

Chapter IV – Correction of defects and errors

1. Substitute sheets (Rule 26)

If the RO finds defects under Art. 14(1)(a), it invites the applicant to correct them by submitting replacement sheets which will be stamped "SUBSTITUTE SHEET (RULE 26)", and these will retain the original filing date if submitted within the set time limit.

Art. 14

Rule 26

PCT AI Section 325

2. Request for rectification of obvious mistakes in the application documents (Rule 91)

2.1 Introduction

An applicant can request authorisation to rectify obvious mistakes in the international application. Rectification is authorised on condition that:

Rule 91.1(a),

Rule 91.1(c)

GL/ISPE 8.01

- (i) the mistake is obvious to the skilled person, i.e. that something else was intended than what appears in the document concerned, and
- (ii) the rectification is obvious to the skilled person, i.e. that nothing else could have been intended than the proposed correction.

The applicant may submit a request for rectification of an obvious mistake in the description, claims and drawings (not the abstract) of the international application (including amended documents) to the ISA or the IPEA, which is the competent body to authorise or refuse such rectification. If the obvious mistake is related to the request form (PCT/RO/101), it is the RO which authorises or refuses the rectification.

Rule 91.1(b)(ii)

Rule 91.1(b)(iii)

2.2 Authorisation or refusal of the request for rectification of obvious mistakes in the application documents

In order to determine whether the request for rectification of obvious mistakes can be authorised, the examiner should check that the time limit for requesting rectification has not expired. The request for rectification can only be considered if it is filed with the competent authority within 26 months from the priority date.

Rule 91.2

If the request is too late, it is refused on that ground.

If the request is in time, the examiner must check whether the requested rectifications satisfy the above criteria (i) and (ii) (see GL/PCT-EPO H-IV, 2.1).

- If one or both of the criteria (i) and (ii) are not satisfied, the examiner will not authorise the request and will indicate the reasons.
- If the request is authorised, no reasons need to be given. The fact that a rectification of an obvious mistake has been taken into account will be indicated in the WO-ISA, WO-IPEA (Form 408) or IPER (Form 409) under Section I.