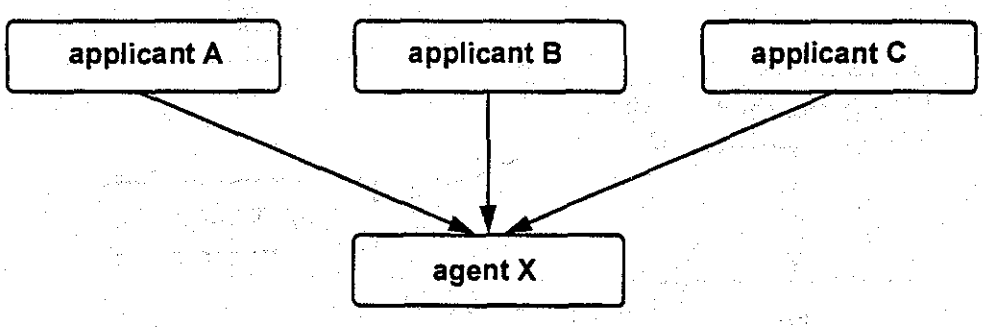
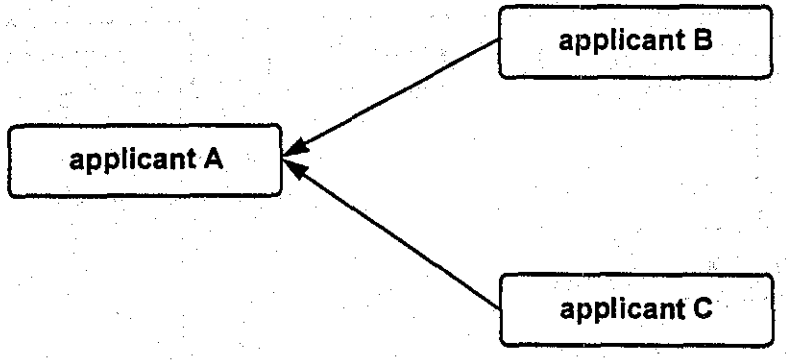
Agents and Common Representatives under the PCT

Common agent



Agent X is a common agent if he has been appointed by all applicants

Appointed common representative (Rule 90.2(a))



- Applicants B and C appoint applicant A as their common representative.
- This is only possible if applicant A is a national or resident of a PCT Contracting State.

XXII.5

PCT

POWER OF ATTORNEY

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

(PCT Rule 90.4)

The undersigned applicant(s) *(Names should be indicated as they appear in the request)*:

hereby appoints (appoint) the following person as: ☐ agent ☐ common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

to represent the undersigned before

☐ all the competent International Authorities

☐ the International Searching Authority only

☐ the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention:

Applicant's or agent's file reference:

International application number (if already available):

filed with the following Office _____ as receiving Office and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) *(where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power)*:

Date: _____

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)

(PCT Rule 90.5)

The undersigned person(s) :
(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

hereby appoint(s) the following person as: ☐ agent ☐ common representative

Name and address
(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

to represent the undersigned before

☐ all the competent International Authorities
☐ the International Searching Authority only
☐ the International Preliminary Examining Authority only

in connection with any and all international applications filed by the undersigned with the following Office

_____ as receiving Office

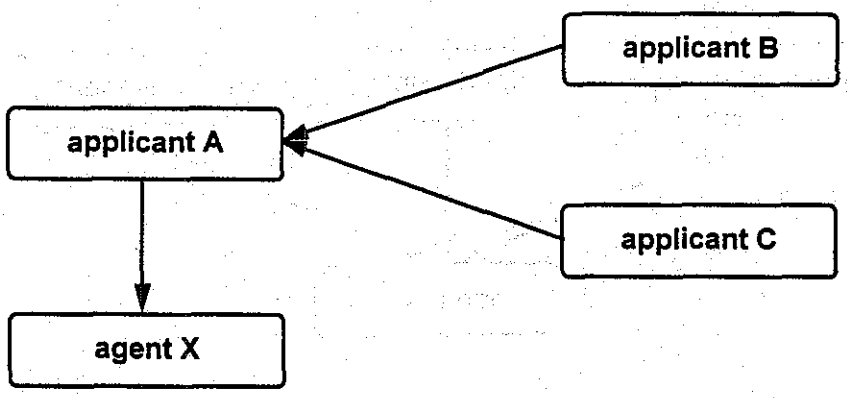
and to make or receive payments on behalf of the undersigned.

Signature(s) *(where there are several persons, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading this power):*

Date: _____

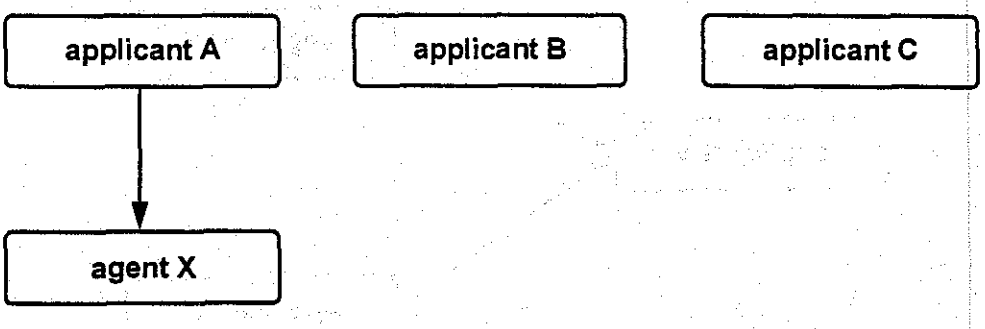
Form PCT/Model of general power of attorney (for several international applications) (July 1992)

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)).

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



- 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 90*bis*.5(a)).

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)).

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

1. 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.