

Patent Cooperation Treaty (PCT) Working Group

Eighteenth Session
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FILING MEDIUM OF INTERNATIONAL APPLICATIONS: CONSEQUENTIAL AMENDMENT

Document prepared by the International Bureau

BACKGROUND

1. Following discussions at the seventeenth session of the Working Group (see document PCT/WG/17/15 and paragraphs 15 and 16 of document PCT/WG/17/21), the Assembly of the PCT Union adopted amendments to PCT Rule 89*bis*, permitting a receiving Office to specify that it will only receive international applications and subsequently filed documents in electronic form. The amendments will come into force July 1, 2025.
2. Rule 89*bis*.1(d-*ter*) allows a receiving Office to specify that any application filed on paper must be resubmitted by electronic means within two months from the date of an invitation by the Office. If the electronic copy is not timely received, the international application shall be considered withdrawn.
3. It has been noted that in other cases where applications are considered withdrawn, further steps to be taken by the receiving Office (as well as steps not to be taken by the receiving Office and International Bureau) are specified in Rule 29. The same steps should apply in the case referred to in Rule 89*bis*.1(d-*ter*).

PROPOSAL

4. Annex I sets out proposed amendments to PCT Rule 29 to clarify that an application considered withdrawn under Rule 89*bis*.1(d-*ter*) will be treated in the same way as an application considered withdrawn for any other reason. The receiving Office could decide whether to transmit the record copy on paper or to scan it and transmit it electronically.

Relevant portions of Rule 89*bis*.1 as in force from July 1, 2025, are included for ease of reference.

5. The Working Group is invited to consider the proposed amendments to the PCT Regulations set out in the Annex to document PCT/WG/18/19.

[Annex follows]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS¹

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¹ Proposed additions are indicated by underlining the text concerned.

Rule 29

International Applications Considered Withdrawn

29.1 *Finding by Receiving Office*

If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d), 12.4(d) or 26.3~~ter~~ (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), [or under Rule 89bis.1\(d-ter\) \(failure to resubmit a copy of an international application by electronic means\)](#), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

- (i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant, to the International Bureau;
- (ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify each designated Office which has already been notified of its designation;
- (iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;
- (iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy;
- (v) no international publication of the international application shall be effected if the notification of the said declaration transmitted by the receiving Office reaches the International Bureau before the technical preparations for international publication have been completed.

29.2 *[Remains deleted]*

29.3 and 29.4 *[No change]*

Rule 89bis
Filing, Processing and Communication
of International Applications and Other Documents
in Electronic Form or by Electronic Means

89bis.1 [No change] *International Applications*

(a) [No change] International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions.

(b) to (d) [No change]

(d-bis) [No change] A national Office or intergovernmental organization, other than the International Bureau, that has made a notification under paragraph (d) may notify the International Bureau that it will only receive international applications if they are filed in electronic form or by electronic means. The International Bureau shall publish a notification made under this paragraph in the Gazette.

(d-ter) [No change] A national Office or intergovernmental organization that has made a notification under paragraph (d) but not paragraph (d-bis) may notify the International Bureau that any application filed on paper must be resubmitted by electronic means within two months from the date of an invitation by such Office or organization. If corresponding documents are not timely received, the international application shall be considered withdrawn and the receiving Office shall so declare. The International Bureau shall publish a notification made under this paragraph in the Gazette.

(e) [No change]

89bis.2 [No change] *Other Documents*

[No change] Rule 89bis.1 shall apply *mutatis mutandis* to other documents and correspondence relating to international applications, provided that, where a national Office or intergovernmental organization has made a notification under Rule 89bis.1(d-ter), any such documents or correspondence filed on paper and not resubmitted by electronic means within two months from the date of a corresponding invitation shall be disregarded.

89bis.3 [No change]

[End of Annex and of document]