

## ESTABLISHING EQUIVALENT AMOUNTS FOR PCT FEES

1. This non-paper contains revised draft directives of the PCT Assembly relating to the establishment of equivalent amounts of certain fees.
2. It is proposed that these Directives be recommended to the PCT Union Assembly, together with a recommendation that they be reviewed following a year of experience of the setting of equivalent amounts and exchange of associated information, with a view to validating the systems provided to assist the setting of equivalent amounts and distributing information on them, as well as seeking further reductions in time between setting an equivalent amount and its entry into force.
3. Paragraph (3) is shown in square brackets, as is a corresponding reference in paragraph (6). These texts would be deleted and the paragraphs and references renumbered if it is agreed that equivalent amounts should not be established annually.

### DRAFT DIRECTIVES OF THE PCT ASSEMBLY RELATING TO THE ESTABLISHMENT OF EQUIVALENT AMOUNTS OF CERTAIN FEES<sup>1</sup>

The Assembly establishes in the following terms the directives relating to the establishment of equivalent amounts of the international filing fee, the handling fee, the search fee and the supplementary search fee (see Rules 15.2(d)(i), 16.1(d)(i), 45bis.3(b) and 57.2(d)(i)), it being understood that, in the light of experience, the Assembly may at any time modify these directives:

#### *Establishment of Equivalent Amounts*

- (1) The equivalent amounts in prescribed currencies of the international filing fee and the handling fee in any currency other than Swiss franc, and of the search fee and the supplementary search fee in any currency other than the fixed currency, shall be established by the Director General in accordance with these directives.
- (2) The amounts so established shall be the equivalent, in round figures,
  - (i) of the amount of the international filing fee and of the handling fee, respectively, in Swiss franc set out in the Schedule of Fees;
  - (ii) of the amount of the search fee and the supplementary search fee (if applicable) established by the International Searching Authority in the fixed currency.

They shall be notified by the International Bureau to each receiving Office, International Searching Authority and International Preliminary Examining Authority, as applicable, prescribing payment or establishing fees in the currency concerned and shall be published in the Gazette.

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<sup>1</sup> Changes are shown using underline and strikeout compared to the directives in force since July 1, 2010.

*[Annual Establishment of New Equivalent Amounts*

(3) On the final Monday of **October** each year, the Director General shall establish new equivalent amounts of the international filing fee, the handling fee, the search fee and the supplementary search fee according to the exchange rates prevailing at midday Geneva time on that day. Unless otherwise decided by the Director General, any adjustment under this paragraph shall enter into force on the first day of the subsequent calendar year.]

*Establishment of New Equivalent Amounts Consequential on Changes in Exchange Rates*

(4) Where, for four consecutive Mondays (midday, Geneva time), the exchange rate between Swiss franc (in the case of the international filing fee and the handling fee) or the fixed currency (in the case of the search fee and the supplementary search fee) and any applicable prescribed currency is by at least 5% higher, or by at least 5% lower, than the last exchange rate applied, the Director General shall establish new equivalent amounts of the international filing fee, the search fee, the supplementary search fee and/or the handling fee, as applicable, according to the exchange rate prevailing at midday on the final Monday. The newly established amount shall become applicable **eight** weeks after the date of its establishment.

*Establishment of New Equivalent Amounts Consequential on Changes in the Amount of the Fee Concerned*

(5) Where the amount of the international filing fee or the handling fee in Swiss francs, or the amount of the search fee or the supplementary search fee in the fixed currency, is changed, the Director General shall establish equivalent amounts in the prescribed currencies according to the exchange rates prevailing at midday Geneva time on the Monday on or immediately preceding the day **eight** weeks before the entry into force of the new amount, or the Monday immediately preceding receipt of the notification of the new fee amount, whichever is the later. The newly established equivalent amount shall become applicable on the same date as the change in the amount in Swiss francs (in the case of the international filing fee or handling fee) or in the fixed currency (in the case of the search fee or the supplementary search fee) unless the Director General decides otherwise in the case where a notification is received less than **eight** weeks before entry into force of the new amount.

*Changes for Short Periods*

(6) The Director General may decide not to **establish a new equivalent amount in accordance with paragraph (4), above if a new amount of the international filing fee or the handling fee in Swiss francs, or of the search fee or supplementary search fee in the fixed currency has been set or notified to him, which would cause the new equivalent amount to be superseded less than four weeks after it would otherwise have entered into force by a new equivalent amount established under paragraph [(3) or] (5).**

[End]