

## **Patent Cooperation Treaty (PCT) Working Group**

**Eighteenth Session**  
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### **ELECTRONIC PROCESSING OF INTERNATIONAL APPLICATIONS**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. To further enhance the electronic processing of applications, systems should be improved to promote the use of secure electronic communications and the exchange of directly usable data throughout the international phase. To encourage applicants to communicate in better ways, it is desirable to improve the electronic services available and to provide a higher degree of protection for personal data supplied for PCT processing.
2. The document presents proposals to:
  - (a) allow the exclusion of certain personal data from public access;
  - (b) require an email address and telephone number for processing of the international application; and
  - (c) provide a basis for changing the address to which correspondence is to be addressed later than 30 months from the priority date in order to be able to correctly deliver late communications.
3. The document also notes progress in other areas related to transmission of data in formats enabling improved services, such as support for processing and provision of information in additional languages.

#### **BACKGROUND**

4. Over 99% of international applications are now filed electronically. Most filers use services delivering at least structured bibliographic data, assisting the efficiency and accuracy of processing. However, subsequent communications between applicants and national Offices

are more likely to be on paper, or else involve the uploading of scanned images of letters. This means that there is little opportunity to validate the relevant content before it is formally submitted. It also typically requires a mostly manual response, missing opportunities for more efficient processing and for avoiding errors from manual data transcription.

5. Since 2020, the International Bureau has sent communications to applicants on paper only in exceptional circumstances. However, this means that most communications are sent as attachments to emails. The nature of communications from the International Bureau is such that this is not typically a major cause of concern, but it means that the communication systems are not considered suitable for use by Offices transmitting more sensitive material, especially International Searching and Preliminary Examining Authorities.

6. These general measures also need to be accompanied by efforts to improve the electronic procedures for specific activities. Other documents set out proposals or information concerning issues such as full text processing of the application body, electronic national phase entry and improved handling of applications and priority documents containing sequence listings.

### **SECURE DOWNLOAD AS A MEANS OF DOCUMENT TRANSMISSION**

7. Section 709(b-bis) of the PCT Administrative Instructions allows for Offices to provide a service whereby documents are made available in a secure electronic system for retrieval by the applicant and, with the agreement of the applicant, for this to be considered transmission of the document instead of sending a letter or email to the applicant containing the content.

8. The ePCT system has for many years offered such secure download services with the applicant being notified of new documents by an email containing a link, a notification list available within the website or through a web service that can be integrated into patent management systems. However, up to now, this has been an informal service in addition to active transmission. The next main version of ePCT will offer the option for applicants to select this service as the official delivery route for documents delivered under the responsibility of the International Bureau. A further enhancement later in the year will allow national Offices to request the International Bureau to make official deliveries of documents to applicants through the same service, based on their transmission of documents to the International Bureau.

9. Requesting document delivery through the new arrangement will benefit applicants by providing greater security in two respects:

- (a) documents will be transmitted to them only through a secure download service, removing the possibility of eavesdropping on email services; and
- (b) it is less likely that any email sent as a notification of the availability of document for download will be lost in transmission as a result of transmission errors or refusal by an intervening mail gateway (which is increasingly likely as the size of email attachments increases).

10. There is also no practical limit on the size of file that can be transmitted this way, which may be a particular issue in the case of International Searching Authorities transmitting copies of cited documents.

### **AUTOMATION OF COMMUNICATIONS WITH APPLICANTS**

11. Ideally, rather than sending emails inviting the download of copies of documents, applicants should be given the opportunity to fully automate the document retrieval process. The ePCT system includes a variety of publicly available APIs to assist with this, allowing a patent management system to monitor for the availability of new documents and download any that become available, including information concerning the particular international application

number, dates and types of documents involved. This allows the receipt and initial processing of the content to be managed automatically by the applicant's systems.

12. So far, these APIs have been used on a pilot basis by a small number of applicants. However, the International Bureau intends to launch an API management portal, providing documentation and improved test facilities to encourage use of these options by a wider range of applicants and service providers. The terms of use of WIPO Accounts should also be developed to recognize that API use will typically be by a machine acting on behalf of a company or a group within a company, rather than being attributable to a single individual as should be the case for a conventional WIPO Account.

### **STRUCTURED PROCESS INFORMATION**

13. It is desired to receive more structured information from applicants that can enable self-service functionality or otherwise allow data supplied by the applicant to be used directly, reducing the risk of errors during transcription of information from letters. This also assists the efforts to increase the range of languages in which services can be offered. ePCT offers its services through an interface in all 10 languages of publication and, while some data must be entered in specific languages, much data can be made language-neutral provided that it is adequately described by the interface and can be rendered to the necessary formats for viewing when necessary.

14. In that respect, it is recalled that amendments to PCT Rule 92 will come into force in July 2025, permitting the International Bureau to begin extending its languages of communication beyond English and French, which are currently required to be used for most official purposes. Work on IT systems to support display of forms in languages other than that in which they were originally established continues, alongside the work of translating the standard text parts of the PCT Forms.

### **PERSONAL DATA PROTECTION**

15. To encourage applicants to submit the highest quality data in formats permitting efficient processing, it is important to ensure that there is confidence in the way that data is used. Many applicants and inventors would prefer all personal data to be kept fully confidential, but the PCT System requires all of the data referred to in PCT Rule 4 (and equivalently in certain other Rules) to be made available to national Offices. Rule 94 has also assumed that almost all documents and data should, following international publication, be available to the public.

16. However, the easy availability of online file inspection, which includes not only images but readily processable bibliographic data changes means that data that used to require significant effort to access can now be easily accessed and processed in bulk. Furthermore, users' expectations of personal data protection have heightened. Various measures have been taken over the years to make "scraping" sensitive data more difficult, but this is mostly limited to email addresses and does not entirely prevent access to the information.

17. The seventeenth session of the Working Group considered a proposal to allow exceptions from public file access for personal data (see document PCT/WG/17/9). There was broad support for this in principle, but concern from some delegations that the Regulations did not clearly define personal data and consequently left too much to the Administrative Instructions.

### Types of Personal Data Found in International Applications

18. While it is in principle possible for any form of personal data to be included in the file of an international application if included in a letter or other free-form submission, the personal data routinely found is names, addresses (including email addresses), telephone numbers and fax numbers. The details required in Rule 4 and related rules have been deemed essential for patent processing in the international and national phases. They are an important record, necessary for processing and with a legitimate interest for some parts to be usable indefinitely, for patent processing and as key historical records (which might be significant to proceedings far into the future) and the basis for statistical information. Consequently, it is important that the data is collected accurately and that there be no “right to be forgotten” covering this official record and its legitimate further use in patent databases.

19. This does not mean that it is essential that all of the relevant information is available to the public. The International Bureau considers that there is a strong public interest in ensuring that there is public knowledge of the applicants (including both the current and former applicants in the case where there is a change of applicant), the agent (if any) and a means for contacting either the agent or, if none, at least one applicant. However, it is not essential that the means for contact include an email address or telephone number. In the case of agents, it will usually be easy to find contact details for the firm, but for communications with Offices, some may prefer to use special email addresses that are not made available to the public and consequently are used only for very specific processing purposes and less likely to receive large volumes of spam. In the short term, measures to be taken would involve continuing to show at least one postal address, but hiding email addresses. In the longer term, it might be possible to allow also hiding the postal address of individuals and instead provide alternative means for allowing contact with unrepresented applicants.

20. Further considerations apply to inventors. Article 4<sup>ter</sup> of the Paris Convention indicates that the inventor shall have the right to be mentioned as such in the patent and many PCT Contracting States require the inventor to be identified. However, there appears to be no public interest in making the addresses of inventors known (except to the extent that they might be applicant-inventors and contact information made available for that reason). Also, while there is a public interest in the identity of the inventor, it does not appear to be a strong one. Although the proposals in the present document do not allow for the possibility of allowing inventors to have their names hidden other than by not supplying the information during the international phase, this is something that Contracting States might wish to consider as an additional step in the future.

### Scope of Restrictions to Availability of Personal Data

21. It is therefore proposed to amend the PCT Regulations to allow for provision to be made to restrict the following from the public record:

- (a) the email address, telephone number, or corresponding data for other like means of communication, of any applicant, inventor or agent; and
- (b) the postal address of any applicant, inventor or agent, provided that a means of contact be publicly available for at least one agent or, if none, an applicant.

22. If it is desired to restrict access to other forms of personal data, a proposal would be required to further amend the Regulations.

### Implementation of Measures

23. Implementing such arrangements will take time, noting that such information may appear in a variety of Forms generated by the systems of individual national Offices in addition to the International Bureau. Furthermore, it would not be practical to erase every instance of such

information from the images of documents submitted to the International Bureau. Consequently, it is proposed to allow for the appropriate measures to be specified by the Administrative Instructions and introduced at the rate that they can be implemented effectively.

24. Furthermore, the measures would concentrate on excluding the relevant information from publicly available machine-readable data (while ensuring that it remained available to national Offices) and ceasing to show the information in the images of forms available to the public. While some delegations at the seventeenth session of the Working Group expressed the view that personal data protection rules should be independent of the format in which the data is received, the cost of routinely modifying image documents to remove such data for public inspection, while leaving access to the relevant data for national Offices, would be out of proportion to the benefits involved, when the applicant should have had an opportunity to submit the information in a format that gave the benefit entirely automatically.

25. The main practical effect of the proposals for Offices is that the PDF views of certain forms would cease to show certain personal data. This information would still appear in the XML version of the forms (which would not be available to the general public). The missing content would be available in at least two ways:

(a) national Offices would continue to have access to the XML versions of the original forms; and

(b) the information would be shown in image-based views produced on demand, such as the “international application status report” form, which contains the latest version of the main information from the request form (such as, names, addresses, designations and priority claims, but excluding matter from the declaration and signature sheets). That form is already generated on demand in two versions: a private version including all information, and a public version available on PATENTSCOPE that is available in both XML and PDF formats, but excludes email addresses in both formats.

26. It is not proposed to generate “public” and “private” rendered versions of all forms. This would greatly increase the technical complexity of systems, offer the risk of accidental republication of the private versions by designated Offices, and would likely cause confusion because the excluded information would frequently result in pagination differences between the versions, making the two versions less obviously equivalent. It would also result in uncertainty in appropriate fees due to the page count of the request form.

#### Requirement of Inventor Names Now Optional at the Time of Filing

27. No Contracting States still require details of the inventor to be supplied on the filing date. It is frequently advantageous to do so, but the information can always be added later on in the international or national phase. Consequently, it is also proposed to amend Rule 4 to clarify that the provision of inventor information at the time of filing is now optional, because the condition referred to in Rule 4.1(a)(iv) can no longer occur.

#### Updating Names and Addresses

28. A common feature of personal data protection legislation is the right to ensure that personal data is accurate and up to date. Rule 92*bis* currently allows applicants to update names and addresses up to 30 months from the priority date but prohibits it after that time. Inventors are only permitted to update their details through the applicant.

29. A related issue is consistency and identification of personal data. At present, it is difficult to identify with certainty all instances of personal data associated with any individual since the name and address records of each international application are independent of any others. Questions of this nature are under consideration, for example, as part of the Global ID initiative, aiming to allow applicants to use a unique identifier to help identify and manage their IP assets.

30. This document does not address these questions in general, but it is proposed to add a special provision in Rule 92*bis* allowing the updating of an address to which correspondence should be addressed. In practice, if an applicant notifies a change to the address of the person to whom correspondence is to be addressed after 30 months from priority, this is already recorded so that any further communications that might be needed are sent to the correct recipient. It is proposed to amend Rule 92*bis* to formalize this arrangement, giving a basis for making that information available to others that might need it.

#### Fair and Legitimate Processing; Transparency

31. The International Bureau seeks to act in accordance with the United Nations Principles on Personal Data Protection and Privacy to the extent that this is permitted by the Treaty and Regulations. Such data is used for the normal purposes of the processing of PCT applications, including the provision of certain information to the public. The filing of an international application is considered an irrevocable grant of consent to the use of the relevant data for those purposes. The key aspects of this are already set out in the Regulations, but the International Bureau is working on clarifying the ways in which data is processed for analysis of processes and providing improved services to applicants, as well as seeking ways to ensure that the consent of the data subject is given for use of personal data going beyond the essential requirements of the system.

#### **MANDATORY TELEPHONE NUMBER AND EMAIL ADDRESS**

32. To facilitate electronic processing, it is proposed to make it mandatory for at least one email address to be supplied for use in processing the application. In addition, a phone number should be provided to allow fast contact in cases such as where email does not appear to have been delivered. At the seventeenth session of the Working Group, some delegates expressed concern at this idea for reasons including the following:

- (a) the associated proposed Rule concerning the exclusion of email addresses from public view was enabling, rather than mandatory, so that it could not be guaranteed that the ability to hide the email address would be available at the time that the Rule came into force;
- (b) not all Offices used email notification systems;
- (c) extra workload for receiving Offices in requesting missing data in case no email address is provided; and
- (d) some applicants might not have an email address.

33. It is unlikely that any person able to file an international application would not have or easily be able to obtain an email address. The large majority of international applications already include an email address and the International Bureau obtains email addresses for the remainder with little difficulty and at present all official communications from the International Bureau to applicants are notified using email. In the future, some applicants may wish to stop receiving email notifications and rely entirely on automated access using web services through a patent management system. However, even then, an email address will remain important for contacting applicants in case unusual situations arise or there are concerns that the delivery of documents has not been working correctly.

34. A similar requirement has already been included in the Madrid System (Rules 3(2)(a) and 9(4)(a)(ii) and (iii) of the Regulations under the Protocol Relating to the Madrid Agreement) and the Hague System (Rules 7(3)(ii) and 21(2)(iii) of the Common Regulations under the 1999 and 1960 Acts of the Hague Agreement).

35. To overcome concerns about the implementation of measures to hide personal information, it could be envisaged that an amendment to the Rule might be adopted but only come into force from a date corresponding to a time when the systems are in place to permit a request form to be submitted including an email address and telephone number in the XML data that is hidden in the PDF view shown to the public.

36. The proposed amendments to the Regulations indicate that an email address and telephone number must be provided at least for one “person to whom correspondence is to be addressed”. This corresponds to the terminology in Section 108 of the Administrative Instructions, which defines which person should be the recipient of correspondence in the event that multiple agents are listed or there are multiple applicants with no appointed common agent or representative. That section might also be modified to clarify that correspondence would be addressed to the first mentioned person of the relevant type for which the necessary communication details have been provided (which is, in practice, the case already).

### **AMENDMENTS TO THE REGULATIONS**

37. The Annex to this document sets out proposed amendments to the Regulations to address the issues referred to in paragraphs 21, 30 and 32 to 36, above, as follows:

(a) New Rule 94.4(e) provides a basis for measures to exclude certain personal data from public access.

(b) Amended Rule 92*bis*.1(c) provides for updating the address to which correspondence is to be addressed after 30 months from the priority date so that any late correspondence can be correctly delivered.

(c) Amended Rules 4.4(c), 45*bis*.1(b)(i) and 92*bis*.1(a) require that an email address and telephone number are to be provided at least for the person to whom correspondence is to be addressed and must remain available following changes to names and addresses. The requirement would also extend to the demand by virtue of the references to Rule 4.4 in Rules 53.4 and 53.5.

38. It is also proposed to move the existing provisions of Rule 94.1(d) to (g) to new Rule 94.4, thereby making it easier to find and understand the provisions concerning exceptions to public availability of documents and data.

*39. The Working Group is invited to comment on the issues set out in document PCT/WG/18/8 and the proposed amendments to the PCT Regulations set out in the Annex.*

[Annex follows]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS

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## Rule 4 The Request (Contents)

### 4.1 *Mandatory and Optional Contents; Signature*

(a) The request shall contain:

- (i) a petition,
- (ii) the title of the invention,
- (iii) indications concerning the applicant and the agent, if there is an agent;

~~(iv) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.~~

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

- (i) a priority claim,
- (ii) indications relating to an earlier search as provided in Rules 4.12(i) and 12bis.1(b) and (d),
- (iii) a reference to a parent application or parent patent,
- (iv) an indication of the applicant's choice of competent International Searching Authority.

(c) The request may contain:

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

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

- (iii) declarations as provided in Rule 4.17,
- (iv) a statement as provided in Rule 4.18,

*[Rule 4.1(c), continued]*

- (v) a request for restoration of the right of priority,
  - (vi) a statement as provided in Rule 4.12(ii).
- (d) The request shall be signed.

4.2 and 4.3 *[No change]*

4.4 *Names and Addresses*

(a) [No change] Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).

(b) [No change] Names of legal entities shall be indicated by their full, official designations.

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. ~~In order to allow rapid communication with the applicant, it is recommended to indicate any teleprinter address, telephone and facsimile machine numbers, or corresponding data for other like means of communication, of the applicant or, where applicable, the agent or the common representative.~~ An email address and telephone number shall be provided for at least one person to whom correspondence is to be addressed, being the agent, if appointed, or otherwise the applicant or common representative.

*[COMMENT: It does not appear to be necessary to retain a reference to facsimile numbers and corresponding data in paragraph (c). Rule 4.19 provides a basis for including fields for such data in the request form as optional matter, but facsimile communication is no longer recommended and if email address and telephone number are mandatory, there is no need to recommend any other communication details.]*

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

4.5 *[No change]*

4.6 *The Inventor*

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

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

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

4.7 to 4.19 *[No change]*

**Rule 45bis**  
**Supplementary International Searches**

*45bis.1 Supplementary Search Request*

(a) [No change]

(b) A request under paragraph (a) (“supplementary search request”) shall be submitted to the International Bureau and shall indicate:

(i) the name and address of the applicant and of the agent (if any), the title of the invention, the international filing date and the international application number; [Rule 4.4 shall apply mutatis mutandis](#);

(ii) the International Searching Authority that is requested to carry out the supplementary international search (“Authority specified for supplementary search”); and

(iii) where the international application was filed in a language which is not accepted by that Authority, whether any translation furnished to the receiving Office under Rule 12.3 or 12.4 is to form the basis of the supplementary international search.

(c) to (e) [No change]

*45bis.2 to 45bis.9 [No change]*

**Rule 92bis**  
**Recording of Changes in**  
**Certain Indications in the Request or the Demand**

*92bis.1 Recording of Changes by the International Bureau*

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

- (i) person, name, residence, nationality or address of the applicant,
- (ii) person, name or address of the agent, the common representative or the inventor.

provided that following the changes, an email address and telephone number remain available for at least one person to whom correspondence is to be addressed.

(b) ~~The~~ Subject to paragraph (c), the International Bureau shall not record the requested change if the request for recording is received by it after the expiration of 30 months from the priority date.

(c) The International Bureau shall, at any time, record a change to the person, address and/or communication details of the person to whom correspondence is to be addressed, being the agent, applicant or common representative, as applicable.

**Rule 94**  
**Access to Files**

94.1 *Access to the File Held by the International Bureau*

(a) At the request of the applicant or any person authorized by the applicant, the International Bureau shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

(b) The International Bureau shall, at the request of any person but not before the international publication of the international application and subject to Article 38 and ~~paragraphs (d) to (g)~~ [Rule 94.4](#), furnish copies of any document contained in its file. The furnishing of copies may be subject to reimbursement of the cost of the service.

(c) The International Bureau shall, if so requested by an elected Office, but not before the international preliminary examination report has been established, furnish on behalf of that Office copies under paragraph (b) of any document transmitted to it under Rule 71.1(a) or (b) by the International Preliminary Examining Authority. The International Bureau shall promptly publish details of any such request in the Gazette.

~~(d) The International Bureau shall not provide access to any information contained in its file which has been omitted from publication under Rule 48.2(l) and to any document contained in its file relating to a request under that Rule.~~

~~(e) Upon a reasoned request by the applicant, the International Bureau shall not provide access to any information contained in its file and to any document contained in its file relating to such a request, if it finds that:~~

~~(i) this information does not obviously serve the purpose of informing the public about the international application;~~

~~(ii) public access to such information would clearly prejudice the personal or economic interests of any person; and~~

~~(iii) there is no prevailing public interest to have access to that information.~~

~~Rule 26.4 shall apply mutatis mutandis as to the manner in which the applicant shall present the information which is the subject of a request made under this paragraph.~~

*[Rule 94.1, continued]*

~~(f) Where the International Bureau has omitted information from public access in accordance with paragraphs (d) or (e), and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, the International Bureau shall promptly notify that Office and Authority accordingly.~~

~~(g) The International Bureau shall not provide access to any document contained in its file which was prepared solely for internal use by the International Bureau.~~

*94.1 bis Access to the File Held by the Receiving Office*

(a) [No change] At the request of the applicant or any person authorized by the applicant, the receiving Office may provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) [No change] The receiving Office may, at the request of any person, but not before the international publication of the international application and subject to paragraph (c), provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(c) The receiving Office shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule ~~94.1(d) or (e)~~ [94.4\(a\) or \(b\)](#).

*94.1 ter Access to the File Held by the International Searching Authority*

(a) [No change] At the request of the applicant or any person authorized by the applicant, the International Searching Authority may provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) [No change] The International Searching Authority may, at the request of any person, but not before the international publication of the international application and subject to paragraph (c), provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

*[Rule 94.1ter, continued]*

(c) The International Searching Authority shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule ~~94.1(d) or (e)~~ [94.4\(a\) or \(b\)](#).

(d) [No change] Paragraphs (a) to (c) shall apply *mutatis mutandis* to the Authority specified for supplementary search.

94.2 *Access to the File Held by the International Preliminary Examining Authority*

(a) [No change] At the request of the applicant or any person authorized by the applicant, the International Preliminary Examining Authority shall provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) [No change] At the request of any elected Office, but not before the establishment of the international preliminary examination report and subject to paragraph (c), the International Preliminary Examining Authority shall provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(c) The International Preliminary Examining Authority shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule ~~94.1(d) or (e)~~ [94.4\(a\) or \(b\)](#).

94.2bis and 94.3 *[No change]*

[94.4 \*Exceptions to Access to File\*](#)

[\(a\) \*\[Moved from Rule 94.1\(d\)\] The International Bureau shall not provide access to any information contained in its file which has been omitted from publication under Rule 48.2\(l\) and to any document contained in its file relating to a request under that Rule.\*](#)

[\(b\) \*\[Moved from Rule 94.1\(e\)\] Upon a reasoned request by the applicant, the International Bureau shall not provide access to any information contained in its file and to any document contained in its file relating to such a request, if it finds that:\*](#)

[\(i\) \*this information does not obviously serve the purpose of informing the public about the international application;\*](#)

*[Rule 94.4(b), continued]*

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

(iii) there is no prevailing public interest to have access to that information.

Rule 26.4 shall apply *mutatis mutandis* as to the manner in which the applicant shall present the information which is the subject of a request made under this paragraph.

(c) [Moved from Rule 94.1(f) with consequential changes to paragraph references] Where the International Bureau has omitted information from public access in accordance with paragraphs (a) or (b), and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, the International Bureau shall promptly notify that Office and Authority accordingly.

(d) [Moved from Rule 94.1(g)] The International Bureau shall not provide access to any document contained in its file which was prepared solely for internal use by the International Bureau.

(e) The Administrative Instructions may provide for measures to exclude from public access references to the following personal data, provided that said data shall be made available to the receiving Office, International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority, and designated and elected Offices:

(i) the email address, telephone number, or corresponding data for other like means of communication, of any applicant, inventor or agent; and

*[COMMENT: The reference to the inventor does not appear strictly to be needed at present since none of the current forms or declarations contain spaces for email addresses, telephone or fax numbers to be provided. Nevertheless, it is proposed to list inventors as well as applicants and agents in this rule to emphasize that this is a sensitive type of personal data that should be protected if future modifications to the Administrative Instructions resulted in the possibility of such data being provided.]*

(ii) the postal address of any applicant, inventor or agent provided that means of contact shall be publicly available for at least one agent or, if none, applicant.

[End of Annex and of document]