

PROPOSAL TO TRANSMIT THE COPY OF THE NOTIFICATION OF WITHDRAWAL
(FORM PCT/RO/136) TO THE APPLICANT

1. This non-paper contains draft modifications the Administrative Instructions and the PCT Receiving Office Guidelines concerning the procedure for notifying applicants of withdrawals by the receiving Office.
2. Compared with the proposal contained in document PCT/WG/18/10, the main changes in the revised draft modifications are as follows:
 - (a) It is proposed to modify section 326 of the Administrative Instructions and Chapter XVII of the PCT Receiving Office Guidelines to provide more support for receiving Offices that are willing to notify applicants of the processing of the withdrawal request and clarify the legal basis for receiving Offices to provide this service. The specific changes have been highlighted.
 - (b) No changes will be made to any forms, including Form PCT/RO/136, at this session. receiving Offices willing to provide notification services may use Form PCT/RO/132 for this purpose or otherwise communicate separately with the applicant on this matter.

DRAFT MODIFICATIONS TO THE ADMINISTRATIVE INSTRUCTIONS
UNDER THE PATENT COOPERATION TREATY

Section 326

Withdrawal by Applicant under Rule 90*bis*.1, 90*bis*.2 or 90*bis*.3

- (a) The receiving Office shall promptly transmit to the International Bureau any notice from the applicant effecting withdrawal of the international application under Rule 90*bis*.1, of a designation under Rule 90*bis*.2 or of a priority claim under Rule 90*bis*.3 which has been filed with it together with an indication of the date of receipt of the notice. [If the receiving Office so wishes, it may inform the applicant of the processing status at the same time.](#) If the record copy has not yet been sent to the International Bureau, the receiving Office shall transmit the said notice together with the record copy.
- (b) to (d) *[No change]*

DRAFT MODIFICATIONS TO THE PCT RECEIVING OFFICE GUIDELINES

CHAPTER XVII WITHDRAWAL OF THE INTERNATIONAL APPLICATION, ANY DESIGNATION OR ANY PRIORITY CLAIM

Receipt of Notice Effecting Withdrawal of the International Application, Any Designation or Any Priority Claim under Rule 90bis.1, 90bis.2 or 90bis.3

314 to 321. *[No change]*

Transmittal of Notice Effecting Withdrawal

322. The receiving Office promptly transmits to the International Bureau any notice effecting a withdrawal under Rule 90bis.1, 90bis.2 or 90bis.3 (Form PCT/RO/136), of any notice effecting a withdrawal of kinds of protection (Form PCT/RO/132), with an indication of the date of receipt of the notice. If the receiving Office so wishes, it may inform the applicant of the processing status at the same time. If the record copy has not yet been transmitted to the International Bureau, the receiving Office transmits the notice of withdrawal to that Bureau together with the record copy (Section 326(a)). In the case of a withdrawal of the international application or of the (earliest) priority claim, it is often the applicant's intention to prevent or postpone international publication of the application. In such cases, the receiving Office must take into account the fact that the International Bureau will only be in a position to prevent or postpone that publication if the notice of withdrawal reaches it before technical preparations for international publication have been completed. In urgent cases, it is strongly recommended that the receiving Office send the notice of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the upload service is available at www.wipo.int/pct/en/epct/contingencyupload.html.

323 to 324. *[No change]*

[End]