



MEMORANDUM CIRCULAR NO. PCT- 2013-09

TO : **All Concerned**

SUBJECT : **Small Entity and Micro Entity Fees for the ISA/US**

DATE : **December 18, 2013**

The United States Patent and Trademark Office (USPTO) has notified new amounts of the search fee in USD payable to it as International Searching Authority (ISA). These amounts, applicable from January 1, 2014, are as follows:

Search Fee	Previous Amount	New Amount
For other than a small or micro entity	USD 2,080	USD 2,080 (No adjustment)
For a small entity	-----	USD 1,040
For a micro entity	-----	USD 520

An international application filed on or after January 1, 2014 may be entitled to a reduced search fee for an international search to be performed by the ISA/US if the applicant/s can establish micro or small entity status.

The new amounts were published in the Official Notices (PCT Gazette) on November 21, 2013.

For your information and guidance.


EPIFANIO M. EVASCO
Director, Bureau of Patents

Noted:


NELSON P. LALUCES
Deputy Director General

Attachment: *Edited version of the "Applicability of Small Entity and Micro Entity Fees for the ISA/US (November 12, 2013)" document provided by the USPTO*
Certification of Micro Entity Status (Gross Income Basis) Form
Certification of Micro Entity Status (Institution of Higher Education Basis) Form

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APPLICABILITY OF SMALL ENTITY AND MICRO ENTITY FEES FOR THE ISA/US

I. SMALL ENTITY STATUS

A. Small entity status may be established by payment of the small entity fee amount of the search fee.

B. Small entity status may be established by a written assertion of entitlement to small entity status, such as "I claim small entity status," which may be a separate document or asserted on a form. A written assertion of small entity status must be signed by the applicant; the inventor or a joint inventor, if the inventor is the applicant; or, the assignee.

II. MICRO ENTITY STATUS

A. Micro entity status MAY NOT be established by payment of the micro entity fee amount.

B. Certification of entitlement to micro entity status must be made prior to payment of the micro entity fee. The certification must be signed by the applicant; or, in an international application filed in a Receiving Office other than the RO/US, by a person authorized to represent the applicant before the other Receiving Office. The certification is to be based on the following:

CERTIFICATION OF MICRO ENTITY STATUS ON GROSS INCOME BASIS

The applicant certifies the following:

(1) SMALL ENTITY REQUIREMENT – The applicant qualifies as a small entity as defined in 37 CFR 1.27.

(2) APPLICATION FILING LIMIT – Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights or is obligated to assign all ownership rights as a result of the applicant's previous employment.

(3) GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS – Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

(4) GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST" – Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

EXAMPLE: The gross income limit for September 17, 2013 is \$153,051.

NOTE: Form PTO/SB/15A may be used for this purpose.

CERTIFICATION OF MICRO ENTITY STATUS ON BASIS OF EMPLOYMENT BY AN INSTITUTION OF HIGHER EDUCATION

The applicant certifies the following:

(1) The applicant qualifies as a small entity as defined in 37 CFR 1.27.

(2) The applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

NOTE: Form PTO/SB/15B may be used for this purpose.

CERTIFICATION OF MICRO ENTITY STATUS ON BASIS OF ASSIGNMENT OR OBLIGATION TO ASSIGN TO AN INSTITUTION OF HIGHER EDUCATION

The applicant certifies the following:

- (1) The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) The applicant has assigned, granted, conveyed, or is under an obligation by contract or law, to assign, grant, or convey, a license or other ownership interest in the particular application to an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

NOTE: Form PTO/SB/15B may be used for this purpose.

CERTIFICATION OF MICRO ENTITY STATUS ON BASIS OF EMPLOYMENT BY AN INSTITUTION OF HIGHER EDUCATION

The applicant certifies the following:

- (1) The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) The applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

NOTE: Form PTO/SB/15B may be used for this purpose.

CERTIFICATION OF MICRO ENTITY STATUS ON BASIS OF ASSIGNMENT OR OBLIGATION TO ASSIGN TO AN INSTITUTION OF HIGHER EDUCATION

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- (1) The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) The applicant has assigned, granted, conveyed, or is under an obligation by contract or law, to assign, grant, or convey, a license or other ownership interest in the particular application to an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

NOTE: Form PTO/SB/15B may be used for this purpose.

CERTIFICATION OF MICRO ENTITY STATUS
(GROSS INCOME BASIS)

Application Number or Control Number (if applicable):	Patent Number (if applicable):
First Named Inventor:	Title of Invention:

The applicant hereby certifies the following—

- (1) **SMALL ENTITY REQUIREMENT** - The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) **APPLICATION FILING LIMIT** - Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights or is obligated to assign all ownership rights as a result of the applicant's previous employment.
- (3) **GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS** - Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.
- (4) **GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST"** - Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

SIGNATURE by a party set forth in 37 CFR 1.33(b)

Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. Additional certification form(s) signed by the other joint inventor(s) are included with this form.				

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CERTIFICATION OF MICRO ENTITY STATUS (INSTITUTION OF HIGHER EDUCATION BASIS)					
Application Number or Control Number (if applicable):			Patent Number (if applicable):		
First Named Inventor:			Title of Invention:		
CERTIFICATION ON THE BASIS OF EMPLOYMENT BY AN INSTITUTION OF HIGHER EDUCATION The applicant hereby certifies the following— The applicant qualifies as a small entity as defined in 37 CFR 1.27. The applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).					
SIGNATURE by a party set forth in 37 CFR 1.33(b)					
Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. Additional certification form(s) signed by the other joint inventor(s) are included with this form.				
CERTIFICATION ON THE BASIS OF ASSIGNMENT OR OBLIGATION TO ASSIGN TO AN INSTITUTION OF HIGHER EDUCATION The applicant hereby certifies the following— The applicant qualifies as a small entity as defined in 37 CFR 1.27. The applicant has assigned, granted, conveyed, or is under an obligation by contract or law, to assign, grant, or convey, a license or other ownership interest in the particular application to an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).					
SIGNATURE by a party set forth in 37 CFR 1.33(b)					
Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. Additional certification form(s) signed by the other joint inventor(s) are included with this form.				

NOTE: A signed copy of this "institution of higher education basis" micro entity certification form (PTO/SB/15B) filed together with a signed copy of the "gross income basis" micro entity certification form (PTO/SB/15A) will be taken to be a representation that any inventor or person applying for a patent as provided in 37 CFR 1.46 not qualifying on the "gross income basis" qualifies on the "institution of higher education basis."

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

OFFICIAL NOTICES (PCT GAZETTE)

21 November 2013

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The publication Official Notices (PCT Gazette) is part of the Gazette published by the International Bureau of the World Intellectual Property Organization in accordance with Article 55(4) of the Patent Cooperation Treaty (PCT) and Rule 86 of the Regulations under the PCT.

INFORMATION ON CONTRACTING STATES

CR Costa Rica

The **Registry of Industrial Property (Costa Rica)** has notified changes in its location and mailing address and in its e-mail and Internet addresses, which are now as follows:

Location and mailing address:	Apartado postal 523 2010 Zapote San José Costa Rica
E-mail:	cmena@rnp.go.cr kquesada@rnp.go.cr
Internet:	www.rnpdigital.com/ propiedad_industrial/index.htm

[Updating of Annex B1(CR) of the *PCT Applicant's Guide*]

FEES PAYABLE UNDER THE PCT

US United States of America

The **United States Patent and Trademark Office (USPTO)** has notified new amounts of the transmittal fee (PCT Rule 14), in **US dollar (USD)**, payable to it as receiving Office. These amounts, applicable from 1 January 2014, are as follows:

For other than a small or micro entity:	USD 240 ¹
For a small entity: ²	USD 120 ³
For a micro entity: ⁴	USD 60 ⁵

[Updating of Annex C(US) of the *PCT Applicant's Guide*]

¹ In addition, there is a non-electronic filing fee applicable to international applications filed other than by the Office electronic filing system (EFS) of USD 400.

² For details on the entitlement to and establishment of "small entity" status, see 37 CFR 1.27 at: www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

³ In addition, there is a non-electronic filing fee applicable to international applications filed other than by the Office electronic filing system (EFS) of USD 200.

⁴ For details on the entitlement to and establishment of "micro entity" status, see 37 CFR 1.29 at: www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

⁵ In addition, there is a non-electronic filing fee applicable to international applications filed other than by the Office electronic filing system (EFS) of USD 200.

Furthermore, the Office has notified new amounts of the search fee (PCT Rule 16.1(a)) and of the additional search fee (PCT Rule 40.2(a)), in **US dollar (USD)**, payable to it as International Searching Authority. These amounts, also applicable from 1 January 2014, are as follows for each of the fees:

For other than a small or micro entity:	USD 2,080
For a small entity:	USD 1,040
For a micro entity:	USD 520

[Updating of Annex D(US) of the *PCT Applicant's Guide*]

In addition, the Office has notified new amounts of the preliminary examination fee (PCT Rule 58.1(b)), in **US dollar (USD)**, payable to it as International Preliminary Examining Authority. These amounts, also applicable from 1 January 2014, are as follows (the amounts in parentheses are payable when the international search was not carried out by the Office):

For other than a small or micro entity:	USD 600 (760)
For a small entity:	USD 300 (380)
For a micro entity:	USD 150 (190)

Finally, the Office has notified new amounts of the additional preliminary examination fee (PCT Rule 68.3(a)), in **US dollar (USD)**, also payable to it as International Preliminary Examining Authority. These amounts, also applicable from 1 January 2014, are as follows:

For other than a small or micro entity:	USD 600
For a small entity:	USD 300
For a micro entity:	USD 150

[Updating of Annex E(US) of the *PCT Applicant's Guide*]

PCT Fees – Establishment of New Equivalent Amounts of Fees

Following the consultations undertaken by the Director General at the time of the forty-fourth (19th ordinary) session of the Assembly of the International Patent Cooperation Union (PCT Union) held in Geneva from 23 September to 2 October 2013, and pursuant to PCT Rules 15.2(d) and 57.2(d), new equivalent amounts of the international filing fee, of the fee per sheet over 30 and of the handling fee, together with the equivalent amounts for the reductions under item 4 of the PCT Schedule of Fees, have been established, with effect from 1 January 2014, in various currencies, as indicated in the table published on page 147.

Furthermore, pursuant to PCT Rule 16.1(d), new equivalent amounts of the search fees have been established in receiving Offices' currencies for all International Searching Authorities, also with effect from 1 January 2014, as indicated in the table published on pages 148 to 150.