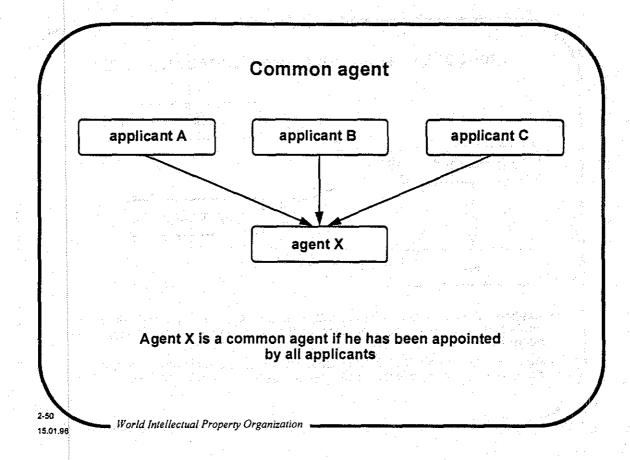
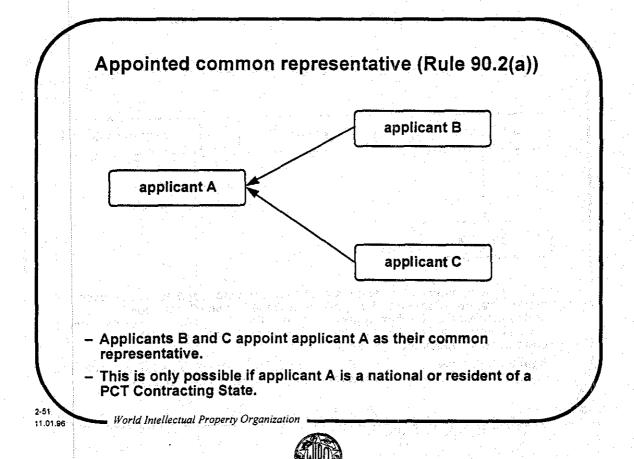
Chapter XXII
Agents and Common...

Agents and Common Representatives under the PCT







### XXII.5

## **PCT**

### POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

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Form PCT/Model of power of attorney (for a given international application) (July 1992)



### XXII.6

# **PCT**

#### **GENERAL POWER OF ATTORNEY**

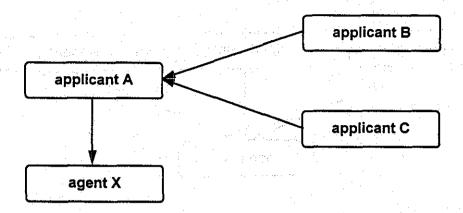
(for several international applications filed under the Patent Cooperation Treaty)
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Form PCT/Model of general power of attorney (for several international applications) (July 1992)



### Agent of the appointed common representative

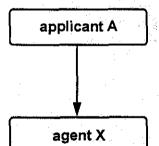


- Applicant A (e.g. corporate applicant), who has been appointed by the other applicants (e.g. applicants/inventors) as their common representative, appoints agent X.
- Agent X can, on behalf of the appointed common representative, sign all documents for all applicants including any withdrawal (Rule 90.3(c)).

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"Deemed" common representative (Rule 90.2(b))



applicant B

applicant C

- There is no common agent and the applicants have not appointed a common representative. Consequently applicant A is the "deemed" common representative (i.e., the first applicant named in the Request, who has the right to file an international application with the receiving Office with which the international application was filed).
- Agent X, appointed only by applicant A, can sign all documents for all applicants except the request and any withdrawal (Rules 90.3(c) and 90bis.5(a)).

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#### Agents and common representatives (Rule 90)

- 1. Who can act as agent?
  - any person (attorney, patent agent, etc.) who has the right to practice before the RO can act
    as agent and automatically has the right to practice before the IB, the ISA and the IPEA
    (Article 49);
  - an agent who has the right to practice before the ISA and/or IPEA can be appointed specifically for the purposes of the procedure before that ISA or IPEA (Rule 90.1(b) and (c));
  - sub-agents may be appointed by agents (Rule 90.1(d)).
- 2. Who can act as common representative?
  - one of the applicants, who is entitled to file an international application (i.e., who is a resident or national of a PCT Contracting State), may be appointed by all the other applicants, or
  - where neither a common agent nor a common representative has been appointed, the first named applicant in the request who is entitled to file an international application with the RO with which the international application was filed is automatically "deemed" to be common representative.
- 3. Any act by or in relation to an agent or a common representative has the effect of an act by or in relation to all the applicants, except for a withdrawal made by a "deemed" common representative (Rules 90.3(c) and 90*bis*.5(a)).

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# Appointment of agents and common representatives (Rules 90.4 to 90.6)

- Agents and common representatives may be appointed in any of the following ways:
  - in the request;
  - in a separate power of attorney relating to a given international application;
  - in a general power of attorney relating to all international applications filed in the name of the applicant.
- 2. General powers of attorney are to be filed with the RO or, where applicable, with the ISA or IPEA.
- 3. For provisions on revocation of appointment of agents and renunciation by an agent of his appointment, see Rule 90.6.

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