

Fax replaced by Contingency Upload Service for PCT applications

The International Bureau of WIPO is discontinuing fax services for PCT applications at the end of 2019, as reported in the *CIPA Journal* in October 2018. Originally WIPO had intended to end the fax service in December 2018, but this was pushed back. The reason for this was to allow time to ensure that the new Contingency Upload Service, something that CIPA was successful in pushing for. The Contingency Upload Service is now operational and has been tested by CIPA, as reported below.

The new Contingency Upload Service allows the applicant (or their agent) to upload PDF documents, including new international applications and/or post-filing documents, without having to create or sign in to a WIPO account. The service provides for the secure electronic transmission of documents, but without any of the additional benefits and validations offered by the ePCT system. This service offers an alternative filing means (where

fax could previously have been used) in the unlikely event that ePCT is unavailable for technical reasons. In that event, a direct link to the Contingency Upload Service, in its role as “contingency solution” will be available on the ePCT welcome page. WIPO strongly encourages applicants to use ePCT in preference of the Contingency Upload Service to benefit from pre-filled bibliographic data and business validations built in to the system. Furthermore, using the Contingency Upload Service leads to a reduced fee reduction for filing an international application and the submission will also not be automatically indexed and incorporated into the file, which will result in slower processing of the submission and in a limited ability for the applicant to monitor the status of the file in real time in ePCT.

Testing

The Contingency Upload Service has a testing feature available, which CIPA has made use of to report on. In order to use

the service, a user is first asked to confirm his or her email address. Next, one has to add contact details and specify document type, which can be either a general correspondence or a new international application. The user then has to fill in applicant file reference and the title of the invention and attach a document. It is possible to review the document after it has been uploaded, but it appears that it is currently only possible to upload a single document when filing a new international application. There is then a box in which to type your cover letter. Finally, the applicant can choose the option of text, image or signed document for signature, before uploading. An email confirmation providing a time of receipt of filing is provided. This email does not include a copy of the documents that are uploaded. The service worked smoothly when tested and was simple to navigate. □

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Manual of Patent Practice updates

The October 2019 changes that have been incorporated into the latest version of the Manual of Patent Practice are listed below. The updated table of changes can be viewed on the gov.uk website, see www.gov.uk/guidance/manual-of-patent-practice-mopp.

Paragraphs	Update
21	A whole chapter review of 21 has been undertaken to more clearly set out office practice with respect to third-party observations. Corresponding revisions have been made throughout the manual to ensure references are correct.
2.27.1	Updated to include <i>Emson v Hozelock Ltd & Others</i> [2019] EWHC 991 (Pat)
3.87.2	Updated in light of <i>Actavis Group PTC EHF v ICOS Corporation & Ors</i> [2019] UKSC 15
17.106 – 108	Updated to clarify office practice when there is doubt as to the presence of plurality in a claim set.
39.11	Updated to include <i>Prosyscor Ltd v Netsweeper Inc & Ors</i> [2019] EWHC 1302 (IPEC)
SPM3.04.2	Updated in light of <i>C-354/19 Novartis AG v Patent-och registreringsverket (PRV)</i>