

OFFICE ORDER NO. 13

Series of 2002

SUBJECT : AMENDMENT TO THE PHILIPPINE RULES ON PCT APPLICATIONS

WHEREAS, the Patent Cooperation Treaty (PCT) is, largely, a treaty for rationalization and cooperation among contracting states with regard to the filing, searching and examination of patent applications and the dissemination of the technical information contained therein;

WHEREAS, the thirteenth (13th) ordinary session of the Patent Cooperation Treaty Assembly held from 24 September to 03 October 2001 adopted the modification of Article 22 (1) of the treaty in which the time limit for performing the acts necessary to enter the national phase is changed from 20 to 30 months from the priority date effective 01 April 2002;

NOW, therefore, in view of the foregoing, the Philippine Rules on PCT Applications or "PRO-PCT" are hereby amended, as follows:

Section 1. Rule 35 is hereby amended to read, as follows:

Rule 35. Entry Into National Phase. - (a) An international application enters the national phase when the applicant furnishes IPO a copy of the international application in English (unless already transmitted by the IB), or, if the application was filed in another language, its English translation not later than thirty (30) months from the priority date based on PCT Article 22 (1) and PCT Article 39 (1) (a).

Subject to the payment of an extension fee for late entry equal to fifty percent (50%) of the filing fee prescribed in the IPO Fee Structure, the entry into the national phase may be extended by one (1) month.

(b) The filing fee prescribed in the IPO fee structure shall be paid within one (1) month from the date of entry into the national phase; provided that an international application which claims the priority of an earlier Philippine national application shall be exempt from payment of the filing fee. If the applicant fails to pay the filing fee as herein provided, the application shall be deemed withdrawn in the Philippines.

(c) The translation of the international application, as filed, referred to in paragraph (a) shall include a translation into English of:

(1) the description;

(2) the claims as filed and, where applicable, as amended under PCT Article 19;

(3) any text matter of the drawings;

(4) the abstract; and

(5) where applicable, amendments to the description, claims or drawings under PCT Article 34, as contained in the annexes to the international preliminary examination report.

If the translation of the amendments under PCT Article 19 or PCT Article 34, as the case may be, is not included, those amendments will be considered cancelled.

(d) During the national phase, and at anytime before a patent is granted or refused on the international application, the applicant may present amendments to the specification, claims and drawings in accordance with the IP Code and its implementing rules and regulations.

Section 2. Filing of Certified Copies. - Mrs. Salvacion Calaycay, Records Officer III, is hereby directed to immediately file three (3) certified copies of this Rule with the University of the Philippines Law Center, and, one (1) certified copy each with the Office of the President, the Senate of the Philippines, the House of Representatives, the Supreme Court of the Philippines, and the National Library.

Section 3. Effectivity. - This amendment shall take effect on 01 April 2002 after publication in the IPO website and in a newspaper of general circulation not later than 15 March 2002.

Done in the City of Makati, this 14th day of February, 2002.

Recommending Approval: Approved:

(Sgd.) EPIFANIO M. EVASCO (Sgd.) EMMA C. FRANCISCO

Director of Patents Director General