

4. Applicant's entitlement to file a demand

Art. 31(2), Rules 18.1 and 54

The demand should contain the name and the address (including postal code and name of the country) of the applicant, the state of nationality and the state of residence.

Sole applicants must have their residence in, or be a national of, a PCT contracting state bound by PCT Chapter II. If there is more than one applicant, at least one of the applicants has to fulfil these requirements. Secondly, the international application must have been filed with a receiving Office of or acting for a PCT contracting state bound by PCT Chapter II. At present, all PCT contracting states are bound by PCT Chapter II. Therefore, these requirements do not stand in the way of any applicant wishing to file a demand for a pending international application.

5. Representation

Rule 90
Art. 31(2), Rule 54

The demand should indicate the agent or common representative who has been appointed by the applicant(s) or a sub-agent who has been appointed by an agent appointed under Rule 90.1(a) ("the agent for the international phase").

Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for the agent.

If there are two or more applicants and no common agent or common representative is appointed, all correspondence will be sent to the first-named applicant who has the right to file an international application with the receiving Office concerned, as he will be considered to be the common representative ("deemed common representative").

6. Election of states

Art. 37, Rule 53.7
GL/ISPE 22.11

The filing of the demand constitutes the election of all contracting states which are designated and are bound by Chapter II of the PCT.

7. Signature

Rules 53.8, 90.3(a), 90.4(a) and (b)

The demand must be signed either by all the applicants or by the (common) agent or the common representative.

8. Basis for international preliminary examination

Art. 19 and 34 PCT
Applicant's Guide
Int. Phase, Annex E
Rule 66

The preliminary examination is based on the international application either as filed or as amended under Article 19 or 34 (see also GL/PCT-EPO C-III).

The applicant must indicate on which basis he wishes the IPEA to start the international preliminary examination – the application as originally filed or with amendments (Article 19 or Article 34); any translations; any comments about the WO-ISA (indexed ISOREPLY) or about the ISR; a sequence listing in the language of the IPE where applicable.

Rule 58.1 and 58.3

Additionally, a fee for preliminary examination and a handling fee are to be paid (see GL/PCT-EPO A-III, 7.1 and 7.2).