoration of right of priority be filed with rO?]</i>	AG-IP 5.064
	<i>[how should missing elements or parts be incorporated by reference into IA?]</i>	AG-IP 6.028
	<i>priority claim must have been made in IA at time of filing.</i>	
	<i>adding priority claim under R.26bis.1(a) would not be sufficient.</i>	
	<i>[can defects in priority claims be corrected?]</i>	AG-IP 6.038-040
	<i>[which mistakes cannot be rectified?]</i>	AG-IP 11.037
	<i>[EPO: declaration of priority: addition or correction]</i>	R.52 EPC
(a)	The applicant may correct a priority claim or add a priority claim to the request by a notice submitted to the receiving Office or the International Bureau	R.91.1(g)(iv) AG-IP 6.038 AG-IP 6.053 <i>[free of charge]</i>
	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 <u>such a notice may be submitted until the expiration of four months from the international filing date.</u>	AG-IP 6.038 <i>[in any event]</i> -----
	The correction of a priority claim may include the addition of any indication referred to in Rule 4.10.	R.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.	AG-IP 6.039 Art.21(2)(b) AG-IP 9.014
(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.	AG-IP 6.040

26bis.2 Defects in Priority Claims

<p style="text-align: center;"><i>[interpretation of certain words: priority period]</i></p> <p style="text-align: center;"><i>[priority claim: Paris Convention country + member WTO]</i></p> <p style="text-align: center;"><i>[priority document]</i></p> <p style="text-align: center;"><i>[correction or addition of priority claim]</i></p> <p style="text-align: center;"><i>[restoration of right of priority by rO]</i></p> <p style="text-align: center;"><i>[publication IA contains information concerning priority claim considered not to have been made under R.26bis.2(b)]</i></p> <p style="text-align: center;"><i>[effect of restoration of right of priority by rO]</i></p> <p style="text-align: center;"><i>[restoration of right of priority by dO]</i></p> <p style="text-align: center;"><i>[can applicant be invited to correct priority claim?]</i></p> <p style="text-align: center;"><i>[re-establishment of rights: priority period]</i></p> <p>(a) Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds in relation to a priority claim:</p> <p style="padding-left: 40px;">(i) that the international application has an international filing date which is later than the date on which the priority period expired and that a request for restoration of the right of priority under Rule 26bis.3 has not been submitted;</p> <p style="padding-left: 40px;">(ii) that the priority claim does not comply with the requirements of Rule 4.10; or</p> <p style="padding-left: 40px;">(iii) that any indication in the priority claim is inconsistent with the corresponding indication appearing in the priority document;</p> <p>the receiving Office or the International Bureau, as the case may be, shall invite the applicant to correct the priority claim.</p> <p style="padding-left: 40px;">In the case referred to in item (i), where the international filing date is within two months from the date on which the priority period expired,</p> <p style="padding-left: 80px;">the receiving Office or the International Bureau, as the case may be, shall also notify the applicant of the possibility of submitting a request for the restoration of the right of priority in accordance with Rule 26bis.3,</p> <p style="padding-left: 40px;">Rule 26bis.3(j) unless the receiving Office has notified the International Bureau under</p> <p style="padding-left: 80px;">of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office.</p> <p style="padding-left: 40px;">(b) If the applicant does not, before the expiration of the time limit under Rule 26bis.1(a), submit a notice correcting the priority claim,</p> <p style="padding-left: 80px;">that priority claim shall subject to paragraph (c), for the purposes of the procedure under the Treaty, be considered not to have been made ("<u>considered void</u>") and the receiving Office or the International Bureau, as the case may be, shall so declare and shall inform the applicant accordingly.</p> <p style="padding-left: 40px;">Any notice correcting the priority claim which is received before the receiving Office or the International Bureau, as the case may be, so declares and not later than one month after the expiration of that time limit shall be considered to have been received before the expiration of that time limit.</p> <p style="padding-left: 40px;">(c) A <u>priority claim shall not be considered void only</u> because:</p> <p style="padding-left: 80px;">(i) the indication of the number of the earlier application referred to in Rule 4.10(a)(ii) is missing;</p> <p style="padding-left: 80px;">(ii) an indication in the priority claim is inconsistent with the corresponding indication appearing in the priority document; or</p>	<p>R.2.4</p> <p>R.4.10</p> <p>R.17</p> <p>R.26bis.1</p> <p>R.26bis.3</p> <p>R.48.2(a)(ix)</p> <p>R.49ter.1</p> <p>R.49ter.2</p> <p>AG-IP 6.041-044</p> <p>GL/PCT-EPO F-VI 3.7</p> <p>AG-IP 6.042</p> <p>R.2.4</p> <p>-----</p> <p>R.26bis.3</p> <p>R.4.10</p> <p>R.17</p> <p>R.2.4</p> <p>R.26bis.3</p> <p>-----</p> <p>R.26bis.3(j)</p> <p>R.26bis.3(a)-(i)</p> <p>R.26bis.1(a)</p> <p>AG-IP 6.038</p> <p>R.26bis.3</p> <p>AG-IP 6.043-044</p> <p>R.4.10(a)(ii)</p>
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<p>(iii) the international application has an <u>international filing date</u> which is later than the date on which the priority period expired, provided that the international filing date is within the period of two months from that date.</p>	<p>GL/PCT-EPO F-VI 3.7 R.2.4 ----- R.26bis.3 AG-IP 6.043</p>
<p>(d) Where the receiving Office or the International Bureau has made a declaration under paragraph (b) or where the priority claim has not been considered void only because paragraph (c) applies, the International Bureau shall publish, together with the international application, information concerning the priority claim as prescribed by the Administrative Instructions, as well as any information submitted by the applicant concerning such priority claim which is received by the International Bureau prior to the completion of the technical preparations for international publication. Such information shall be included in the communication under Article 20 where the international application is not published by virtue of Article 64(3).</p>	<p>AG-IP 6.044</p> <p>AG-IP 6.044</p> <p>AG-IP 9.014</p> <p>Art.20 ----- Art.64(3)</p>
<p>(e) Where the applicant wishes to correct or add a priority claim but the time limit under Rule 26bis.1 has expired, the applicant may, prior to the expiration of 30 months from the priority date and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, request the International Bureau to publish information concerning the matter, and the International Bureau shall promptly publish such information.</p>	<p>R.26bis.1 AG-IP 6.044</p>
<p>26bis.3 Restoration of Right of Priority by Receiving Office</p>	
<p style="text-align: center;"><i>[early publication of IA on request applicant]</i></p> <p style="text-align: center;"><i>[interpretation of certain words: priority period]</i></p> <p style="text-align: center;"><i>[priority claim: Paris Convention country + member WTO]</i></p> <p style="text-align: center;"><i>[correction or addition of priority claim]</i></p> <p><i>[priority claim may not be considered invalid on basis that IA has IFD which is later than date on which priority period expired, provided that IFD is within two months of that date]</i></p> <p style="text-align: center;"><i>[effect of restoration of right of priority by rO]</i></p> <p style="text-align: center;"><i>[restoration of right of priority by dO]</i></p> <p style="text-align: center;"><i>[what are consequences if IA is filed after expiration of priority period?]</i></p> <p style="text-align: center;"><i>[what is time limit for requests for the restoration of right of priority?]</i></p> <p style="text-align: center;"><i>[how should request for restoration of right of priority be filed with rO?]</i></p> <p style="text-align: center;"><i>[what are criteria for restoration applied by rO?]</i></p> <p><i>[what needs to be included in statement of reasons for request to restore right of priority and what additional information may be required?]</i></p> <p><i>[can applicant request that certain documents relating to request for restoration of right of priority not be transmitted to IB?]</i></p> <p><i>[will there be opportunity for dialogue with rO should that Office intend to refuse request?]</i></p> <p style="text-align: center;"><i>[can applicant be invited to correct priority claim?]</i></p> <p style="text-align: center;"><i>[can request to restore right of priority also be filed directly with dO?]</i></p> <p style="text-align: center;"><i>[EPO as rO: re-establishment of rights]</i></p> <p style="text-align: center;"><i>[EPO as dO/eO: re-establishment of rights: priority period]</i></p> <p style="text-align: center;"><i>[re-establishment of rights: priority period]</i></p>	<p>Art.21(2)(b)</p> <p>R.2.4</p> <p>R.4.10</p> <p>R.26bis.1</p> <p>R.26bis.2(c)(iii)</p> <p>R.49ter.1</p> <p>R.49ter.2</p> <p>AG-IP 5.062</p> <p>AG-IP 5.063</p> <p>AG-IP 5.064</p> <p>AG-IP 5.065</p> <p>AG-IP 5.066</p> <p>AG-IP 5.067</p> <p>AG-IP 5.068</p> <p>AG-IP 6.041-044</p> <p>AG-NP 6.006</p> <p>Art.122 EPC</p> <p>R.136(1) EPC</p> <p>GL/PCT-EPO F-VI 3.7</p>
<p>(a) Where the international application has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the receiving Office shall, on the request of the applicant, and subject to paragraphs (b) to (g) of this Rule, restore the right of priority if the Office finds that a criterion applied by it ("<u>criteria for restoration</u>") is satisfied, namely, that the failure to file the international application within the priority period:</p>	<p>R.2.4</p> <p>R.26bis.3(b)-(g) ----- AG-IP 5.062 AG-IP 5.065 ----- R.2.4</p>
<p>(i) occurred <u>in spite of due care</u> required by the circumstances having been taken; or</p>	<p>Art.122(1) EPC</p>

(ii) was unintentional.

Each receiving Office shall apply at least one of those criteria and may apply both of them.

(b) A request under paragraph (a) shall:

(i) be filed with the receiving Office within the **time limit applicable under paragraph (e)**;

R.26bis.3(e)

(ii) state the reasons for the failure to file the international application within the **priority period**; and

R.26bis.3(f)
R.2.4

(iii) preferably be accompanied by any **declaration or other evidence required under paragraph (f)**.

(c) Where a priority claim in respect of the earlier application is not contained in the international application, the applicant shall submit, within the **time limit applicable under paragraph (e)**, a **notice under Rule 26bis.1(a) adding the priority claim**.

AG-IP 5.064

R.26bis.3(e)
R.26bis.1(a)

(d) The submission of a request under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee for requesting restoration, payable within the **time limit applicable under paragraph (e)**.

AG-IP 5.065

The **amount of that fee**, if any, shall be fixed by the receiving Office.

R.26bis.3(e)
RFees 2(1).13

The time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the **time limit applicable under paragraph (e)**.

R.26bis.3(e)

(e) The **time limit referred to in paragraphs (b)(i), (c) and (d)** shall be two months from the date on which the **priority period** expired, provided that, where the applicant makes a **request for early publication under Article 21(2)(b)**, any **request under paragraph (a)**

R.26bis.3(b)-(d)
R.2.4
Art.21(2)(b)

or any **notice referred to in paragraph (c)** submitted,

R.26bis.3(a)

or any **fee referred to in paragraph (d)** paid,

R.26bis.3(h)(iv)

after the **technical preparations for international publication have been completed** shall be considered as not having been submitted or paid in time.

R.26bis.3(c)

R.26bis.3(d)

AG-IP 9.014

(f) The receiving Office may require that a declaration or other evidence in support of the **statement of reasons referred to in paragraph (b)(ii)** be filed with it within a time limit which shall be reasonable under the circumstances.

R.26bis.3(b)
AG-IP 5.066

(g) The receiving Office shall not refuse, totally or in part, 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.

R.26bis.3(a)

Such notice of intended refusal by the receiving Office may be sent to the applicant together with any invitation to file a **declaration or other evidence under paragraph (f)**.

R.26bis.3(f)

(h) The receiving Office shall promptly:

(i) notify the International Bureau of the receipt of a **request under paragraph (a)**;

R.26bis.3(a)

(ii) make a decision upon the request;

(iii) notify the applicant and the International Bureau of its decision and the criterion for restoration upon which the decision was based;

(iv) subject to paragraph (h-bis), transmit to the International Bureau all documents received from the applicant relating to the **request under paragraph (a)** (including a copy of the request itself, any **statement of reasons referred to in paragraph (b)(ii)** and any **declaration or other evidence referred to in paragraph (f)**).

R.26bis.3(h-bis)

R.26bis.3(a)

R.26bis.3(a)

R.26bis.3(b)

R.26bis.3(f)

(h-bis) The receiving Office shall, upon a reasoned request by the applicant or on its own decision, *not* transmit documents or parts thereof

R.48.2(l)

R.94.1(d), (e)

R.94.1bis

AG-IP 5.067

R.26bis.3(a)

received in relation to the **request under paragraph (a)**, if it finds that:

(i) this document or part thereof does not obviously serve the purpose of informing the public about the international application;

(ii) publication or public access to any such document or part thereof would clearly prejudice the personal or economic interests of any person; and

(iii) there is no prevailing public interest to have access to that document or part thereof.

Where the receiving Office decides not to transmit documents or parts thereof to the International Bureau, it shall notify the International Bureau accordingly.

(i) Each receiving Office shall inform the International Bureau of which of the criteria for restoration it applies and of any subsequent changes in that respect. The International Bureau shall promptly publish such information in the Gazette.

(j) If, on October 5, 2005, paragraphs (a) to (i) are not compatible with the national law applied by the receiving Office, those paragraphs shall not apply in respect of that 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 April 5, 2006.

The information received shall be promptly published by the International Bureau in the Gazette.

[see Annex 5]

Rule 26ter Correction or Addition of Declarations under Rule 4.17

[request for IA: declarations relating to national requirements in R.51bis.1(a)(i) to (v)]
[certain national requirements allowed under Art.27]

R.4.17

R.51bis.1

26ter.1 Correction or Addition of Declarations

[can declaration relating to national requirements referred to in R.4.17 be corrected or added during international phase?]

AG-IP 5.083

[can defects in declarations relating to national requirements referred to in R.4.17 be corrected? can declarations be added?]

AG-IP 6.045

[what happens where IB receives correction or addition of declaration relating to national requirements referred to in R.4.17 after applicable time limit?]

AG-IP 6.050

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,

R.4.17

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**.

AG-IP 9.014

26ter.2 Processing of Declarations

[which are defects in declarations relating to national requirements made under R.4.17 in respect of which applicant may be invited to submit correction?]

AG-IP 6.046

(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.

R.4.17

R.4.17(iv)

(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.

R.26ter.1

R.26ter.1

Rule 27 Lack of Payment of Fees

[IA subject to payment of prescribed fees]
[every designation subject to prescribed fee within prescribed time limit]
[IA considered withdrawn: failure to pay fees under Art.3(4)(iv) or Art.4(2)]
[designated State considered withdrawn: failure to pay less than all designation fees under Art.4(2)]
[transmittal fee]
[international filing fee]
[search fee]
[late payment fee]
[does non-payment, incomplete payment or late payment of fees influence IFD?]

Art.3(4)(iv)
Art.4(2)
Art.14(3)(a)
Art.14(3)(b)

R.14
R.15
R.16
R.16bis.2
AG-IP 6.009

27.1 Fees

[what happens if fees are not paid or not paid in full?]

AG-IP 5.193-196

(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)**.

Art.14(3)(a)

Art.3(4)(iv)

R.14

R.15.1

R.16

R.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)**.

Art.14(3)(a), (b)

Art.4(2)

R.15.1

R.16bis.2