

**AMENDMENTS TO THE REGULATIONS
UNDER THE PATENT COOPERATION TREATY (PCT)**

Adopted on October 8, 2021, by the Assembly of the International Patent Cooperation Union (PCT Union) at its Fifty-Third (23rd Ordinary) Session held from October 4 to 8, 2021, with effect from July 1, 2022

**Rule 5
The Description**

5.1 [No Change]

5.2 Nucleotide and/or Amino Acid Sequence Disclosure

- (a) Where the international application contains disclosure of nucleotide and/or amino acid sequences that, pursuant to the Administrative Instructions, are required to be included in a sequence listing, the description shall include a sequence listing part of the description complying with the standard provided for in the Administrative Instructions.
- (b) Language-dependent free text included in the sequence listing part of the description shall not be required to be included in the main body of the description.

**Rule 12
Language of the International Application and Translations for the Purposes of
International Search and International Publication**

12.1 Languages Accepted for the Filing of International Applications

(a) to (c) [No change]

- (d) Notwithstanding paragraph (a), any language-dependent free text contained in the sequence listing part of the description shall be filed in a language which the receiving Office accepts for that purpose. Any language accepted under this paragraph but not accepted under paragraph (a) shall meet the requirements of paragraph (b). The receiving Office may permit but shall not require the language-dependent free text to be filed in more than one language in accordance with the Administrative Instructions.

12.1bis to 12.2 [No change]

12.3 Translation for the Purposes of International Search

(a) [No change]

- (a-bis) For any sequence listing part of the description, paragraph (a) shall only apply to the language-dependent free text; any translation of the language-dependent free text shall be provided in accordance with the Administrative Instructions.

(b) Paragraph (a) shall not apply to the request.

(c) to (e) [No change]

12.4 Translation for the Purposes of International Publication

(a) [No change]

(a-bis) For any sequence listing part of the description, paragraph (a) shall only apply to the language-dependent free text; any translation of the language-dependent free text shall be provided in accordance with the Administrative Instructions.

(b) Paragraph (a) shall not apply to the request.

(c) to (e) [No change]

Rule 13ter **Nucleotide and/or Amino Acid Sequence Listings**

13ter.1 Procedure before the International Searching Authority

(a) Where the international application contains disclosure of nucleotide and/or amino acid sequences that, pursuant to the Administrative Instructions, are required to be included in a sequence listing, the International Searching Authority may invite the applicant to furnish to it, for the purposes of the international search, a sequence listing complying with the standard provided for in the Administrative Instructions, unless such listing is already available to it in a form, language and manner acceptable to it, and to pay to it, where applicable, the late furnishing fee referred to in paragraph (c), within a time limit fixed in the invitation.

(b) [Deleted]

(c) The furnishing of a sequence listing in response to an invitation under paragraph (a) may be subjected by the International Searching Authority to the payment to it, for its own benefit, of a late furnishing fee whose amount shall be determined by the International Searching Authority but shall not exceed 25 % of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

(d) If the applicant does not, within the time limit fixed in the invitation under paragraph (a), furnish the required sequence listing and pay any required late furnishing fee, the International Searching Authority shall only be required to search the international application to the extent that a meaningful search can be carried out without the sequence listing.

(e) Any sequence listing not contained in the international application as filed, whether furnished in response to an invitation under paragraph (a) or otherwise, shall not form part of the international application, but this paragraph shall not prevent the applicant from amending the description in relation to a sequence listing pursuant to Article 34(2)(b).

(f) [Deleted]

13ter.2 and 13ter.3 [No Change]

Rule 19
The Competent Receiving Office

19.1 to 19.3 [No change]

19.4 Transmittal to the International Bureau as Receiving Office

- (a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty but
 - (i) that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, or
 - (ii) that international application is not in a language accepted under Rule 12.1(a) or the language dependent free text contained within the sequence listing part of the description is not in a language accepted under Rule 12.1(d) by that national Office but is in a language accepted under that Rule by the International Bureau as receiving Office, or
 - (ii-bis) all or part of the international application is filed in electronic form in a format not accepted by that national Office, or
 - (iii) that national Office and the International Bureau agree, for any reason other than those specified under items (i), (ii) and (ii-bis), and with the authorization of the applicant, that the procedure under this Rule should apply, that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) and (c) [No change]

Rule 49
Copy, Translation and Fee under Article 22

49.1 to 49.4 [No change]

49.5 Contents of and Physical Requirements for the Translation

(a) [No change]

(a-bis) No designated Office shall require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such sequence listing part complies with Rule 12.1(d) and includes the language-dependent free text in a language which the designated Office accepts for the purpose, save that a designated Office which supplies published sequence listings to database providers may require a translation of the sequence listing part of the description into English, in accordance with the Administrative Instructions, where the language-dependent free text is not included in English.

(b) to (l) [No change]

49.6 [No change]

Rule 82quater
Excuse of Delay in Meeting Time Limits and Extension of Time Limits

82quater.1 Excuse of Delay in Meeting Time Limits

- (a) Any interested party may offer evidence that a time limit fixed in the Regulations for performing an action before the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau was not met due to war, revolution, civil disorder, strike, natural calamity, epidemic, a general unavailability of electronic communications services or other like reason in the locality where the interested party resides, has his place of business or is staying, and that the relevant action was taken as soon as reasonably possible.
- (b) and (c) [No change]
- (d) The need for evidence may be waived by the Office, Authority or the International Bureau under the conditions set and published by that Office, Authority or the International Bureau, as the case may be. In such case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the Office, Authority or the International Bureau waived the requirement concerning the submission of evidence. The Office or Authority shall notify the International Bureau accordingly.

82quater.2 [No change]

82quater.3 Extension of Time Limits due to General Disruption

- (a) Any receiving Office, International Searching Authority, Authority specified for supplementary search, International Preliminary Examining Authority or the International Bureau may establish a period of extension such that time limits fixed in the Regulations within which a party has to perform an action before that Office, Authority or International Bureau may be extended when the State in which it is located is experiencing a general disruption caused by an event listed in Rule 82quater.1(a) which affects the operations at the said Office, Authority or International Bureau thereby interfering with the ability of parties to perform actions before that Office, Authority or International Bureau within the time limits fixed in the Regulations. The Office, Authority or the International Bureau shall publish the commencement and the end date of any such period of extension. The period of extension shall not be longer than two months from the date of commencement. The Office or Authority shall notify the International Bureau accordingly.
- (b) After establishing a period of extension under paragraph (a), the Office, Authority or the International Bureau concerned may establish additional periods of extension, if necessary under the circumstances. In that case, paragraph (a) applies *mutatis mutandis*.
- (c) The extension of a time limit under paragraph (a) or (b) need not be taken into account by any designated or elected Office if, at the time the information referred to in paragraph (a) or (b) is published, national processing before that Office has started.