

**[IPO OFFICE ORDER NO. 13, FEBRUARY 14, 2002,
February 14, 2002]**

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 If the applicant fails to pay the filing fee as herein provided, the application shall be deemed withdrawn in the Philippines.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;