Contents

roreword	***************************************	VII
Preface		IX
	thor	XI
Detailed Con	tents	XV
Abbreviation	s used	XLI
	PART A – STRATEGY	
Chapter 1:	Paper D Part I – Legal Questions	1
Chapter 2:	Paper D Part II – Legal Opinion	83
Chapter 3:	Pre-examination – Legal Questions	124
Chapter 5:	PART B – THE EPC	124
Chapter 4:	The EPC and EPO	133
Chapter 5:	The Invention	142
Chapter 6:	The Application	158
Chapter 7:	Filing a European Patent Application	173
Chapter 8:	Examination on Filing	182
Chapter 9:	The Search Report and Opinion	190
Chapter 10:	Publication of the Application and Search Report	195
Chapter 11:	Request for Examination, Designation Fee and Extension Fees	197
Chapter 12:	Substantive Examination	201
Chapter 13:	Allowance and Grant	205
Chapter 14:	Opposition Proceedings	210
Chapter 15:	Limitation and Revocation Proceedings	225
Chapter 16:	Appeal Proceedings	229
Chapter 17:	Proceedings before the Enlarged Board of Appeal	242
Chapter 18:	The Application and Patent in the Contracting States	246
Chapter 19:	Time Limits and Procedural Safeguards	253
Chapter 20:	Amendment and Correction	262
Chapter 21:	Inventorship, Ownership and Suspension of Proceedings	268
Chapter 22:	Representation	272
Chapter 23:	Languages	277
Chapter 24:	Miscellaneous Common Provisions	281
Chapter 25:	Information Made Available by the EPO	302
Chapter 26:	Special Agreements under the EPC	306
Chapter 27:	Rules Relating to Fees	308
	PART C – THE PCT	
Chapter 28:	Institutional Aspects and Definitions	311
Chapter 29:	The Application	314
Chapter 30:	Filing an International Patent Application	330
Chapter 31:	Procedure of the receiving Office	336
Chapter 32:	Drawing up the International Search Report	348
Chapter 33:	Supplementary International Searches	358
Chapter 34:	Amendment of the Application under Article 19	364
Chapter 35:	Publication of the Application and the Search Report	366
Chapter 36:	Communications to National and Regional offices	370
Chapter 37:	Entry into the National/Regional Phase	372

XIV Contents

Chapter 38:	International Preliminary Examination	388
Chapter 39:	National Phase Aspects	408
Chapter 40:	The Calculation of Time Limits and Procedural Safeguards	419
Chapter 41:	Rectification of Mistakes	425
Chapter 42:	Representation	428
Chapter 43:	Miscellaneous Common Provisions	432
	Information Made Available by the International Authorities and	
•	Designated/Elected Offices	438
Index		443

Detailed Contents

Forewor	^r d	VII
Preface .		IX
About t	he author	ΧI
Content	is	XIII
Abbrevi	ations used	XLI
	PART A – STRATEGY	
	Chapter 1: Paper D Part I – Legal Questions	
1.1	General comments	1
1.2	How to tackle the questions	2
1.2.1	Time management - understanding the question	2
1.2.2	Finding the answer	3
1.2.3	Writing the answer	4
1.3	Calculating time limits	7
1.3.1	Calculating time limits under the EPC	7
1.3.2	Calculating time limits under the PCT	9
1.4	Preserving the rights of an applicant, proprietor or opponent that	
	have apparently been lost under the EPC	10
1.4.1	Was notification sent to the correct address?	10
1.4.2	Can the time limit be extended?	10
1.4.3	Is a grace period available?	11
1.4.4	Can further processing be applied?	11
1.4.5	Can re-establishment be applied?	11
1.4.6	Can proceedings be interrupted?	11
1.4.7	Can the good faith principle be invoked?	12
1.4.8	Can an appeal be filed?	12
1.4.9	Is conversion of a European patent application possible?	12
1.4.10	Can the failure to pay a fee on time be excused?	12
1.4.11	Can the late arrival of a document posted in good time be excused?	12
1.4.12	Can a new application be filed?	13
1.5	Preserving the rights of an applicant that have apparently been lost	
	under the PCT	13
1.5.1	Can the time limit be extended?	13
1.5.2	Is a grace period available?	13
1.5.3	Can the late arrival of a document posted in good time be excused?	13
1.5.4	Can a loss of rights be excused by a national/regional office?	14
1.5.5	Can the application be re-instated where the national phase is not	
	entered on time?	14
1.6	Enlarged Board Decisions	14
1.7	Miscellaneous points of interest	38
1.7.1	Divisional applications	38
1.7.2	The prior art effects of a published European patent application	43
1.7.3	Renewal fees	48
1.7.4	Incorporation by reference	54
1.7.5	The filing of an application and its filing date	57
1.7.6	Filing of documents - Languages and fee reductions	58
1.7.7	Filing of documents – other considerations	62

1.7.8	The prohibition of reformatio in peius	65
1.8	Transitional provisions EPC1973/EPC2000	68
1.9	Worked examples – Paper D1 2012	72
	Chapter 2: Paper D Part II – Legal Opinion	
2.1	General comments	83
2.2	How to tackle each question	85
2.2.1	Preparing a time line	85
2.2.2	Analysing the paper by considering the patentability of each invention	86
2.2.3	Points to consider when an application for an invention has been filed	87
2.2.4	Points to consider where an application for an invention has not	89
2.2.5	been filed	89
2.2.6	be used to keep competitors off the market?	87
	What national rights are therefore obtainable by any competitor which might limit your client's commercial freedom?	90
2.2.7	Answering the paper	90
2.3	Relevant timeline events for European and Euro-PCT applications	91
2.3.1	Regular European patent application	91
2.3.2	European patent application filed via the PCT	92
2.4	Aspects of US and Japanese patent law	92
2.5	Notes on claiming priority	94
2.5.1	Relevance of the Paris Convention to European and Euro-PCT applications	94
2.5.2	The importance of naming the correct applicant	94
2.5.3	The importance of the "first filing"	95
2.5.4	The limited circumstances in which priority may be claimed from a second or subsequent filing	95
2.5.5	Illustrative examples of how priority works in relation to the first filing	96
2.5.6	Examples of questions relating to the claiming of priority from a first filing in the EQE.	99
2.6	Worked example – Paper D2 2012	100
2.6.1		
	First reading and initial thoughts	100
2.6.2	Generating a list of dates (Q1-3)	112
2.6.3	Chronological list of dates (Q1-3)	113
2.6.4	Expanded chronological list of dates (Q1-3)	113
2.6.5	Drawing up a timeline (Q1-3)	113
2.6.6	Analysis of patent rights (Q1-3)	115
2.6.7	Possible answer (Q1–3)	118
2.6.8	Possible answer (Q4)	121
• •	Chapter 3: Pre-examination – Legal Questions	
3.1	Overview	124
3.2	Worked examples	124
	PART B - THE EPC	
4.1	Chapter 4: The EPC and EPO	122
4.1 4.2	European patents	133
	The European Patent Organisation	133
4.2.1	Foundation of the Organisation	133
4.2.2	Structure of the Organisation	133
4.2.3	Purpose of the Organisation	133
4.3	The European Patent Office and its employees	133
4.3.1	Location of the European Patent Office and its sub-offices	133
4.3.2	President of the European Patent Office and his duties	134
4.3.3	Appointment of senior EPO employees	134

4.3.4 4.3.5	Employees not to disclose or make use of confidential information Disputes between the Organisation and the employees of the	134
	European Patent Office	135
4.4	The departments of the European Patent Office	135
4.4.1	The departments entrusted with the procedure	135
4.4.2	Administrative structure of the EPO	135
4.5	The Receiving Section	135
4.6	The Search Divisions	135
4.7	The Examining Divisions	136
4.8	The Opposition Divisions	137
4.9	The Legal Division	137
4.10	The Boards of Appeal and the Enlarged Board of Appeal	138
4.10.1	Composition of the Board of Appeal	138
4.10.2	Presidium of the Boards of Appeal	139
4.10.3	Enlarged Board of Appeal	139
4.10.4	Independence and exclusion of Board of Appeal members	139
4.10.5	Adoption of Rules of Procedure by the Boards of Appeal and the	
	Enlarged Board	139
4.10.6	Exclusion and objection	140
4.10.7	Enlargement of a Board of Appeal	140
4.11	The Administrative Council	141
	Chapter 5: The Invention	
5.1	What is not an invention for the purposes of the EPC?	142
5.1.1	Requirement for technical subject matter	142
5.1.2	Discoveries	142
5.1.3	Scientific theories and mathematical methods	142
5.1.4	Aesthetic creations	143
5.1.5	Scheme, rule or method for performing a mental act	143
5.1.6	Scheme, rule or method for playing games	143
5.1.7	Scheme, rule or method for doing business	143
5.1.8	Computer programs	143
5.1.9	Presentation of information	144
5.2	What inventions are barred from patentability?	144
5.2.1	Morality exemption	144
5.2.2	Plant varieties	145
5.2.3	Animal varieties	145
5.2.4	Essentially biological processes	145
5.2.5	Method of treatment or diagnosis exclusion – general points	146
5.2.6	Method of treatment of the human or animal body by therapy	147
5.2.7	Method of treatment of the human or animal body by therapy Method of treatment of the human or animal body by surgery	147
5.2.8	Diagnostic method practiced on the human or animal body	148
5.2.6	•	149
5.5 5.4	What is a patentable invention?	149
5.5	Which inventions are new?	149
		149
5.5.1	Definition of novelty	149
5.5.2		149
5.5.3	The state of the art includes the contents of earlier European patent	150
5.5.4	applications	150
J.J.1	public"?	151
5.5.5	Judging the content of what has been made available	151
5.5.6	Judging whether the content of what has been made available is	151
5.5.0	prejudicial to novelty	152
5.5.7	First medical use	152
5.5.8	Second medical use	152
5.5.9	Second non-medical use	154
5.5.10	Abusive disclosure exemption	154
5.5.10	Exhibition exemption	155
J.J.11	Lambuon Caempuon	100

5.5.12	Novelty of selection inventions	155
5.6	Which inventions involve an inventive step?	156
5.6.1	Definition of inventive step	156
5.6.2	Problem-solution approach	156
5.6.3	The skilled person and common general knowledge	156
5.6.4	Considerations when asking whether the invention is obvious	157
5.6.5	Inventive step based on an unexpected advantage	157
5.6.6	Further indicators of inventive step	157
	•	
	Chapter 6: The Application	
5.1	Elements of the application	158
5.2	General and physical requirements of the application	158
5.2.1	Prohibited matter	158
5.2.2	Physical requirements	158
5.3	Requirements relating to the request	158
6.3.1	Use of a specified form	158
5.3.2	Drawings not allowed	158
6.3.3	Petition for grant (Box 5)	158
5.3.4	Waiver of communication under r.70(2) (Box 5.1)	158
6.3.5	Details of the applicant (Boxes 7-14)	158
6.3.6	Details of any representative (Boxes 15-19)	159
6.3.7	Designation of the inventor (Boxes 22-23)	159
6.3.8	Title of the invention (Box 24)	159
6.3.9	Priority claim (Box 25)	159
6.3.10	Indication of divisional status (Box 27)	159
6.3.11	Indication that application is a replacement application (Box 28)	159
6.3.12	Figure of the drawings to be published with the abstract (Box 30)	159
6.3.13	List of documents accompanying the request (Box 44)	160
6.3.14	Signature (Box 46)	160
6.3.15	Correction of the request	160
6.4	Requirements relating to the description	160 160
6.4.1	Need for a sufficient disclosure	
6.4.2	Content of the description	161 161
6.4.3	Order of presentation of the content of the description	161
6.4.4 4 5	Description not to contain drawings	161
6.5 6.5.1	Requirement for clarity, conciseness and support	161
6.5.2	Claims to define matter the applicant seeks to protect	162
6.5.3	Situations in which two-part form is required	162
6.5.4	Number and type of claims allowed	162
6.5.5	Numbering of the claims	162
6.5.6	Omnibus claims generally not allowed	162
6.5. <i>7</i>	References in claims to reference signs in figures	163
6.5.8	Unity of invention	163
6.5.9	Allowability of disclaimers	163
6.5.10	Functional features	163
6.5.11	Claims not to contain drawings	163
6.6	Requirements relating to the abstract	163
6.7	Requirements relating to the drawings	164
6.8	Requirements relating to any priority claim	164
6.8.1	Relevance of the Paris Convention	164
6.8.2	Who may make a claim to priority?	164
6.8.3	Time limit for making a claim to priority	165
6.8.4	Priority claim to be in respect of the same invention	165
6.8.5	What kind of application may be used as a basis for claiming priority?	165
6.8.6	Procedure for claiming priority - declaration	166
6.8.7	Procedure for claiming priority – certified copy	167
6.8.8	Procedure for claiming priority – translation	168
6.8.9	Can one application claim more than one priority?	168

6.8.10	Can one priority be claimed in more than one application?	168
6.8.11	Effect of priority right	169
6.8.12	Obligation to file copies of search results when claiming priority	169
6.9	Requirements relating to the designation of the inventor	169
6.10	Language requirements of the application	169
6.10.1	Acceptable languages of filing	169
6.10.2	Requirement for a translation	170
6.10.3	Languages of filing under EPC1973	170
6.10.4	Languages accepted if filing at a national office	170
6.10.5	Language of a divisional application or a replacement application	170
6.11	Requirements relating to biotechnological inventions	171
6.11.1		171
6.11.2	Sequence listings	171
	Deposit of biological material	
6.12	Special requirements for divisional applications	171
	Chapter 7: Filing a European Patent Application	
7.1	Who is entitled to file a European patent application?	173
7.2	Where may a European patent application be filed?	173
7.2.1	Where to file a regular European patent application	173
7.2.2	Where to file a divisional application	173
7.2.3	Where to file a replacement application under Art. 61(1)(b)	173
7.2.4	Restrictions on the filing of European patent applications under national law	174
7.2.5	Procedure where the application is filed with a national office –	1/4
7.2.3	time limit for forwarding to the EPO	174
7.3		174
	Manner of filing the application	
7.3.1	Filing in writing by post or by hand	174
7.3.2	Filing by fax	174
7.3.3	Filing electronically	175
7.3.4	Filing by other means	175
7.4	Filing a Divisional application	175
7.4.1	Up to what point in time can a divisional application be filed?	175
7.4.2	A divisional application may be filed in respect of any pending	175
	earlier European patent application	175
7.4.3	On what kind of application can a divisional be based?	176
7.4.4	Who is entitled to file a divisional application?	176
7.5	Filing a replacement application	176
7.6	Requirement to pay a filing fee, a search fee and claims fees	177
7.6.1	Filing fee	177
7.6.2	Reduction of the filing fee if using an official language of a	
	contracting state	177
7.6.3	Search fee	178
7.6.4	Claims fees	178
7.6.5	Fees for divisional applications	179
7.6.6	Fees for replacement applications	179
7.7	Designation of Contracting States	179
7.8	Extension of a European patent	180
7.9	Requirement to file copies of search results relating to a priority	
	application	181
	Chapter 8: Examination on Filing	
8.1	Procedure on receipt of a new application	182
8.2	Examination as to whether a filing date can be accorded	182
8.2.1	Requirements for a filing date	182
8.2.2	Need for a certified copy of the previous application if filing by	
	reference	182
8.2.3	Need for a translation of the previous application if filing by reference	183
8.2.4	Procedure where a filing date cannot be accorded	183

8.2.5	Filing date in the case of a divisional application or replacement	
	application	184
8.3	Filing date where pages of the description and drawings are	
	subsequently filed	184
8.4	Procedure where a filing date can be accorded - examination of	
	formal requirements	185
8.4.1	Determination as to whether any necessary translation has been filed.	185
8.4.2	Request, description, claims, drawings and abstract	186
8.4.3	Designation of the inventor	186
8.4.4	Priority claim	187
8.4.5	Representation and authorisation	187
8.4.6	Filing and search fees	188
8.4.7	Claims fees	188
8.4.8	Sequence listings	188
8.4.9	Other matters	189
	Chapter 9: The Search Report and Opinion	
9.1	The EPO must draw up a search report for each European patent	
7.1	application	190
9.2	Procedure where a plurality of independent claims exist	190
9.3	Procedure where a meaningful search is not possible	190
9.4	Procedure where the application lacks unity	191
9.5	Establishing of the definitive content of the abstract	191
9.6	Patent classification used by the EPO	191
9.7	Accelerated search	191
9.8	The European Search Report	192
9.8.1	Content of the search report	192
9.8.2	Language of the search report	192
9.8.3	Additional copies of citations	192
9.9	The extended European Search Report	192
9.10	Transmittal of the search report, search opinion and definitive	1/2
7.10	content of the abstract	193
9.11	Requirement to file a response to the extended European search	1/5
, 1	report	193
9.12	One chance for submission of voluntary amendments in response	
	to extended European search report	193
	-	
	Chapter 10: Publication of the Application and Search Report	405
10.1	Timing of publication	195
10.2	No publication to take place when the application is withdrawn or	
_	refused	195
10.3	Language and form of the publication	195
10.4	Contents of the publication	195
10.5	Matter excluded from the publication	196
Cha	pter 11: Request for Examination, Designation Fee and Extension Fees	
11.1	Communication to the applicant of the date on which the Bulletin	
	mentions the publication of the search report	197
11.2	Payment of the designation fee	197
11.2.1	Designation fee for a regular European patent application	197
11.2.2	Designation fee for a divisional application	197
11.2.3	Designation fee for a replacement application	197
11.3	Payment of extension fees	198
11.4	Request for examination	198
11.4.1	Examination must be requested	198
11.4.2	Time limit for requesting examination	198
11.4.3	Payment of an examination fee	198
11.4.4	Consequences of not requesting examination	199

11.4.5	Kerund of the examination fee	199
11.4.6	Language of the request for examination – fee reduction	199
11.5	A request for examination filed before transmittal of the search	
	report must usually be confirmed	200
11.6	Assumption of responsibility by the Examining Division	200
	Chapter 12: Substantive Examination	
12.1	Formal written procedure	201
12.2	Informal communications by telephone, interview or e-mail	201
12.3	Procedure of the Examining Division in the case of an incomplete	
	search	202
12.4	Further searches	202
12.5	Auxiliary requests	203
12.6	Double patenting	203
12.7	Accelerated procedure	203
12.8	Request for information concerning prior art	203
12.9	Refusal of the application	203
12.7		203
	Chapter 13: Allowance and Grant	
13.1	Circumstances in which a patent is granted	205
13.2	Approval of the text for grant, payment of fees and the filing of claim	
	translations	205
13.2.1	Communication from the Examining Division under r.71(3)	205
13.2.2	Consequences of not responding fully to the r.71(3) communication	206
13.2.3	Implicit approval of the text by payment of fees and filing of	
	translations	206
13.2.4	Procedure where the proposed text is not acceptable to the applicant	206
13.2.5	Refund of grant and publishing fee	207
13.3	Between approval of the text and a decision to grant	207
13.4	Decision to grant	207
13.5	The decision to grant takes effect on publication of the mention of grant in the Bulletin	208
13.6	No publication of the mention of grant until designation or renewal	
	fees have been paid	208
13.7	Publication of the specification of the granted patent	208
13.8	Grant to different applicants	209
13.9	Issue of a certificate	209
13.10	Validation in designated States	209
13.11	Registration of the granted patent	209
	• •	
444	Chapter 14: Opposition Proceedings	210
14.1	General considerations	210
14.2	Filing an opposition	210
14.2.1	Time limit for filing a notice of opposition	210
14.2.2	Where and how should the opposition be filed?	210
14.2.3	Who may file a notice of opposition?	211
14.2.4	Form and content of the notice of opposition	212
14.2.5	Grounds for opposition	212
14.2.6	Payment of the opposition fee	212
14.2.7	Language of the notice of opposition – fee reduction	213
14.2.8	Opposition may be filed even where a patent is surrendered or has lapsed	213
14.3	Examination of the opposition for admissibility and circumstances in	
	which it is deemed not filed	213
14.3.1	An opposition must be admissible to be examined	213
14.3.2	A formalities officer can decide on admissibility in certain	215
1422	circumstances	213
14.3.3	Deficiencies that must be corrected before the opposition period expires	214
	скрисо	414

14.3.4 14.3.5	Deficiencies that may be corrected after the opposition period expires Circumstances in which the opposition is deemed not to have	214
14.3.6	been filed	214
	communicated to the proprietor	214
14.4	Intervening in an opposition	215
14.5	Opposition to apply to all designated States	216
14.6	Parties to the opposition and transfer of party status	216
14.6.1	Proprietor and opponents are parties	216
14.6.2	Replacement of party status as a result of entitlement proceedings	216
14.6.3	Transfer of the patent to a new proprietor during opposition proceedings	216
14.6.4	Transfer of the opposition during opposition proceedings	216
14.7	Procedure for examination of the opposition	217
14.7.1	Steps taken prior to examination of the opposition	217
14.7.1	Examination as to whether the grounds of opposition prejudice the	217
4473	patent	
14.7.3 14.7.4	Permissible amendments of the patent during opposition Requirements relating to documents filed during opposition	218
	proceedings	219
14.7.5	Continuation of the opposition by the EPO of its own motion in the	
	event of the withdrawal of an opposition or the death of an opponent	219
14.7.6	Continuation of the opposition where the patent has been	
	surrendered or has lapsed	219
14.7.7	Extent to which the Opposition Division may examine the patent	
	beyond the stated extent of and grounds for the opposition	219
14.7.8	Acceleration of proceedings	220
14.7.9	Further searches	220
14.7.10	Stay in the case of entitlement proceedings	220
14.7.11	Different claims for different States when two proprietors are	220
14./.11		220
14712	defending the patent	220
14.7.12	Revocation where no text is approved or patent is surrendered	
14.7.13	Requirement to submit cited documents	220
14.8	Procedure if the opposition succeeds	221
14.9	Procedure if the opposition fails	221
14.10	Procedure if the opposition is partly successful	221
14.10.1	Notification of text which the Opposition Division proposes to	
	maintain	221
14.10.2	Need for payment of printing fee/filing of claim translations	222
14.10.3	Publication of a new specification where the patent is amended -	
	new patent certificate	222
14.11	Costs	222
14.11.1	Rules for the apportionment of costs	222
14.11.2	Opposition Division to fix amount of costs to be paid	223
14.11.3	Enforcement of decisions on costs in Contracting States	223
14.11.4	Restrictions on appealing an award of costs	223
14.11.5	Costs in opposition appeal proceedings	223
14.11.5	Chapter 15: Limitation and Revocation Proceedings	223
	-	
15.1	The right to limit a European patent or have it revoked	225
15.2	Where and how should a request for limitation or revocation be filed?	225
15.3	What language may a request for limitation or revocation be filed in?.	226
15.4	What fees are due in respect of a request for limitation or revocation?	226
15.5	Content and form of the request for limitation or revocation	226
15.6	Opposition proceedings take precedence	226
15.7	Circumstances in which the request is deemed not to have been filed.	227
15.8	Circumstances in which the request is rejected as inadmissible	227
15.9	Decision on a request for revocation	227

15.10 15.11	Decision on a request for limitation	227 228
	Chapter 16: Appeal Proceedings	
16.1	The nature of appeal proceedings	229
16.2	Decisions which may be appealed	229
16.3	Suspensive effect of an appeal on the decision appealed	230
16.4	Who may appeal and who is a party to the appeal?	230
16.5	Notice of appeal	231
16.5.1	Time limit for filing a notice of appeal	231
16.5.2	Where and how may a notice of appeal be filed?	231
16.5.3	Who may file the notice of appeal?	231
16.5.4	Content and form of the notice of appeal	231
16.5.5	Appeal fee	232
16.5.6	Language of the notice of appeal – fee reduction	232
16.6	Grounds of appeal	233
16.6.1	Time limit	233
16.6.2	Where and how may grounds of appeal be filed?	233
16.6.3	Who may file the notice of appeal?	234
16.6.4	Content of the grounds of appeal	234
16.7	Examination of the appeal for admissibility	234
16.8	Interlocutory revision	235
16.9	Examination of the appeal	236
16.9.1	General procedure to be used	236
16.9.2	Extent to which the Appeal Board in opposition proceedings may introduce new grounds or examine new claims	236
16.9.3	Extent to which the Appeal Board in examination proceedings may	250
10.7.5	introduce new grounds or examine new claims	238
16.9.4	Reformatio in peius	238
16.9.5	Intervention of an assumed infringer is possible in appeal proceedings	239
16.9.6	Discretion to hear accompanying persons	239
16.9.7	Amendment during appeal proceedings	239
16.9.8	Accelerated procedure	239
16.9.9	Consolidation of proceedings	239
16.9.10	EPO President's right to comment	240
16.10	Decision on the appeal	240
16.10.1	Taking a decision - discretion of the Board to remit proceedings to	
	the first instance The binding effect of a decision on remittal	240
16.10.2		240
16.10.3	Form and content of the decision	240
16.11	Withdrawal of the appeal	241
	Chapter 17: Proceedings before the Enlarged Board of Appeal	
17.1	Interpretation of the law by the Enlarged Board of Appeal	242
17.2	Petition for review by the Enlarged Board of Appeal	242
17.2.1	Petition for review	242
17.2.2	Grounds on which a petition may be filed	242
17.2.3	Obligation to raise objections	243
17.2.4	A petition does not have suspensive effect	243
17.2.5	Filing a petition for review	243
17.2.6	Communication to the parties	244
17.2.7	Examination of the petition for review	244
17.2.8	Third-party rights	245
17.3	Procedure before the Enlarged Board of Appeal	245
	Chapter 18: The Application and Patent in the Contracting States	
18.1	The effect of a European patent application having a filing date	246
18.2	The effect of a published European patent application	246
123	The effect of a granted Furonean natent	246

18.4	Effect of a granted European patent may be dependent on the filing of a translation	246
18.5	The London Agreement	247
18.6	Effect of revocation during opposition on rights pre- and post-grant	248
18.7	Extent of protection of a European application or patent	248
18.8	The term of a European patent	249
18.9	Conversion of a European patent application into a national patent application	249
18.9.1	Circumstances in which conversion is possible	249
18.9.2	Time limit for requesting conversion	249
18.9.3	Submission and transmission of the request	249
18.9.4	Formal requirements for conversion	250
18.9.5	Information available to the public in the event of conversion	250
18.10		250
18.10.1	Revocation of a European patent in Contracting States	250
18.10.1	Partial revocation – right to amend	250
18.10.2	Collision of European and national patents and patent applications	251
18.12		251
18.12	National renewal fees for European patents Provisions which apply to national utility models and utility	
	certificates	251
18.14	Authentic text in national proceedings	251
18.15	Request by a national court for a technical opinion from an	
	Examining Division	251
40.4	Chapter 19: Time Limits and Procedural Safeguards	252
19.1	Time limits	253
19.1.1	What is a "time limit"?	253
19.1.2	Computation of time limits	253
19.1.3	Units of time used	253
19.1.4	Day on which computation of time limit is to start	253
19.1.5	Expiry of time limits – years, months and weeks	253
19.1.6	Duration of time limits that are to be determined by the EPO	254
19.1.7	Extension of time limits determined by the EPO	254
19.2	Circumstances in which a missed time limit is excused where a	25.4
40.0	document is sent in good time	254
19.3	Extension of time limits where the EPO or a national office is not	255
40.4	open for business	255
19.4	Extension of time limits where there is a general interruption in	255
10.5	mail delivery in a Contracting State	255
19.5	Extension of time limits where there is a war, revolution or similar	25/
10 (event affecting the applicant or his representative	256
19.6	Further processing	256
19.7	Re-establishment of rights	257
19.7.1	Conditions necessary for re-establishment	257
19.7.2	Which parties to EPO proceedings can use re-establishment?	258
19.7.3	Grant or refusal – the effect of an allowable request	258
19.7.4	Exclusion of certain time limits from re-establishment	258
19.7.5	Procedure for applying for re-establishment – time limits	258 259
19.7.6	Grounds must be filed and fee paid	259
19.7.7	Department qualified to decide on the application for	250
10.70	re-establishment	259
19.7.8	Third-party rights may be awarded	259
19.7.9	Contracting States may grant re-establishment for the EPC time	250
10.0	limits that they have to administer	259
19.8	Interruption of proceedings	260
19.8.1	Circumstances under which proceedings may be interrupted	260
19.8.2	Resumption of the proceedings	260
19.8.3	Time limits on resumption	260

19.8.4 19.9	Department responsible for questions concerning interruption	261 261
	Chapter 20: Amendment and Correction	
20.1	Circumstances in which amendment is allowed	262
20.1.1	Amendment before receipt of the search report (direct filed European application)	262
20.1.2	Single chance for voluntary amendment (direct filed European application)	262
20.1.3	Further amendments require the consent of the Examining Division	262
20.1.4	Amendment during appeal	262
20.2	Requirement to identify amendments and the basis for them	262
20.3	Language and form of amendments	263
20.4	Amendment must not add subject matter	263
20.5	Circumstances in which amended claims may not to relate to unsearched subject matter	264
20.6	Amendment must not extend the protection conferred by a patent	264
20.7	Restrictions on amendment during opposition proceedings	265
20.8	Correction of errors in documents	265
20.8.1	What corrections are allowable?	265
20.8.2	Corrections to the description, claims and drawings are governed	266
20.8.3	by Art. 123(2) EPC Examples of allowable and non-allowable corrections	266
20.8.4	Correction is only possible where proceedings are pending	266
20.8.5	Competent body to decide on correction	267
20.9	Correction of errors in decisions	267
20.7	Chapter 21: Inventorship, Ownership and Suspension of Proceedings	207
21.1	Right of the inventor to be mentioned	268
21.1.1	Right of the inventor to be mentioned	268
21.1.2	Designation of the inventor	268
21.1.3 21.1.4	Rectification of the designation of the inventor	268 268
21.1.4	Publication of mention of the inventor	268
21.3	Procedure where the applicant does not have the right to a European	
21 2 1	patent	268
21.3.1 21.3.2	Jurisdiction of the Contracting States	268 269
21.3.2	Stay of proceedings during examination	269
21.3.4	No withdrawal during stay of proceedings	270
21.3.5	Remedies following a final decision	270
21.3.6	Partial transfer of right by virtue of a final decision	271
21.3.7	EPO division responsible	271
21.5.,	Chapter 22: Representation	
20.4		
22.1	Kinds of representation available	272
22.1.1	Choice of representation for a person having a residence or principal	
	place of business within a Contracting State	272
22.1.2	Choice of representation for a person not having a residence or	
00.4.0	principal place of business within a Contracting State	272
22.1.3	Common representative for parties acting in common	272
22.2	Professional representation	273
22.2.1	Those who can act as a professional representative – right to set up in business	273
22.2.2	Right of a person acting as a professional representative to set up in business	273
22.2.3	Procedure for being entered on the list of professional representatives.	273
22.2.4	The European Qualifying Exam	274
22.2.5	Institute of Professional Representatives before the EPO	274

22.2.6	Circumstances in which a representative may be deleted from the list.	274
22.2.7	Re-entry on the list following deletion	275
22.2.8	Attorney-client evidentiary privilege	275
22.3	Authorisation	275
22.3.1	Requirement to file an authorisation	275
22.3.2	Form and content of an authorisation	276
22.3.3	Consequences of not filing an authorisation when requested	276
22.3.4	Withdrawal/termination of an authorisation	276
22.3.5	Where several representatives are appointed	276
22.3.6	The authorisation of an association	276
	Chapter 23: Languages	
23.1	Languages of the EPC-authentic text	277
23.2	Official languages of the EPO	277
23.3	Language in which an application can be filed	277
23.4	Language of filing determines the language of proceedings and the	
	authentic text	277
23.5	Language of the proceedings to be used in all proceedings except	
	where exceptions are provided for	277
23.6	Language to be used in written procedures - exceptions to the use of	
	the language of the proceedings	277
23.7	Consequence of not using an admissible language or not filing a	
	required translation in written proceedings	278
23.8	Language to be used in oral proceedings – exceptions to the use of	270
22.0	the language of the proceedings	278
23.9	Certification of translated documents	279
23.10	Language of publication of applications, patents, the Bulletin, the Official Journal and entries in the Register	279
23.11	Languages of the Administrative Council	279
23.11		
	Chapter 24: Miscellaneous Common Provisions	
24.1	Principles of interpretation relevant to the EPC	281
24.2	Rules relating to documents filed subsequently to the filing of the	201
24 2 1	application	281 281
24.2.1 24.2.2	Where and how to file subsequent documents	282
24.2.2	Rules relating to content and form Need for a signature	282
24.2.3	Withdrawal of applications, patents, designations, extensions, priority	202
24.5	claims, oppositions, requests for limitation/revocation and appeals	282
24.3.1	Withdrawal of an application	282
24.3.2	Withdrawal of part of the subject matter of an application	282
24.3.3	Withdrawal of a designation	283
24.3.4	Withdrawal of a request for extension	283
24.3.5	Withdrawal of a priority claim	283
24.3.6	Withdrawal of an opposition	283
24.3.7	Withdrawal of an appeal	283
24.3.8	Withdrawal of a patent	283
24.3.9	Withdrawal of a request for limitation/revocation	283
24.4	Renewal fees	283
24.4.1	Requirement to pay renewal fees	283
24.4.2	Consequences of non-payment – grace period	284
24.4.3		284
	Provisions in respect of divisional applications	
24.4.4	Provisions in respect of applications which have been refused or	
	Provisions in respect of applications which have been refused or deemed withdrawn	
24.4.4	Provisions in respect of applications which have been refused or deemed withdrawn Renewal fees when the Enlarged Board of Appeal reopens	284
24.4.5	Provisions in respect of applications which have been refused or deemed withdrawn	284 285
24.4.5 24.4.6	Provisions in respect of applications which have been refused or deemed withdrawn	28 ² 28 ⁵ 28 ⁵
24.4.5	Provisions in respect of applications which have been refused or deemed withdrawn	284

24.5.1	Transfer and constitution of rights	285
24.5.2	Assignment	285
24.5.3	Contractual licensing	285
24.5.4	Law applicable	285
24.5.5	Registration of a transfer of an application or a patent	285
24.5.6	Registration of the grant or transfer of a licence and other	
2.10.0	transactions relating to a patent application	286
24.5.7	EPO department responsible	286
24.6	Observations by third parties	286
24.7	Notification by the EPO	287
		287
24.7.1	Subject matter of notifications	287
24.7.2	Form of notification	
24.7.3	Person to whom notification is made	287
24.7.4	Notification by post – deemed notification on the tenth day	•••
	following posting	288
24.7.5	Notification by delivery by hand	288
24.7.6	Notification by public notice	288
24.7.7	Notification by technical means of communication	288
24.7.8	Notification through the central industrial property office of a	
	Contracting State	289
24.7.9	Irregularities in notifications	289
24.7.10	Notification of loss of rights	289
24.7.11	Communications and notices to be signed and identify author	289
24.8	Decisions	289
24.8.1	Decisions only to be based on grounds/evidence on which the parties	
	have had an opportunity to comment	289
24.8.2	Applicant or proprietor to submit or agree text decided on – auxiliary	
22	requests	290
24.8.3	Form of decisions	290
24.8.4	The finality of a decision	291
24.8.5	Obtaining a decision after the EPO has notified a loss of rights	291
24.8.6	Decisions to be signed and identify author	291
24.8.7	Notification of decisions	292
		292
24.8.8	Correction of errors in decisions	292
24.8.9	Interlocutory decisions	
24.9	Examination by the EPO of its own motion	292
24.10	Facts and evidence submitted late may be ignored	292
24.11	Oral proceedings	292
24.11.1	Extent of the right to oral proceedings	292
24.11.2	Summons to oral proceedings	293
24.11.3	Consequence of summoned party not turning up	293
24.11.4	Preparation for oral proceedings by the parties	293
24.11.5	Extent to which oral proceedings are open to the public	294
24.11.6	Procedure in oral proceedings	294
24.11.7	Minutes of oral proceedings	295
24.11.8	Fresh oral proceedings if the composition of a Board of Appeal	
	changes	296
24.12	Taking of evidence	296
24.12.1	Forms of evidence available to the EPO	296
24.12.2	Principles to be applied when evaluating evidence	296
24.12.3	Decision to take evidence	296
24.12.4	Summons to give evidence before the EPO	297
24.12.5	Hearing of evidence before a competent court	297
24.12.6	Examination of evidence before the EPO	297
24.12.7	The opinion of experts	297
		298
24.12.8	Costs of taking evidence	298
24.12.9	Conservation of evidence	298 298
24.12.10	Minutes of taking of evidence/inspection	
24.13	Authentic text of a European patent or application	299

DETAILED C	ONTENTS

24.14	Unity of a European patent application or European Patent	299
24.15	Request for information concerning prior art	300 301
24.16	Reference to the procedural law of the Contracting States	301
	Chapter 25: Information Made Available by the EPO	
25.1	The Register of European patents	302
25.1.1	Content of the register	302
25.1.2	No entry in the register prior to publication of the application	303
25.1.3	Register to be open to the public	303
25.1.4	Language of the register	303
25.2	Inspection of files relating to applications	303
25.2.1	No inspection of files relating to unpublished application except where rights have been invoked	303
25.2.2	Inspection of files after publication of the application	303
25.2.2	Procedure for the inspection of files and communication of	
	information in the files	304
25.2.4	Maintenance of the files	304
25.3	The Official Journal	304
25.4	The Bulletin	305
25.5	Exchanges of information between the EPO and national	205
	authorities/courts	305
	Chapter 26: Special Agreements under the EPC	
26.1	Unitary patents	306
26.1.1	Grant of a unitary patent by the EPO	306
26.1.2	Special department of the EPO	306
26.1.3	Representation before special departments	306
26.1.4	Select Committee of the Administrative Council	306
26.1.5	Cover for expenditure for carrying out special tasks	306
26.1.6	Payments in respect of renewal fees for unitary patents	306
26.1.7	The European patent application as an object of property	306
26.1.8	Joint designation	307
26.2	Other agreements between the Contracting States	307
	Chapter 27: Rules Relating to Fees	
27.1	The Administrative Council adopts the rules relating to fees	308
27.2	Purpose of the rules relating to fees	308
27.3	Fees, costs and prices laid down by the President	308
27.4	Amounts of fees to be published	308
27.5	Due date for fees where not specified	308
27.6	Currency to be used	308
27.7	Payment or transfer to an EPO bank account	308
27.8	Payment by other methods - deposit accounts	308
27.9	Safeguard in cases where payment is deemed not to have been made in time	309
27.10	The EPO must be able to establish what a payment is for	310
27.10	Who may make payments? To whom will refunds be paid?	310
27.11	Procedure where the amount paid is insufficient	310
		310
27.13 27.14	Refund of insignificant amounts Refund in other cases	310
27.14		310
	PART C - THE PCT	
	Chapter 28: Institutional Aspects and Definitions	
28.1	Establishment of a Union	311
28.2	Parts of the Union	311
28.2.1	The Assembly	311
28.2.2	The International Bureau	311
28.3	Regulations and Administrative Instructions	311

28.3.1	Regulations under the PCT	311
28.3.2	Administrative Instructions	311
28.4	The Gazette	311
28.5	Definitions/Interpretations	312
	Chapter 29: The Application	
29.1	Elements of the application	314
29.2	General and physical requirements of the application	314
29.2.1	Prohibited matter	314
29.2.2	Number of copies to be filed	314
29.2.3	Terminology and signs	314
29.2.4	Physical requirements	314
29.3	Requirements relating to the request	314
29.3.1	Use of a specified form	314
29.3.2	Petition	315
29.3.3	Title	315
29.3.4	Details of the applicant	315
29.3.5	Details of the inventor	315
29.3.6	Details of any agent	315
29.3.7	Details of any common representative	316
29.3.8	Requirements for providing names and addresses	316
29.3.9	Address for correspondence	316
29.3.10	Designation of Contracting States	316
29.3.11	Designation of the EPO	317
29.3.12	Kind of protection sought	317
29.3.13	Priority claim	317
29.3.14	Restoration of the right of priority	317
29.3.15	Transmittal of certified copy	317
29.3.16	Statement of incorporation by reference	318
29.3.17	Choice of international searching authority	318
29.3.18	Use of the results of earlier search, reference to that search	318
29.3.19	Standardised declarations	318
29.3.20	Check list	319
29.3.21	Signature of the applicant	319
29.3.22	Reference to a parent application or patent	319
29.3.23	No further content of the request is allowed	320
29.4	Requirements Relating to the Description	320
29.4.1	Need for a sufficient disclosure	320
29.4.2	Content of the description	320
29.4.3	Order of presentation of the content of the description	320
29.5	Requirements relating to the claims	321
29.5.1	Requirement for clarity, conciseness and support	321
29.5.2	Claims to define matter the applicant seeks to protect	321
29.5.3	Situations in which two-part form is required	321
29.5.4	Number and type of claims allowed	321
29.5.5	Numbering of the claims	321
29.5.6	Omnibus claims generally not allowed	322
29.5.7	References in claims to reference signs in figures	322
29.5.8	Manner of claiming in respect of an application for a utility model	322
29.5.9	Unity of invention	322
29.6	Requirements relating to the abstract	322
29.7	Requirements relating to the drawings	323
29.8	Requirements relating to any priority claim	323
29.8.1	Relevance of the Paris Convention	323
29.8.2	Who may make a claim to priority?	323
29.8.3	Time limit for making a claim to priority	323
29.8.4	Restoration of a right to priority by the receiving Office where the	
	time limit is missed	323

29.8.5	The whole content of the previous application can support a	
	priority claim	325
29.8.6	What kind of application may be used as a basis for claiming priority?	325
29.8.7	Priority claims originating in World Trade Organisation countries do	
	not apply in respect of the EPO if the priority-claiming application	
	was filed before the coming into force of EPC2000	325
29.8.8	Procedure for claiming priority – declaration	325
29.8.9	Procedure for claiming priority – certified copy	326
29.8.10	Procedure for claiming priority – translation	327
29.8.11	Can one application claim more than one priority?	327
29.8.12	Effect of the claim to priority in the international phase	327
29.8.13	Effect of designating a State in which the priority application was	
	filed	327
29.9	Language requirements of the application	327
29.9.1	Acceptable languages of filing	327
29.9.2	Languages the receiving Office must accept	327
29.9.3	Circumstances in which the applicant must provide a translation	
	for international search	327
29.9.4	Circumstances in which the applicant must provide a translation	200
20.0.5	for international publication	328
29.9.5	Procedure where the request is not in a language of publication	328
29.9.6	Procedure where language of filing is not accepted by the receiving	220
20.40	Office	329
29.10	Requirements relating to biotechnological inventions	329
29.10.1	Sequence listings	329
29.10.2	Deposit of biological material	329
	Chapter 30: Filing an International Patent Application	
30.1	Who is entitled to file an international patent application?	330
30.2	Where may an international patent application be filed?	330
30.3	Procedure when the application is filed in the wrong place	331
30.4	The receiving Office can apply national law relating to representation	331
30.5	Those entitled to use the EPO as a receiving Office	331
30.6	Filing an international application with the EPO	331
30.7	Manner of filing the application	332
30.7.1	The use of paper	332
30.7.2	The use of telegraph, teleprinter, or facsimile	332
30.7.3	Filing in electronic form	333
30.8	Payment of Fees	333
30.8.1	Transmittal fee	333
30.8.2	Transmittal fee where the EPO is the receiving Office	333
30.8.3	International filing fee	333
30.8.4	Search fee	334
30.8.5	Late payment of fees	334
30.8.6	Consequences of not paying fees	335
	Chapter 31: Procedure of the receiving Office	
31.1	Examination as to whether a filing date can be accorded	336
31.1.1	Incorporation of the description and claims by reference –	
•	reservations	336
31.1.2	Requirements for a filing date	337
31.1.3	Procedure where a filing date can be accorded	337
31.1.4	Procedure where a filing date cannot be accorded	338
31.1.5	Procedure where parts of the application are missing	339
31.1.6	Review of the decision to award a filing date	340
31.1.7	Supply to the applicant of certified copies of the application as filed	341
31.2	Copying and transmittal of the international application by the	
	receiving Office	341
31.2.1	National security provisions	341

31.2.2	Number of copies of the application required – responsibility for	
	their provision	341
31.2.3	Retention of the home copy by the receiving Office	341
31.2.4	Transmittal by the receiving Office of the record copy to the International Bureau	341
31.2.5	An international application is considered withdrawn if the Inter-	
	national Bureau does not receive the record copy in time	342
31.2.6	Procedure where the International Bureau receives the record copy	
	in time – notification of receipt	342
31.2.7	Transmittal by the receiving Office of a translation of the inter-	
	national application to the International Bureau	343
31.2.8	Transmittal by the receiving Office of the search copy and any	
J 22.0	sequence listing in electronic form to the International	
	Searching Authority	343
31.2.9	Procedure of the International Searching Authority on receipt of	
31.2.7	the search copy	343
31.3	Examination of formal requirements under Art. 14(1)(a)	343
31.3.1	Was the application signed properly?	343
31.3.2	Are the correct indications concerning the applicant present?	343
31.3.3	Does the application contain a title?	343
31.3.4	Does the application contain an abstract?	344
31.3.5	Are certain of the physical requirements met?	344
31.3.6	Invitation to correct defects where formal requirements of	511
31.3.0	Art. 14(1)(a) are not met	344
31.3.7	Format of any correction offered to the receiving Office	345
31.4	Examination of other formal requirements	345
31.4.1	Are the abstract, request and text matter of the drawings in the	545
31.4.1		345
21 4 2	correct language? Has any priority claim been made correctly?	345
31.4.2		346
31.4.3	Is any declaration under r.4.17 correctly made?	346
31.4.4	Requirements relating to the submission of a translation	240
31.4.5	The role of the International Bureau and International Searching	347
21.47	Authority in identifying defects	347
31.4.6	Procedure when the receiving Office declares that the application is	347
	considered withdrawn	34/
	Chapter 32: Drawing up the International Search Report	
32.1	Authorities competent to carry out international search	348
32.1.1	What is an International Searching Authority?	348
32.1.2	Requirements that must be met by an International Searching	
	Authority	348
32.1.3	Appointment of International Searching Authorities	348
32.1.4	Receiving Offices specify the competent International Searching	
	Authority or Authorities	348
32.1.5	Limitations set by the EPO on its competence as International	
	Searching Authority	349
32.2	The nature of an international search	349
32.2.1	The purpose of an international search	349
32.2.2	Basis of the international search	349
32.2.3	Definition of relevant prior art	349
32.2.4	Fields to be covered	349
32.2.5	Minimum documentation	350
32.3	The nature of an international-type search	350
32.4	Procedure for conducting the search	350
32.4.1	General aspects	350
32.4.2	Check that title and abstract are present and appropriate	350
32.4.3	Check whether sequence listings have been provided properly	351
32.4.4	Determination as to whether a search is possible	351

32.4.5 32.4.6	Check for unity of invention	352
	Authority	352
32.4.7	Taking into account results of an earlier search	353
32.4.8	Taking into account the rectifications of obvious mistakes	354
32.5	The International Search Report, the written opinion and the	
	International Preliminary Report on Patentability	354
32.5.1	Time limit for establishing the search report	354
32.5.2	Form of the search report	354
32.5.3	Written opinion of the International Searching Authority	355
32.5.4	Transmittal of the search report and written opinion to the applicant and the International Bureau	356
32.5.5	Preparation by the International Bureau of an International Prelimi-	356
2257	nary Report on Patentability (IPRP) and transmission to the applicant	
32.5.6	Translation of the search report by the International Bureau	356
32.5.7	Translation of the written opinion or Preliminary Report on Patent- ability by the International Bureau and communication of the report	
	and its translation to designated Offices	356
32.5.8	Requests by a receiving Office or the applicant for copies of cited	
	documents	357
32.5.9	Publication of the search report	357
	Chapter 33: Supplementary International Searches	
33.1	Filing a request for a supplementary international search	358
33.1.1	Time limit	358
33.1.2	Where must the request be filed?	358
33.1.3	Can more than one request be filed?	358
33.1.4	Competent International Searching Authority	358
33.1.5	Content of the request	358
33.1.6	Requirement to pay fees	359
33.1.7	Situations under which the request is considered not to have been	
33.2	Processing of the request for supplementary international search by	359
	the International Bureau	360
33.2.1	Checking of the supplementary search request	360
33.2.2	Correction of defects and late payment of fees	360
33.2.3	Transmittal to International Searching Authority	360
33.3	Procedure for carrying out the supplementary international search	361
33.3.1	Start date for the search	361
33.3.2	Basis for the search	361
33.3.3	General procedure	361
33.3.4	Procedure in the case of a lack of unity	361
33.4	The supplementary International Search Report	362
33.4.1	Drawing up the supplementary International Search Report	362
33.4.2	Transmittal and effect of the supplementary International Search	
	Report	363
24.1	Chapter 34: Amendment of the Application under Article 19	261
34.1	Amendment of claims before the International Bureau	364
34.1.1	When can the applicant amend the claims?	364
34.1.2	Where should any amendments be filed?	364
34.1.3	Language of the amendments	364
34.1.4	Form of any amendments	364
34.1.5	Statement accompanying the amendments	364
34.1.6	Prohibition on added subject matter	365
34.2	Notification of amendments to the International Preliminary	
	Examining Authority when a demand has been filed	365

	Chapter 35: Publication of the Application and the Search Report	
35.1	Responsibility for international publication	366
35.2	Timing of international publication	366
35.3	Circumstances where no publication takes place	366
35.4	Language and form of the publication	366
35.4.1	Where the language of filing is used	366
35.4.2	Where the language of a translation is used	367
35.4.3	Translation of parts of the pamphlet into English where English is	
	not the language of publication	367
35.4.4	Form of the publication	367
35.5	Contents of the publication	367
35.5.1	A standardised front page (r.48.2(a)(i))	367
35.5.2	The description (r.48.2(a)(ii))	368
35.5.3	The claims (r.48.2(a)(iii))	368
35.5.4	Any drawings (r.48.2(a)(iv))	368
35.5.5	The International Search Report or Art. 17(2)(a) declaration	
	(r.48.2(a)(v))	368
35.5.6	Any statement filed under Art. 19(1) (r.48.2(a)(v1))	368
35.5.7	Any request for rectification (r.48.2(i))	368
35.5.8	Indications relating to biological material (r.48.2(viii))	369
35.5.9	Information concerning a priority claim (r.48.2(ix))	369
35.5.10	Any declaration (r.48.2(x))	369
35.5.11	Request for restoration of the priority right (r.48.2(xi))	369
35.6	Matter excluded from the publication	369
35.7	Notice of publication in the Gazette	369
35.8	Publication of a notice that the application is considered withdrawn	2/0
	where withdrawal is received too late to stop publication	369
	Chapter 36: Communications to National and Regional offices	
36.1	Communication of the application (Art. 20) to designated States	
00.1		
	by the International Bureau	
36.1.1	by the International Bureau	
	by the International Bureau	370
36.1.1 36.1.2	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested	370 370
36.1.1 36.1.2 36.1.3	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication	370 370 370
36.1.1 36.1.2 36.1.3 36.1.4	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies	370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication	370 370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant	370 370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence	370 370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary	370 370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the	370 370 370 370 370 370
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request	370 370 370 370 370 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document	370 370 370 370 370 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than	370 370 370 370 370 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document	370 370 370 370 370 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2	by the International Bureau In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than	370 370 370 370 370 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview	370 370 370 370 370 371 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22	370 370 370 370 370 371 371 371 371
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit	370 370 370 370 370 371 371 371 372 372
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22	370 370 370 370 370 371 371 371 372 372
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication. Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit. Specification of a later time limit than 30 months by a designated Office	370 370 370 370 370 371 371 371 372 372 372
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit Specification of a later time limit than 30 months by a designated Office Supply of a copy of the international application.	370 370 370 370 370 371 371 371 372 372 372 372 372
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit Specification of a later time limit than 30 months by a designated Office Supply of a copy of the international application. Supply of a translation of the international application	370 370 370 370 370 371 371 371 372 372 372 372 373 373
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2 37.3 37.4 37.4.1	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication. Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary. Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document. Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit. Specification of a later time limit than 30 months by a designated Office. Supply of a copy of the international application. Supply of a translation of the international application Requirements of the translation	370 370 370 370 370 371 371 371 371 372 372 372 373 373 373
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2 37.3 37.4 37.4.1 37.4.2	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication. Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary. Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document. Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit. Specification of a later time limit than 30 months by a designated Office. Supply of a copy of the international application. Supply of a translation of the international application. Requirements of the translation Consequences of certain defects in the translation	370 370 370 370 370 371 371 371 372 372 372 373 373 373 373 373
36.1.1 36.1.2 36.1.3 36.1.4 36.1.5 36.1.6 36.1.7 36.2 36.2.1 36.2.2 37.1 37.2 37.2.1 37.2.2 37.3 37.4 37.4.1	In what circumstances does the communication occur? Normal timing of the communication and procedure where early national processing has been requested Content of the communication Responsibility for making copies Language of the communication. Notification of the Art. 20 communication to the applicant Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary. Other information that is communicated to designated States by the International Bureau on request Fact and date of receipt of the record copy and priority document. Transmission of the application to a designated Office other than the Art. 20 communication Chapter 37: Entry into the National/Regional Phase Overview Timing of national phase entry under Art. 22 Standard 30 month time limit. Specification of a later time limit than 30 months by a designated Office. Supply of a copy of the international application. Supply of a translation of the international application Requirements of the translation	370 370 370 370 370 371 371 371 371 372 372 372 373 373 373 373 374 374 375

27/	Completed indications are the immediate	275
37.6 37.7	Supply of indications concerning the inventor	375 375
37.7 37.8	Use of a national form	3/3
37.8	Procedure where applicant has performed the Art. 22 acts and the	
	designated Office has not been informed that the International Bureau has received the record copy	375
27.0		3/3
37.9	Indications as to protection sought for the purposes of national	275
27.10	processing	375
37.10	Consequences of not performing the Art. 22 acts	376
37.11	National and regional phase entry under Art. 39	376
37.11.1	Effect of election prior to 19 months on the application of Art. 22	376
37.11.2	Necessary acts to enter the national phase under Art. 39 and the	27/
	relevant time limit	376
37.11.3	Consequences of missing the Art. 39 time limit	376
37.11.4	Application of certain rules to national phase entry under Art. 39	376
37.11.5	Time limit for supplying a translation of the priority document to	
	an elected State	377
37.12	Procedure before the EPO as a designated or elected Office	377
37.12.1	Entry into the EPO regional phase	377
37.12.2	Supply of a translation	378
37.12.3	Specification of documents on which the grant procedure is	
	to be based	378
37.12.4	Filing fee	379
37.12.5	Designation fee	379
37.12.6	Extension fees	380
37.12.7	Supplementary European search and fee	380
37.12.8	Request for examination	382
37.12.9	Renewal fee	382
37.12.10	Certificate of exhibition	382
37.12.11	Amendment of the application and invitation to correct deficiencies	383
37.12.12	Claims fees	383
37.12.12	Designation of the inventor	384
37.12.13	Requirements relating to a priority claim	384
37.12.14	Provision of a sequence listing	385
37.12.16		385
37.12.16	Details relating to the applicant	385
37.12.17 37.12.18	Representation	202
37.12.16	of European multi-seign	20/
37.12.19	of European publication	386
37.12.19	Opportunity to have a search report drawn up in repect of an	
	invention not searched by the EPO in the international phase	20/
	when no supplementary European search is necessary	386
	Chapter 38: International Preliminary Examination	
38.1	Which designated States does Chapter II apply to?	388
38.2	Who may apply for international preliminary examination and which	
	States may be elected	388
38.3	Authority competent to conduct international preliminary	500
50.5	examination	388
38.3.1	Receiving Offices specify the competent International Preliminary	J00
36.3.1	Examining Authority or Authorities	388
38.3.2	Limitations set by the EPO on its competence as International	300
36.3.2		200
38.4	Preliminary Examining Authority	38 9
30.4	How to apply for international preliminary examination – the demand	200
20.4.1		389
38.4.1	Demand	389
38.4.2	Time limit	390
38.4.3	Where to apply	390
38.4.4	Use of a form	390
38.4.5	Content of the demand	390
38.4.6	Filing the demand constitutes the election of all eligible States	391

38.4.7	The EPO as an elected Office	391
38.4.8	Fees due	391
38.4.9	Acceptable languages of the demand	392
38.4.10	Acceptable languages of the application	393
38.4.11	Acceptable languages of amendments	393
38.4.12	Languages before the EPO	394
38.5	Later election of States	394
38.6	Procedure where there are defects in the demand	394
38.6.1	Applicant not entitled to make a demand	394
38.6.2	Invitation by the International Preliminary Examining Authority to	
50.0.2	correct formal defects	394
38.6.3	Procedure where a statement concerning amendments is omitted or	371
36.6.3	is misleading	394
38.6.4	Defects noticed by the International Bureau	395
		373
38.7	Procedural steps taken by the international authorities on receipt of	205
20.7.4	the demand	395
38.7.1	Procedure of the International Preliminary Examining Authority on	
	receipt of the demand - notification to the International Bureau and	
	the applicant	395
38.7.2	Notification to elected States of their election by the International	
	Bureau and other related actions	395
38.7.3	Notification of the written opinion and any Art. 19 amendments to	
	the International Preliminary Examining Authority by the	
	International Bureau	395
38.8	The objective of international preliminary examination	396
38.8.1	Aspects of patentability examined	396
38.8.2	Definitions of novelty, inventive step and industrial applicability	396
38.8.3	Definition of prior art	396
38.8.4	Documents to be taken into consideration	396
38.9	Procedure before the International Preliminary Examining Authority.	397
38.9.1	When international preliminary examination starts and finishes	397
38.9.2	General provisions governing procedure	397
38.9.3	Right of the applicant to communicate with the International	57.
30.7.5	Preliminary Examining Authority	397
38.9.4	Documents on which the examination is based	398
38.9.5	Applicant's right to amend	398
38.9.6	Situations where the International Preliminary Examining Authority	370
36.7.0	is not obliged to examine part of or the whole of an application	399
38.9.7		3//
36.7./	The written opinion of the International Preliminary Examining	399
20.00	Authority and responses thereto	277
38.9.8	Circumstances in which the written opinion established by the	
	International Searching Authority is considered to be a written	400
20.00	opinion of the International Preliminary Examining Authority	400
38.9.9	Situation where amendments and arguments may be ignored	401
38.9.10	Procedure where the International Preliminary Examining Authority	
	needs a copy of the priority document	401
38.9.11	Procedure where unity is in dispute	401
38.9.12	Lack of unity where the EPO is International Preliminary Examining	
	Authority	402
38.9.13	Procedure where a sequence listing is absent or in the wrong format	402
38.9.14	Top-up search	402
38.10	The International Preliminary Examination Report (IPER)	403
38.10.1	Time limit for establishing the International Preliminary	
	Examination Report	403
38.10.2	Requirements as to form	403
38.10.3	Language of the report (and any annexes)	403
38.10.4	Documents on which the report is based	403
38.10.5	Information on the first page	403
38.10.6	Comments on amendments and the correction of mistakes	404
-		

38.10./	Comments on priority	404
38.10.8	Comments on the non-establishment of an opinion	404
38.10.9	Comments on lack of unity	404
38.10.10	Statement regarding patentability under Art. 35(2)	404
38.10.11	Certain documents cited	405
38.10.12	Certain defects in the application	405
38.10.13	Certain observations on the application	405
38.10.14	Annexes to the report	405
38.10.15	Comment on top-up search	406
38.11	Translation and communication of the International Preliminary	
J0.11	Examination Report and its annexes	406
38.11.1	Transmission of International Preliminary Examination Report to the	100
30.11.1	International Bureau and the applicant by the International	
		406
20 11 2	Preliminary Examining Authority	400
38.11.2	Translation by the International Bureau of the International Prelimi-	
	nary Examination Report and its transmission to the elected Offices	
	and the applicant	406
38.11.3	Translation and transmission of the written opinion prepared under	
	r.43bis.1 where the International Preliminary Examination Report is	
	not available and the applicant has requested early processing in an	
	elected Office	407
38.11.4	Translation of the annexes of the International Preliminary Exami-	
	nation Report by the applicant and transmission of the translation	
	to the elected Offices	407
38.11.5	Supply of documents cited in the International Preliminary Exami-	
	nation Report to the applicant and elected Offices by the Inter-	
	national Preliminary Examining Authority	407
	Chapter 39: National Phase Aspects	
	· -	400
39.1	The effect of an international patent application having a filing date	408
39.1.1	Nature of the effect	408
39.1.2	Circumstances in which the effect is lost	408
39.1.3	Exceptions to the effect – the prior art effect of an international	
	application in a designated State	408
39.1.4	Definition of a Euro-PCT application	408
39.1.5	Extension of the effect to successor states	409
39.2	The effect of a published international patent application	409
39.2.1	Provisions of the PCT	409
39.2.2	Provisions of the EPC-publication of the translation	410
39.3	Examination by national Offices	410
39.3.1	When national processing may begin	410
39.3.2	Right to amend when entering the national phase under Chapter I	410
39.3.3	Right to amend when entering the national phase under Chapter II	410
39.3.4	Right to amend on entering the EPO regional phase	411
39.3.5	Procedure where unity has been impugned in the international phase.	411
39.3.6	Consideration of unity by the EPO	411
39.3.7	Effect on a designated Office of a decision by the receiving Office to	111
37.3.7	base a filing date on documents incorporated by reference in the case	
	where reservations have been filed or errors made	412
20.2.0	Parimental miles and former an amenda additional to those in the	712
39.3.8	Requirements relating to form or contents additional to those in the	412
	PCT may not be imposed by national Offices	412
39.3.9	Requirements relating to the submission of certain documents	440
	(e.g. as evidence) that may be imposed by national Offices	413
39.3.10	Requirements relating to the certification/verification of the Art. 22	
	translation that may be imposed by national Offices	414
39.3.11	Consequences of submitting or not submitting a copy of the priority	
	document in the international phase – how a designated Office	
	obtains a copy	414
39.3.12	Requirement to submit a translation of the priority document	414

39.3.13	The effect on designated Offices of a decision by the receiving Office
	to restore a right of priority
39.3.14	The effect on designated Offices of a decision by the receiving Office
	to refuse restoration of a right of priority
39.3.15	Request by the applicant for a designated Office to restore a right to
	priority
39.3.16	Substantive conditions of patentability that may be imposed by
	Contracting States
39.3.17	Requirement by Contracting States that the inventor(s) must be the
• • • • • • • • • • • • • • • • • • • •	applicant(s)-procedure when not abided by
39.3.18	Requirements relating to representation that may be imposed by
37.3.10	Contracting States
39.3.19	Removal of reference signs in claims for publication
39.3.20	Submission of a sequence listing
39.3.21	Special provisions relating to utility models
39.3.22	Any requirement to supply the results of examination in other States
	is not allowed if an International Preliminary Examination Report
	has been received
39.4	Consequences of an incorrect translation on the scope of a patent
	obtained
•	hanton 40s The Calculation of Time Limits and Drocedural Safeguards
	hapter 40: The Calculation of Time Limits and Procedural Safeguards
40.1	Expression of dates
40.2	Time limits to be calculated from date of mailing
40.3	Computation of time limits
40.4	Extension of time limits where a national Office or intergovernmental
	organisation is not open for business
40.5	Extension of time limits where mail is not delivered in a relevant
	locality on the last day of a time limit
40.6	Circumstances in which a missed time limit is excused where a
	document is sent in good time
40.7	Excuse of the delay in meeting a time limit in the case of war etc
40.8	Extension of a time limit where a letter is received more than seven
TU.0	
40.9	days after posting
40.7	Chance for the applicant to escape a negative determination made in
10.0.1	the international phase
40.9.1	Overview
40.9.2	Duty of the International Bureau to supply documents to designated
	States when the International Bureau or receiving Office has made a
	negative determination
40.9.3	Assessment by the designated Office as to whether the applicant or
	the International Bureau/receiving Office is at fault according to
	the PCT
40.9.4	Right of any designated State to maintain the effect of an international
	application in that State when it does not have to
40.9.5	The duty of Contracting States to excuse missed time limits under
	provisions of national law
40.10	Opportunity to correct an application where allowed under
10.10	national law
40.11	Rectification of errors made by the receiving Office or the Inter-
1 0.11	
10.13	national Bureau concerning filing date and priority claim
40.12	Reinstatement of rights after failure to enter the national phase
	within the time limit
	Chapter 41: Rectification of Mistakes
44.4	<u>-</u>
41.1	Mistakes that may be rectified
41.2	Mistakes that may not be rectified
41.3	Authority responsible for authorising rectification

41.4	Either the applicant or an international authority may initiate	426
41.5	rectificationProcedure for requesting rectification – time limit	426 426
41.6	Decision on the authorisation of a rectification	426
41.7		427
41./	Language of the correction	42/
	Chapter 42: Representation	
42.1	Requirements relating to representation that may be imposed by the	
42.2	receiving Office	428
	Contracting States	428
42.3	Right to practice before international authorities	428
42.4	Agents and common representatives	428
42.4.1	Appointment of an agent	428
42.4.2	Representative where there are two or more applicants	429
42.4.3	Effects of acts carried out by representatives and agents	429
42.4.4	Manner of appointment of an agent or common representative	429
42.4.5	Manner of renunciation of an agent or common representative	430
	Chapter 43: Miscellaneous Common Provisions	
43.1	Relationship between the PCT and the EPC	432
43.2	Rules relating to documents filed subsequently to the filing of the application	432
43.2.1	application Need for papers to be accompanied by a signed letter	432
43.2.2	Language of letters and documents	432
43.2.2	Form of subsequently filed documents	432
43.2.3	The use of telegraph, teleprinter, facsimile to transmit subsequently	732
43.2.4	filed documents	433
43.2.5	The use of electronic means to transmit subsequently filed documents	433
43.2.3	Withdrawal of an international application, a designation,	733
43.3	an election, a demand or a priority claim	434
43.3.1	Withdrawal of an international application	434
43.3.2	Withdrawal of a designation	435
43.3.3	Withdrawal of a priority claim	435
43.3.4	Withdrawal of a supplementary search request	435
43.3.5	Withdrawal of the demand or of elections	436
43.4	Recordal of changes concerning an applicant, inventor, agent or	430
73.7	common representative by the International Bureau	437
43.5	Notification by national Offices and intergovernmental organisations	437
43.6	Schedule of Fees	437
73.0		137
	Chapter 44: Information Made Available by the International Authorities and Designated/Elected Offices	
44.1	Confidential nature of the international application before its publication	438
44.2	Confidential nature of the written opinion of the International	150
77.2	Searching Authority and related documents	438
44.3	Confidential nature of international preliminary examination	439
44.4	Records and files – keeping them and allowing access to them	439
44.4.1	Obligation for international authorities to keep files	439
44.4.2	Access allowed to files (applications filed on or after July 1, 1998)	439
44.4.3	Access allowed to files (applications filed on of after July 1, 1998)	440
44.4.4 44.4.4	Access to the international preliminary examination report given by	770
77.7.7	the International Bureau on behalf of an elected office	
	(all applications)	440
44.4.5	Availability of the priority document from the International Bureau	770
77.7.7		441
44.4.6	(all applications)	771
44.4.0	Availability of translations required by national Offices (all applications)	441
	(an apprications)	771

44.4.7	Availability of citations in the International Search Report from the International Searching Authority (all applications)	441
44.4.8	Availability of citations in the International Preliminary Examination Report from the International Preliminary Examining Authority	
	(all applications)	441
Index		443