Detailed Contents

Foreword	1	VI
Preface .		IX
About the	e author	X
Contents		XII
Abbrevia	tions used	XL.
	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?	13
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?	14
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?	15
1.6	Enlarged Board Decisions	15
1.7	Miscellaneous points of interest	40
1.7.1	Divisional applications	40
1.7.2	The prior art effects of a published European patent application	45
1.7.3	Renewal fees	51
1.7.4	Incorporation by reference	56
1.7.5	The filing of an application and its filing date	59
1.7.6	Filing of documents – Languages and fee reductions	60
1.7.7	Filing of documents – other considerations	64
1.7.8	The prohibition of reformatio in peius	67



1.7.9	The nature of opposition proceedings – in what way do they differ	<i>7</i> 0
1.7.10	from grant proceedings?	
	first instance proceedings?	74
1.7.11	Entering the EPO regional phase with a Euro-PCT application	77
1.7.12	Interlocutory aspects of EPO procedure	84
1.8	Transitional provisions EPC1973/EPC2000	87
1.9	Worked examples – Paper D1 2012	91
	Chapter 2: Paper D Part II – Legal Opinion	
2.1	General comments	102
2.2	How to tackle each question	104
2.2.1	Preparing a time line	104
2.2.2	Analysing the paper by considering the patentability of each invention.	105
2.2.3	Points to consider when an application for an invention has been filed .	106
2.2.4	Points to consider where an application for an invention has not been filed	108
2.2.5	What national rights are therefore obtainable by the client and might	100
2.2.3	be used to keep competitors off the market?	108
2.2.6	What national rights are therefore obtainable by any competitor	
	which might limit your client's commercial freedom?	108
2.2.7	Answering the paper	109
2.3	Relevant timeline events for European and Euro-PCT applications	110
2.3.1	Regular European patent application	110
2.3.2	European patent application filed via the PCT	111
2.4	Aspects of US and Japanese patent law	111
2.5	Notes on claiming priority	112
2.5.1	Relevance of the Paris Convention to European and Euro-PCT applications	113
2.5.2	The importance of naming the correct applicant	113
2.5.3	The importance of the "first filing"	114
2.5.4	The limited circumstances in which priority may be claimed from a second or subsequent filing	114
2.5.5	Illustrative examples of how priority works in relation to the	11.
	first filing	115
2.5.6	Examples of questions relating to the claiming of priority from a first filing in the EQE	118
2.6	Worked example – Paper D2 2012	118
2.6.1	First reading and initial thoughts	119
2.6.2	Generating a list of dates (Q1–3)	130
2.6.3	Chronological list of dates (Q1-3)	131
2.6.4	Expanded chronological list of dates (Q1-3)	131
2.6.5	Drawing up a timeline (Q1-3)	131
2.6.6	Analysis of patent rights (Q1-3)	133
2.6.7	Possible answer (Q1–3).	136
2.6.8	Possible answer (Q4).	139
	Chapter 3: Pre-examination – Legal Questions	
3.1	Overview	142
3.2	Worked examples.	142
	PART B – THE EPC	
	Chapter 4: The EPC and EPO	
4.1	European patents	151
4.2	The European Patent Organisation	151
4.2.1	Foundation of the Organisation	151
4.2.2	Structure of the Organisation	151

4.2.3	Purpose of the Organisation	151
4.3	The European Patent Office and its employees	151
4.3.1	Location of the European Patent Office and its sub-offices	151
4.3.2	President of the European Patent Office and his duties	152
4.3.3	Appointment of senior EPO employees	152
4.3.4	Employees not to disclose or make use of confidential information	152
4.3.5	Disputes between the Organisation and the employees of the	
	European Patent Office	152
4.4	The departments of the European Patent Office	153
4.4.1	The departments entrusted with the procedure	153
4.4.2	Administrative structure of the EPO	153
4.5	The Receiving Section	153
4.6	The Search Divisions	153
4.7	The Examining Divisions	154
4.8	The Opposition Divisions	155
4.9	The Legal Division	155
4.10	The Boards of Appeal and the Enlarged Board of Appeal	156
4.10.1	Composition of the Board of Appeal	156
4.10.2	Organisation of the Boards of Appeal	157
4.10.3	Enlarged Board of Appeal	157
4.10.4	Independence and exclusion of Board of Appeal members	158
4.10.5	Adoption of Rules of Procedure by the Boards of Appeal and the	
	Enlarged Board	158
4.10.6	Exclusion and objection	158
4.11	The Administrative Council	159
	Chapter 5: The Invention	
	•	
5.1	What is not an invention for the purposes of the EPC?	160
5.1.1	Requirement for technical subject matter	160
5.1.2	Discoveries	160
5.1.3	Scientific theories and mathematical methods	160
5.1.4	Aesthetic creations	160
5.1.5	Scheme, rule or method for performing a mental act	161
5.1.6	Scheme, rule or method for playing games	161
5.1.7	Scheme, rule or method for doing business	161
5.1.8	Computer programs	161
5.1.9	Presentation of information	161
5.2	What inventions are barred from patentability?	162
5.2.1	Morality exemption	162
5.2.2	Plant varieties	162
5.2.3	Animal varieties	163
5.2.4	Essentially biological processes	164
5.2.5	Method of treatment or diagnosis exclusion – general points	165
5.2.6	Method of treatment of the human or animal body by therapy	165
5.2.7	Method of treatment of the human or animal body by surgery	166
5.2.8	Diagnostic method practiced on the human or animal body	166
5.3	What is a patentable invention?	167
5.4	Which inventions are susceptible of industrial application?	167
5.5	Which inventions are new?	168
5.5.1	Definition of novelty	168
5.5.2	The state of the art includes earlier disclosures	168
5.5.3	The state of the art includes the contents of earlier European	168
E	patent applications.	100
5.5.4	Under what circumstances is something	169
	"made available to the public"?	170
5.5.5 5.5.6	Judging the content of what has been made available	1/0
5.5.6	Judging whether the content of what has been made available is prejudicial to novelty	170
E	First medical use	170
5.5.7	That incurcal use	1/1

5.5.8	Second medical use	171
5.5.9	Second non-medical use	172
5.5.10	Abusive disclosure exemption	173
5.5.11	Exhibition exemption	173
5.5.12	Novelty of selection inventions	174
5.6	Which inventions involve an inventive step?	174
5.6.1	Definition of inventive step	174
5.6.2	Problem-solution approach	174
5.6.3	The skilled person and common general knowledge	175
5.6.4	Considerations when asking whether the invention is obvious	175
5.6.5	Inventive step based on an unexpected advantage	175
5.6.6	Further indicators of inventive step	176
5.0.0	•	170
	Chapter 6: The Application	
6.1	Elements of the application	177
6.2	General and physical requirements of the application	177
6.2.1	Prohibited matter	177
6.2.2	Physical requirements	177
6.3	Requirements relating to the request	177
6.3.1	Use of a specified form	177
6.3.2	Drawings not allowed	177
6.3.3	Petition for grant (Box 5)	177
6.3.4	Waiver of communication under r.70(2) (Box 5.1)	177
6.3.5	Details of the applicant (Boxes 7–14)	177
6.3.6	Details of any representative (Boxes 15–19)	178
6.3.7	Designation of the inventor (Boxes 22–23)	178
6.3.8	Title of the invention (Box 24)	178
6.3.9	Priority claim (Box 25)	178
6.3.10	Indication of divisional status (Box 27)	178
6.3.11	Indication that application is a replacement application (Box 28)	178
6.3.12	Figure of the drawings to be published with the abstract (Box 30)	179
6.3.13	List of documents accompanying the request (Box 44)	179
6.3.14	Signature (Box 46)	179
6.3.15	Correction of the request	179
6.4	Requirements relating to the description	179
6.4.1	Need for a sufficient disclosure	179
6.4.2	Content of the description	180
6.4.3	Order of presentation of the content of the description	180
6.4.4	Description not to contain drawings	180
6.5	Requirements relating to the claims	180
6.5.1	Requirement for clarity, conciseness and support	180
6.5.2	Claims to define matter the applicant seeks to protect	181
6.5.3	Situations in which two-part form is required	181
6.5.4	Number and type of claims allowed	181
6.5.5	Numbering of the claims	181
6.5.6	Omnibus claims generally not allowed	182
6.5.7	References in claims to reference signs in figures	182
6.5.8	Unity of invention	182
6.5.9	Allowability of disclaimers	182
6.5.10	Functional features	182
6.5.11	Claims not to contain drawings	182
6.6	Requirements relating to the abstract	182
		183
6.7	Requirements relating to the drawings	
6.8	Requirements relating to any priority claim	183
6.8.1	Relevance of the Paris Convention	183
6.8.2	Who may make a claim to priority?	183
6.8.3	Length of priority period	184
6.8.4	Priority claim to be in respect of the same invention	184
6.8.5	What kind of application may be used as a basis for claiming priority? .	185

6.8.6	Procedure for claiming priority – declaration	185
6.8.7	Procedure for claiming priority – certified copy	186
6.8.8	Procedure for claiming priority – translation	187
6.8.9	Can one application claim more than one priority?	188
6.8.10	Can one priority be claimed in more than one application?	188
6.8.11	Effect of priority right	188
6.8.12	Obligation to file copies of search results when claiming priority	188
6.9	Requirements relating to the designation of the inventor	188
6.10	Language requirements of the application	189
6.10.1	Acceptable languages of filing	189
6.10.2	Requirement for a translation	189
6.10.3	Languages of filing under EPC1973	189
6.10.4	Languages accepted if filing at a national office	190
6.10.5	Language of a divisional application or a replacement application	190
		190
6.11	Requirements relating to biotechnological inventions	
6.11.1	Sequence listings	190
6.11.2	Deposit of biological material	190
6.12	Special requirements for divisional applications	191
	Chapter 7: Filing a European Patent Application	
		400
7.1	Who is entitled to file a European patent application?	192
7.2	Where may a European patent application be filed?	192
7.2.1	Where to file a regular European patent application	192
7.2.2	Where to file a divisional application	192
7.2.3	Where to file a replacement application under Art. 61(1)(b)	192
7.2.4	Restrictions on the filing of European patent applications under national law	192
7.2.5	Procedure where the application is filed with a national office – time	
	limit for forwarding to the EPO	193
7.3	Manner of filing the application	193
7.3.1	Filing in writing by post or by hand	193
7.3.2	Filing by fax	193
7.3.3	Filing electronically	194
7.3.4	Filing by other means	194
7.4	Filing a Divisional application	194
7.4.1	Up to what point in time can a divisional application be filed?	194
7.4.2	A divisional application may be filed in respect of any pending earlier	.,,
7.1.2	Furneau patent application	194
7.4.3	European patent application	195
7.4.4	Who is entitled to file a divisional application?	195
7. 1.1 7.5	Filing a replacement application	195
7.5 7.6	Requirement to pay a filing fee, a search fee and claims fees	196
7.6.1		196
	Filing fee	170
7.6.2	Reduction of the filing fee if using an official language of a	196
7/2	contracting state	197
7.6.3	Search fee	197
7.6.4	Claims fees	
7.6.5	Fees for divisional applications	198
7.6.6	Fees for replacement applications	198
7.7	Designation of Contracting States	198
7.8	Extension of a European patent	199
7.9	Validation of a European patent	200
7.10	Requirement to file copies of search results relating to a priority	200
	application	200
	Chapter 8: Examination on Filing	
8.1	Procedure on receipt of a new application	201
8.2	Examination as to whether a filing date can be accorded	201

8.2.1 8.2.2	Requirements for a filing date	201
	by reference	201
8.2.3	Need for a translation of the previous application if filing by reference.	202
8.2.4	Procedure where a filing date cannot be accorded	202
8.2.5	Filing date in the case of a divisional application or replacement	
	application	203
8.3	Filing date where pages of the description and drawings are	
	subsequently filed	203
8.4	Procedure where a filing date can be accorded – examination of formal	
	requirements	204
8.4.1	Determination as to whether any necessary translation has been filed	205
8.4.2	Request, description, claims, drawings and abstract	205
8.4.3	Designation of the inventor	205
8.4.4	Priority claim	206
8.4.5	Representation and authorisation	206
8.4.6	Filing and search fees.	207
8.4.7	Claims fees	207
8.4.8	Sequence listings	207
8.4.9	Other matters	208
	Chapter 9: The Search Report and Opinion	
9.1	The EPO must draw up a search report for each European	
	patent application	209
9.2	Procedure where a plurality of independent claims exist	209
9.3	Procedure where a meaningful search is not possible	209
9.4	Procedure where the application lacks unity	210
9.5	Establishing of the definitive content of the abstract	210
9.6	Patent classification used by the EPO	210
9.7	Accelerated search	211
9.8	The European Search Report	211
9.8.1	Content of the search report	211
9.8.2	Language of the search report	211
9.8.3	Additional copies of citations	211
9.9	The extended European Search Report	212
9.10	Transmittal of the search report, search opinion and definitive	-1-
7.1.0	content of the abstract	212
9.11	Requirement to file a response to the extended European	
	search report	212
9.12	One chance for submission of voluntary amendments in response	
	to extended European search report	213
	Chapter 10: Publication of the Application and Search Report	
10.1	Timing of publication	214
10.2	No publication to take place when the application is withdrawn or	
	refused	214
10.3	Language and form of the publication	214
10.4	Contents of the publication	214
10.5	Matter excluded from the publication	215
	•	
	Chapter 11: Request for Examination, Designation Fee, Extension Fees and Validation Fees	
11.1	Communication to the applicant of the date on which the Bulletin	
	mentions the publication of the search report	216
11.2	Payment of the designation fee	216
11.2.1	Designation fee for a regular European patent application	216
11.2.2	Designation fee for a divisional application	216
11.2.3	Designation fee for a replacement application	216
	U II III	

11.3	Payment of extension fees	217
11.4	Payment of validation fees	217
11.5	Request for examination	218
11.5.1	Examination must be requested	218
11.5.2	Time limit for requesting examination	218
11.5.3	Payment of an examination fee	218
11.5.4	Consequences of not requesting examination	218
11.5.5	Refund of the examination fee	218
11.5.6	Language of the request for examination – fee reduction	219
11.6	A request for examination filed before transmittal of the search report	
	must usually be confirmed	220
11.7	Assumption of responsibility by the Examining Division	220
	Chapter 12: Substantive Examination	
12.1	Formal written procedure	222
12.2	Informal communications by telephone, interview or e-mail	223
12.3	Procedure of the Examining Division in the case of an incomplete	
	search	223
12.4	Further searches	224
12.5	Auxiliary requests	224
12.6	Double patenting	224
12.7	Accelerated procedure	225
12.8	Request for information concerning prior art	225
12.9	Refusal of the application	225
	Chapter 13: Allowance and Grant	
13.1	Circumstances in which a patent is granted	226
13.1	Approval of the text for grant, payment of fees and the filing of claim	220
13.2	translations	226
13.2.1	Communication from the Examining Division under r.71(3)	226
13.2.1	Consequences of not responding fully to the r.71(3) communication	227
13.2.2	Implicit approval of the text by payment of fees and filing of	221
13.2.3	translations	227
13.2.4	Procedure where the proposed text is not acceptable to the applicant	227
13.2.5	Refund of grant and publishing fee	228
13.3	Between approval of the text and a decision to grant.	228
13.4		229
13.5	Decision to grant	227
13.3	grant in the Bulletin	229
13.6	No publication of the mention of grant until designation or renewal	
15.0	fees have been paid	229
13.7	Publication of the specification of the granted patent	229
13.8	Grant to different applicants	230
13.9	Issue of a certificate	230
13.10	Validation in contracting States	230
13.11	Registration of the granted patent	230
13.12	Validation in non-contracting States	231
13.12	validation in non conclucing states	
	Chapter 14: Opposition Proceedings	
14.1	General considerations	232
14.2	Filing an opposition	232
14.2.1	Time limit for filing a notice of opposition	232
14.2.2	Where and how should the opposition be filed?	232
14.2.3	Who may file a notice of opposition?	233
14.2.4	Form and content of the natice of ennecition	234
	Form and content of the notice of opposition	
14.2.5	Grounds for opposition	234

14.2.8	Opposition may be filed even where a patent is surrendered or has	225
14.3	lapsed Examination of the opposition for admissibility and circumstances in	235
	which it is deemed not filed	235
14.3.1	An opposition must be admissible to be examined	235
14.3.2	A formalities officer can decide on admissibility in certain circumstances	236
14.3.3	Deficiencies that must be corrected before the opposition period	236
1121	expires	
14.3.4		236
14.3.5 14.3.6	Circumstances in which the opposition is deemed not to have been filed Decision that opposition is inadmissible or deemed not filed is to be	236
	communicated to the proprietor	237
14.4	Intervening in an opposition	237
14.5	Opposition to apply to all designated States	238
14.6	Parties to the opposition and transfer of party status	238
14.6.1	Proprietor and opponents are parties	238
14.6.2	Replacement of party status as a result of entitlement proceedings	239
14.6.3	Transfer of the patent to a new proprietor during opposition proceedings	239
14.6.4	Transfer of the opposition during opposition proceedings	239
14.7	Procedure for examination of the opposition	239
14.7.1	Steps taken prior to examination of the opposition	239
14.7.2	Examination as to whether the grounds of opposition prejudice the	
44-0	patent	240
14.7.3	Permissible amendments of the patent during opposition	240
14.7.4	Requirements relating to documents filed during opposition	
14.7.5	Proceedings	241
	event of the withdrawal of an opposition or the death of an opponent	241
14.7.6	Continuation of the opposition where the patent has been surrendered	242
14.7.7	or has lapsed Extent to which the Opposition Division may examine the patent	
	beyond the stated extent of and grounds for the opposition	242
14.7.8	Acceleration of proceedings	243
14.7.9	Further searches	243
14.7.10	Stay in the case of entitlement proceedings	243
14.7.11	Different claims for different States when two proprietors are	
	defending the patent	243
14.7.12	Revocation where no text is approved or patent is surrendered	243
14.7.13	Requirement to submit cited documents	244
14.8	Procedure if the opposition succeeds	244
14.9	Procedure if the opposition fails	244
14.10	Procedure if the opposition is partly successful	244
14.10.1	Notification of text which the Opposition Division proposes	244
14102	to maintain	245
14.10.2	Need for payment of printing fee/filing of claim translations	243
14.10.3	Publication of a new specification where the patent is amended – new patent certificate	246
14.11	Costs	246
14.11.1	Rules for the apportionment of costs	246
14.11.2	Opposition Division to fix amount of costs to be paid	246
14.11.3	Enforcement of decisions on costs in Contracting States	247
14.11.4	Restrictions on appealing an award of costs	247
14.11.5	Costs in opposition appeal proceedings	247
	Chapter 15: Limitation and Revocation Proceedings	
15.1	The right to limit a European patent or have it revoked	248
15.2	Where and how should a request for limitation or revocation be filed? .	248

15.3 15.4 15.5 15.6 15.7 15.8 15.9 15.10 15.11	What language may a request for limitation or revocation be filed in? What fees are due in respect of a request for limitation or revocation? Content and form of the request for limitation or revocation Opposition proceedings take precedence Circumstances in which the request is deemed not to have been filed Circumstances in which the request is rejected as inadmissible Decision on a request for revocation Decision on a request for limitation Publication of an amended specification if the patent is limited	249 249 249 250 250 250 250 252
	Chapter 16: Appeal Proceedings	
16.1	The nature of appeal proceedings	253
16.2	Decisions which may be appealed	253
16.3	Suspensive effect of an appeal on the decision appealed	254
16.4	Who may appeal and who is a party to the appeal?	254
16.5	Notice of appeal	255
16.5.1	Time limit for filing a notice of appeal	255
16.5.2	Where and how may a notice of appeal be filed?	255
16.5.3	Who may file the notice of appeal?	255
16.5.4	Content and form of the notice of appeal	255
16.5.5	Appeal fee	256
16.5.6	Language of the notice of appeal	257
16.6	Grounds of appeal	257
16.6.1	Time limit	257
16.6.2	Where and how may grounds of appeal be filed?	258
16.6.3	Who may file the notice of appeal?	258
16.6.4	Content of the grounds of appeal	258
16.7	Examination of the appeal for admissibility	258
16.8	Interlocutory revision	259
16.9	Examination of the appeal	260
16.9.1	General procedure to be used.	260
16.9.2	Extent to which the Board of Appeal in opposition proceedings may	
	introduce new grounds or examine new claims	261
16.9.3	Extent to which the Board of Appeal in examination proceedings may	
	introduce new grounds or examine new claims	262
16.9.4	Reformatio in peius	262
16.9.5	Intervention of an assumed infringer is possible in appeal proceedings.	263
16.9.6	Discretion to hear accompanying persons	263
16.9.7	Amendment during appeal proceedings	263
16.9.8	Accelerated procedure	264
16.9.9	Consolidation of proceedings	264 264
16.9.10	EPO President's right to comment	264
16.10	Decision on the appeal	204
16.10.1	Taking a decision – discretion of the Board to remit proceedings to the first instance	264
17 10 2	The binding effect of a decision on remittal	264
16.10.2 16.10.3	Form and content of the decision	265
16.10.5	Withdrawal of the appeal and the effect of deemed withdrawal of an	203
10.11	application	265
		-00
	Chapter 17: Proceedings before the Enlarged Board of Appeal	2/-
17.1	Interpretation of the law by the Enlarged Board of Appeal	267
17.2	Petition for review by the Enlarged Board of Appeal	267
17.2.1	Petition for review	267
17.2.2	Grounds on which a petition may be filed	267
17.2.3	Obligation to raise objections	268
17.2.4	A petition does not have suspensive effect	268 268
17.2.5	Filing a petition for review	200

17.2.6 17.2.7 17.2.8 17.3	Communication to the parties	269 269 270 271
17.3	Procedure before the Emarged Board of Appeal	2/1
	Chapter 18: The Application and Patent in the Contracting States	
18.1	The effect of a European patent application having a filing date	272
18.2	The effect of a published European patent application	272
18.3	The effect of a granted European patent	272
18.4	Effect of a granted European patent may be dependent on the filing	
1011	of a translation	273
18.5	The London Agreement	273
18.6	Effect of revocation during opposition on rights pre- and post-grant	274
18.7	Extent of protection of a European application or patent	274
18.8	The term of a European patent	275
18.9	Conversion of a European patent application into a national patent	
1017	application	275
18.9.1	Circumstances in which conversion is possible	275
18.9.2	Time limit for requesting conversion.	276
18.9.3	Submission and transmission of the request	276
18.9.4	Formal requirements for conversion	276
18.9.5	Information available to the public in the event of conversion	276
18.10	Revocation of a European patent in Contracting States	276
18.10.1	Grounds for revocation	276
18.10.2	Partial revocation – right to amend	277
18.11	Collision of European and national patents and patent applications	277
18.12	National renewal fees for European patents	277
18.13	Provisions which apply to national utility models and	
10.13	utility certificates	277
18.14	Authentic text in national proceedings	278
18.15	Request by a national court for a technical opinion from an	2 , 0
10.13	Examining Division	278
	· ·	
	Chapter 19: Time Limits and Procedural Safeguards	
19.1	Time limits	279
19.1.1	What is a "time limit"?	279
19.1.2	Computation of time limits	279
19.1.3	Units of time used	279
19.1.4	Day on which computation of time limit is to start	279
19.1.5	Expiry of time limits – years, months and weeks	279
19.1.6	Duration of time limits that are to be determined by the EPO	280
19.1.7	Extension of time limits determined by the EPO	280
19.2	Circumstances in which a missed time limit is excused where a	
	document is sent in good time	280
19.3	Extension of time limits where the EPO or a national office is not open	
	for business	281
19.4	Extension of time limits where there is a general interruption in mail	
	delivery in a Contracting State	282
19.5	Extension of time limits where there is a war, revolution or similar	
	event affecting the applicant or his representative	282
19.6	Further processing	282
19.7	Re-establishment of rights	284
19.7.1	Conditions necessary for re-establishment	284
19.7.2	Which parties to EPO proceedings can use re-establishment?	284
19.7.3	Grant or refusal – the effect of an allowable request	284
19.7.4	Exclusion of certain time limits from re-establishment	285
19.7.5	Procedure for applying for re-establishment – time limits	285
19.7.6	Grounds must be filed and fee paid	285

19.7.7	Department qualified to decide on the application for	285
19.7.8 19.7.9	re-establishment. Third-party rights may be awarded	286
17./.7	Contracting States may grant re-establishment for the EPC time limits that they have to administer	286
19.8	Interruption of proceedings	286
19.8.1	Circumstances under which proceedings may be interrupted	286
19.8.2	Resumption of the proceedings	286
19.8.3	Time limits on resumption	287
19.8.4	Department responsible for questions concerning interruption	287
19.9	Principle of good faith - protection of legitimate expectations	287
	Chapter 20: Amendment and Correction	
20.1	Circumstances in which amendment is allowed	288
20.1.1	Amendment before receipt of the search report (direct filed	•
	European application)	288
20.1.2	Single chance for voluntary amendment (direct filed European	200
20.1.2	application).	288
20.1.3	Further amendments require the consent of the Examining Division	288 288
20.1.4	Amendment during opposition and appeal	288
20.2	Language and form of amendments	289
20.3	Amendment must not add subject matter	289
20.4	Circumstances in which amended claims may not to relate to	207
20.5	unsearched subject matter	290
20.6	Amendment must not extend the protection conferred by a patent	291
20.7	Correction of errors in documents	292
20.7.1	What corrections are allowable?	292
20.7.2	Corrections to the description, claims and drawings are governed by	
	Art. 123(2) EPC	292
20.7.3	Examples of allowable and non-allowable corrections	292
20.7.4	Correction is only possible where proceedings are pending	293
20.7.5	Competent body to decide on correction	293
20.8	Correction of errors in decisions	293
	Chapter 21: Inventorship, Ownership and Suspension of Proceedings	
21.1	Right of the inventor to be mentioned	295
21.1.1	Right of the inventor to be mentioned	295
21.1.2	Designation of the inventor	295
21.1.3	Rectification of the designation of the invento	295
21.1.4	Publication of mention of the inventor	295
21.2	Right to a European patent	295
21.3	Procedure where the applicant does not have the right to a	• • •
	European patent	295
21.3.1	Jurisdiction of the Contracting States	295
21.3.2	Stay of proceedings during examination	296
21.3.3	Calculation of time limits when proceedings are resumed	296
21.3.4	No withdrawal during stay of proceedings	297
21.3.5	Remedies following a final decision.	297 298
21.3.6	Partial transfer of right by virtue of a final decision	298
21.3.7 21.3.8	EPO division responsible	298
41.3.8		270
22.4	Chapter 22: Representation	200
22.1	Kinds of representation available	299
22.1.1	Choice of representation for a person having a residence or principal place of business within a Contracting State	299
	•	

22.1.2	Choice of representation for a person not having a residence or	
	principal place of business within a Contracting State	299
22.1.3	Common representative for parties acting in common	299
22.2	Professional representation	300
22.2.1	Those who can act as a professional representative	300
22.2.2	Right of a person acting as a professional representative to set up in business	300
22.2.3	Procedure for being entered on the list of professional representatives.	300
22.2.4	The European Qualifying Exam	301
22.2.5	Institute of Professional Representatives before the EPO	301
22.2.6	Circumstances in which a representative may be deleted from the list	301
22.2.7	Re-entry on the list following deletion	302
22.2.8	Attorney-client evidentiary privilege	302
22.2.8	Authorisation	302
22.3.1	Requirement to file an authorisation	302
22.3.1	Form and content of an authorisation	303
		303
22.3.3	Consequences of not filing an authorisation when requested	
22.3.4	Withdrawal/termination of an authorisation	303 303
22.3.5	Where several representatives are appointed	
22.3.6	The authorisation of an association	304
	Chapter 23: Languages	
23.1	Languages of the EPC-authentic text	305
23.2	Official languages of the EPO	305
23.3	Language in which an application can be filed	305
23.4	Language of filing determines the language of proceedings and the authentic text	305
23.5	Language of the proceedings to be used in all proceedings except where	
	exceptions are provided for	305
23.6	Language to be used in written procedures - exceptions to the use of	
	the language of the proceedings	305
23.7	Consequence of not using an admissible language or not filing a	
	required translation in written proceedings	306
23.8	Language to be used in oral proceedings - exceptions to the use of the	
	language of the proceedings	307
23.9	Certification of translated documents	307
23.10	Language of publication of applications, patents, the Bulletin, the	
	Official Journal and entries in the Register	307
23.11	Languages of the Administrative Council	308
24.1	Chapter 24: Miscellaneous Common Provisions Dringiples of interpretation relevant to the EPC	309
24.1 24.2	Principles of interpretation relevant to the EPC	509
24.2	Rules relating to documents filed subsequently to the filing of the	309
2421	application	
24.2.1	Where and how to file subsequent documents	309
24.2.2	Rules relating to content and form	310
24.2.3	Need for a signature	310
24.3	Withdrawal of applications, patents, designations, extensions, priority	210
2424	claims, oppositions, requests for limitation/revocation and appeals	310
24.3.1	Withdrawal of an application	310
24.3.2	Withdrawal of part of the subject matter of an application	311
24.3.3	Withdrawal of a designation	311
24.3.4	Withdrawal of a request for extension or validation	311
24.3.5	Withdrawal of a priority claim	311
24.3.6	Withdrawal of an opposition	311
24.3.7	Withdrawal of an appeal	311
24.3.8	Withdrawal of a patent	311
24.3.9	Withdrawal of a request for limitation/revocation	311

24.4	Renewal fees	312
24.4.1	Requirement to pay renewal fees	312
24.4.2	Consequences of non-payment – grace period	312
24.4.3	Provisions in respect of divisional applications	312
24.4.4	Provisions in respect of applications which have been refused or	
	deemed withdrawn	313
24.4.5	Renewal fees when the Enlarged Board of Appeal reopens proceedings	
	before the Board of Appeal	313
24.4.6	Provisions in respect of replacement applications	313
24.4.7	Refund of a renewal fee	313
24.5	Assignment, licensing and other property transactions	313
24.5.1	Transfer and constitution of rights	313
24.5.2	Assignment	314
24.5.3	Contractual licensing	314
24.5.4	Law applicable	314
24.5.5	Registration of a transfer of an application or a patent	314
24.5.6	Registration of the grant or transfer of a licence and other transactions	211
27.3.0	relating to a patent application	314
24.5.7	EPO department responsible	314
24.6	Observations by third parties.	315
24.7	Notification by the EDO	316
24.7.1	Notification by the EPO	316
24.7.1	Form of notification	316
24.7.2	Person to whom notification is made	316
24.7.3		310
24./.4	Notification by postal services – deemed notification on the tenth day	316
2475	following posting.	317
24.7.5	Notification by delivery by hand	
24.7.6	Notification by public notice	317
24.7.7	Notification by technical means of communication	317
24.7.8	Notification through the central industrial property office of a	217
2470	Contracting State	317
24.7.9	Irregularities in notifications	318
24.7.10	Notification of loss of rights	318
24.7.11	Communications and notices to be signed and identify author	318
24.8	Decisions	318
24.8.1	Decisions only to be based on grounds/evidence on which the parties have had an opportunity to comment	318
24.8.2	Applicant or proprietor to submit or agree text decided on – auxiliary	510
21.0.2	requests	319
24.8.3	Form of decisions	319
24.8.4	The finality of a decision	320
24.8.5	Obtaining a decision after the EPO has notified a loss of rights	320
24.8.6	Decisions to be signed and identify author	320
24.8.7	Notification of decisions	321
24.8.8	Correction of errors in decisions	321
24.8.9	Interlocutory decisions	321
24.9	Examination by the EPO of its own motion	321
24.10	Facts and evidence submitted late may be ignored	321
24.11	Oral proceedings	321
24.11.1	Extent of the right to oral proceedings	321
24.11.2	Summons to oral proceedings	322
24.11.3	Consequence of summoned party not turning up	322
24.11.4	Preparation for oral proceedings by the parties	323
24.11.5	Extent to which oral proceedings are open to the public	323
24.11.6	Procedure in oral proceedings	323
24.11.7	Minutes of oral proceedings	325
24.11.8	Fresh oral proceedings if the composition of a Board of Appeal changes	325
24.11.0	Taking of evidence	325
24.12.1	Forms of evidence available to the EPO	325
		

24.12.2	Principles to be applied when evaluating evidence	325
24.12.3	Decision to take evidence	326
24.12.4	Summons to give evidence before the EPO	326
24.12.5	Hearing of evidence before a competent court	326
24.12.6	Examination of evidence before the EPO	326
24.12.7	The opinion of experts	327
24.12.8	Costs of taking evidence	327
24.12.9	Conservation of evidence	327
24.12.10	Minutes of taking of evidence/inspection	328
24.13	Authentic text of a European patent or application	328
24.14	Unity of a European patent application or European Patent	329
24.15	Request for information concerning prior art	329
24.16	Reference to the procedural law of the Contracting States	330
	Chapter 25: Information Made Available by the EPO	
25 1	-	221
25.1	The Register of European patents	331
25.1.1	Content of the register	331
25.1.2	No entry in the register prior to publication of the application	332
25.1.3	Register to be open to the public	332
25.1.4	Language of the register	332
25.2	Inspection of files relating to applications.	332
25.2.1	No inspection of files relating to unpublished application except	
	where rights have been invoked	332
25.2.2	Inspection of files after publication of the application	332
25.2.3	Procedure for the inspection of files and communication of	
	information in the files	333
25.2.4	Maintenance of the files	333
25.3	The Official Journal	334
25.4	The Bulletin	334
		551
25.5	Exchanges of information between the EPO and national	551
		334
	Exchanges of information between the EPO and national	
25.5	Exchanges of information between the EPO and national authorities/courts	334
25.526.1	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents	334 336
25.5 26.1 26.1.1	Exchanges of information between the EPO and national authorities/courts	334 336 336
25.5 26.1 26.1.1 26.1.1.1	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent.	334 336 336 336
25.5 26.1 26.1.1 26.1.1.1 26.1.1.2	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent	334 336 336 336 336
25.5 26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO.	334 336 336 336 337
26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO. Representation before special departments.	334 336 336 336 337 337
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.3 26.1.4	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council.	334 336 336 336 337 337 337
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.3 26.1.4 26.1.5	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks.	334 336 336 336 337 337 337
26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents	334 336 336 337 337 337 337
26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property	334 336 336 337 337 337 337 338
26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation	334 336 336 337 337 337 337 338 338
26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States	334 336 336 337 337 337 337 338
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees	334 336 336 337 337 337 337 338 338 338
25.5 26.1 26.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees.	334 336 336 337 337 337 337 338 338 338
25.5 26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees.	334 336 336 337 337 337 337 338 338 338 339
25.5 26.1 26.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President	334 336 336 337 337 337 337 338 338 338 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published	334 336 336 337 337 337 337 338 338 338 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified	334 336 336 337 337 337 337 338 338 338 339 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5 27.6	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified Currency to be used	334 336 336 337 337 337 337 338 338 338 339 339 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified Currency to be used Payment or transfer to an EPO bank account	334 336 336 337 337 337 337 338 338 338 339 339 339 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5 27.6	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified Currency to be used	334 336 336 337 337 337 337 338 338 338 339 339 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5 27.6 27.7	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified Currency to be used Payment or transfer to an EPO bank account	334 336 336 337 337 337 337 338 338 338 339 339 339 339 339 339
25.5 26.1 26.1.1 26.1.1.1 26.1.1.2 26.1.2 26.1.3 26.1.4 26.1.5 26.1.6 26.1.7 26.1.8 26.2 27.1 27.2 27.3 27.4 27.5 27.6 27.7 27.8	Exchanges of information between the EPO and national authorities/courts Chapter 26: Special Agreements under the EPC Unitary patents Grant of a unitary patent by the EPO. Switzerland/Liechtenstein unitary patent. EU unitary patent Special department of the EPO Representation before special departments. Select Committee of the Administrative Council. Cover for expenditure for carrying out special tasks. Payments in respect of renewal fees for unitary patents The European patent application as an object of property Joint designation Other agreements between the Contracting States Chapter 27: Rules Relating to Fees The Administrative Council adopts the rules relating to fees. Purpose of the rules relating to fees. Fees, costs and prices laid down by the President Amounts of fees to be published Due date for fees where not specified Currency to be used Payment or transfer to an EPO bank account Payment by other methods – deposit accounts and credit cards	334 336 336 337 337 337 337 338 338 338 339 339 339 339 339 339

27.11 27.12 27.13 27.14	Who may make payments? To whom will refunds be paid? Procedure where the amount paid is insufficient Refund of insignificant amounts	342 342 342 343
	PART C – THE PCT	
	Chapter 28: Institutional Aspects and Definitions	
28.1	Establishment of a Union	345
28.2	Parts of the Union	345
28.2.1	The Assembly	345
28.2.2	The International Bureau	345
28.3	Regulations and Administrative Instructions	345
28.3.1	Regulations under the PCT	345
28.3.2	Administrative Instructions	345
28.4	The Gazette	345
28.5	Definitions/Interpretations	346
	Chapter 29: The Application	
29.1	Elements of the application	348
29.2	General and physical requirements of the application	348
29.2.1	Prohibited matter	348
29.2.2	Number of copies to be filed	348
29.2.3	Terminology and signs	348
29.2.4	Physical requirements	348
29.3	Requirements relating to the request	348
29.3.1 29.3.2	Use of a specified form	348 349
29.3.2	Title	349
29.3.4	Details of the applicant	349
29.3.5	Details of the inventor	349
29.3.6	Details of any agent	349
29.3.7	Details of any common representative	350
29.3.8	Requirements for providing names and addresses	350
29.3.9	Address for correspondence	350
29.3.10	Designation of Contracting States	350
29.3.11	Designation of the EPO	351
29.3.12	Kind of protection sought	351
29.3.13	Priority claim Restoration of the right of priority	351 352
29.3.14 29.3.15	Transmittal of certified copy	352
29.3.16	Statement of incorporation by reference	352
29.3.17	Choice of international searching authority	352
29.3.18	Use of the results of earlier search or search opinion	352
29.3.19	Standardised declarations	353
29.3.20	Check list	353
29.3.21	Signature of the applicant	354
29.3.22	Reference to a parent application or patent	354
29.3.23	No further content of the request is allowed	354
29.4	Requirements Relating to the Description	354
29.4.1	Need for a sufficient disclosure	354 355
29.4.2 29.4.3	Content of the description	355
29.4.3	Requirements relating to the claims	355
29.5.1	Requirement for clarity, conciseness and support	355
29.5.2	Claims to define matter the applicant seeks to protect	355
29.5.3	Situations in which two-part form is required	355
29.5.4	Number and type of claims allowed	355

DETAILED CONTENTS

29.5.5	Numbering of the claims	356
29.5.6	Omnibus claims generally not allowed	356
29.5.7	References in claims to reference signs in figures	356
29.5.8	Manner of claiming in respect of an application for a utility model	356
29.5.9	Unity of invention	356
29.6	Requirements relating to the abstract	357
29.7	Requirements relating to the drawings	357
29.8	Requirements relating to any priority claim	358
29.8.1	Relevance of the Paris Convention	358
29.8.2	Who may make a claim to priority?	358
29.8.3	Length of the priority period	358
29.8.4	Restoration of a right to priority by the receiving Office where the	
	time limit is missed	358
29.8.5	The whole content of the previous application can support a	
2 /101 0	priority right	359
29.8.6	What kind of application may be used as a basis for claiming priority?.	359
29.8.7	Priority claims originating in World Trade Organisation countries do	007
27.0.7	not apply in respect of the EPO if the priority-claiming application	
	was filed before the coming into force of EPC2000	360
29.8.8	Procedure for claiming priority – declaration	360
29.8.9	Procedure for claiming priority – declaration: Procedure for claiming priority – certified copy	361
29.8.10	Procedure for claiming priority – translation	361
29.8.11	Can one application claim more than one priority?	361
29.8.12	Effect of the claim to priority in the international phase	361
29.8.13	Effect of designating a State in which the priority application was filed.	362
29.9	Language requirements of the application	362
29.9.1	Acceptable languages of filing	362
29.9.1	Languages the receiving Office must accept	362
29.9.2	Circumstances in which the applicant must provide a translation	302
27.7.3	for international search	362
29.9.4	Circumstances in which the applicant must provide a translation	302
∠7.7. 4	for international publication	363
29.9.5	Procedure where the request is not in a language of publication	363
29.9.5 29.9.6	Procedure where language of filing is not accepted by the receiving	303
27.7.0	Office	363
20.10		363
29.10 29.10.1	Requirements relating to biotechnological inventions	363
	Sequence listings Deposit of biological material	364
29.10.2	Deposit of biological material	J0 1
	Chapter 30: Filing an International Patent Application	
30.1	Who is entitled to file an international patent application?	365
30.2	Where may an international patent application be filed?	365
30.3	Procedure when the application is filed in the wrong place	366
30.4	The receiving Office can apply national law relating to representation.	366
30.5	Those entitled to use the EPO as a receiving Office	366
30.6	Filing an international application with the EPO	366
30.7	Manner of filing the application	367
30.7.1	The use of paper	367
30.7.2	The use of telegraph, teleprinter, or facsimile	367
30.7.3	Filing in electronic form	368
30.8	Payment of Fees.	368
30.8.1	Transmittal fee	368
30.8.2	Transmittal fee where the EPO is the receiving Office	368
30.8.3	International filing fee	368
30.8.4	Search fee	369
30.8.5	Late payment of fees	369
30.8.6	Consequences of not paying fees	370

	Chapter 31: Procedure of the Receiving Office	
31.1	Examination as to whether a filing date can be accorded	371
31.1.1		371
31.1.2		372
31.1.3		372
31.1.4		373
31.1.5		374
31.1.6		376
31.1.7	and the contract of the contra	376
31.2	Copying and transmittal of the international application by the	
		376
31.2.1		376
31.2.2	Number of copies of the application required – responsibility for their	376
31.2.3	· *	376
31.2.4	Transmittal by the receiving Office of the record copy to the	′/ 0
J1.2.T	r 1 170	377
31.2.5	An international application is considered withdrawn if the	'//
31.2.3		377
31.2.6	Procedure where the International Bureau receives the record copy	'//
31.2.0	in time –	
		377
31.2.7	Transmittal by the receiving Office of a translation of the international	'//
31.2./		378
31.2.8	Transmittal by the receiving Office of the search copy and any sequence	'/ 0
31.2.0		378
21 2 0		י / ס
31.2.9	Procedure of the International Searching Authority on receipt of the	378
31.2.10	17	378
31.2.10		379
31.3.1	1	379
		379
31.3.2		379
31.3.3		38C
31.3.4	11	38C
31.3.5 31.3.6	Are certain of the physical requirements met?	, o c
31.3.6		380
21 2 7		380
31.3.7		381
31.4		,01
31.4.1	Are the abstract, request and text matter of the drawings in the correct	381
21 / 2	0	381
31.4.2		382
31.4.3		382
31.4.4	1 6	002
31.4.5	The role of the International Bureau and International Searching	
	Authority	383
21.4.6		,05
31.4.6	Procedure when the receiving Office declares that the application is	383
	considered withdrawn)83
	Chapter 32: Drawing up the International Search Report	
32.1	Authorities competent to carry out international search	384
32.1.1		384
32.1.2	Requirements that must be met by an International Searching	
	Authority	384
32.1.3		384
32.1.4	Receiving Offices specify the competent International Searching	
	Authority or Authorities	384

32.1.5	Limitations set by the EPO on its competence as International Searching Authority	385
32.2	The nature of an international search	385
32.2.1		385
32.2.1	The purpose of an international search	385
32.2.2	Definition of relevant prior art.	385
32.2.3	Fields to be covered.	385
32.2.4	Minimum documentation	386
32.3	The nature of an international-type search	386
32.4	Procedure for conducting the search	386
32.4.1	General aspects	386
32.4.2	Check that title and abstract are present and appropriate	386
32.4.3	Check whether sequence listings have been provided properly	387
32.4.4	Determination as to whether a search is possible	387
32.4.5	Check for unity of invention	388
32.4.6	Lack of unity where the EPO is the International Searching Authority.	388
32.4.7	Taking into account results of an earlier search or search opinion	389
32.4.8	Taking into account the rectifications of obvious mistakes	390
32.5	The International Search Report, the written opinion and the	370
32.3	International Preliminary Report on Patentability	390
32.5.1	Time limit for establishing the search report	390
32.5.2	Form of the search report	390
32.5.3	Written opinion of the International Searching Authority	391
32.5.4	Transmittal of the search report and written opinion to the applicant	0,1
J 2. J.	and the International Bureau	392
32.5.5	Preparation by the International Bureau of an International Preliminary	<u> </u>
	Report on Patentability (IPRP) and transmission to the applicant	392
32.5.6	Translation of the search report by the International Bureau	393
32.5.7	Translation of the written opinion or Preliminary Report on	
	Patentability by the International Bureau and communication of the	
	report and its translation to designated Offices	393
32.5.8	Requests by a receiving Office or the applicant for copies of cited	
	documents	393
32.5.9	Publication of the search report	393
32.5.10	Public availability of the written opinion	393
	Chapter 33: Supplementary International Searches	
33.1	Filing a request for a supplementary international search	394
33.1.1	Time limit	394
33.1.2	Where must the request be filed and what language should be used?	394
33.1.3	Can more than one request be filed?	394
33.1.4	Competent International Searching Authority	394
33.1.5	Content of the request	394
33.1.6	Requirement to pay fees	395
33.1.7	Situations under which the request is considered not to have been	201
	submitted	396
33.2	Processing of the request for supplementary international search	207
22.2.4	by the International Bureau	396
33.2.1	Checking of the supplementary search request	396
33.2.2	Correction of defects and late payment of fees	396
33.2.3	Transmittal to International Searching Authority	396
33.3	Procedure for carrying out the supplementary international search	397 397
33.3.1	Start date for the search	397 397
33.3.2	Basis for the search	397 397
33.3.3	General procedure	397 398
33.3.4	Procedure in the case of a lack of unity	398 399
33.4	The supplementary International Search Report	399 399
33.4.1	Drawing up the supplementary international Search Report	ンフフ

33.4.2	Transmittal and effect of the supplementary International Search Report.	399
33.4.3	Public availability of the supplementary International Search Report	400
	Chapter 34: Amendment of the Application under Article 19	
34.1	Amendment of claims before the International Bureau	401
34.1.1	When can the applicant amend the claims?	401
34.1.2	Where should any amendments be filed?	401
34.1.3	Language of the amendments	401
34.1.4	Form of any amendments	401
34.1.5	Statement accompanying the amendments	402
34.1.6	Prohibition on added subject matter	402
34.2	Notification of amendments to the International Preliminary	102
	Examining	
	Authority when a demand has been filed	402
	Chapter 35: Publication of the Application and the Search Report	
35.1	Responsibility for international publication.	403
35.2	Timing of international publication	403
35.3	Circumstances where no publication takes place	403
35.4	Language and form of the publication	404
35.4.1	Where the language of filing is used	404
35.4.2	Where the language of a translation is used	404
35.4.3	Translation of parts of the pamphlet into English where English is not	
	the language of publication	404
35.4.4	Form of the publication	404
35.5	Contents of the publication	404
35.5.1	A standardised front page (r.48.2(a)(i))	404
35.5.2	The description (r.48.2(a)(ii))	405
35.5.3	The claims (r.48.2(a)(iii))	405
35.5.4	Any drawings (r.48.2(a)(iv))	405
35.5.5	The International Search Report or Art. 17(2)(a) declaration	
33.3.3	(r.48.2(a)(v))	405
35.5.6	Any statement filed under Art. 19(1) (r.48.2(a)(vi))	405
35.5.7	Any request for rectification (r.48.2(i))	405
	Indications relating to biological material (r.48.2(viii))	406
35.5.8		
35.5.9	Information concerning a priority claim (r.48.2(ix))	406
35.5.10	Any declaration (r.48.2(x))	406
35.5.11	Request for restoration of the priority right (r.48.2(xi))	406
35.6	Matter excluded from the publication	406
35.7	Notice of publication in the Gazette	407
35.8	Publication of a notice that the application is considered withdrawn where withdrawal is received too late to stop publication	407
	Chapter 36: Communications to National and Regional offices	
36.1	Communication of the application (Art. 20) to designated States by the	
50.1	International Bureau	408
36.1.1	In what circumstances does the communication occur?	408
36.1.2	Normal timing of the communication and procedure where early	
	national processing has been requested	408
36.1.3	Content of the communication	408
36.1.4	Responsibility for making copies	408
36.1.5	Language of the communication	408
36.1.6	Notification of the Art. 20 communication to the applicant	408
36.1.7	Designated Offices must accept the r.47.1(c) notification as evidence	.00
JU.1./	that the Art. 20 communication has occurred or is not necessary	409
36.2	Other information that is communicated to designated States	707
36.2	by the International Bureau on request	409
	DV the intelliational Dureau on reduest	オレフ

36.2.1	Fact and date of receipt of the record copy and priority document	409
36.2.2	Transmission of the application to a designated Office other than the	
	Art. 20 communication	409
	Chapter 37: Entry into the National/Regional Phase	
37.1	Overview	410
37.2	Timing of national phase entry under Art. 22	410
37.2.1	Standard 30 month time limit	410
37.2.2	Specification of a later time limit than 30 months by a	
	designated Office	410
37.3	Supply of a copy of the international application.	410
37.4	Supply of a translation of the international application	411
37.4.1	Requirements of the translation	411
37.4.2	Consequences of certain defects in the translation	412
37.4.3	Where requirements regarding the translation change	412
37.5	Payment of the national fee	412
37.6	Supply of indications concerning the inventor	413
37.7	Use of a national form	413
37.8	Procedure where applicant has performed the Art. 22 acts and the	
	designated Office has not been informed that the International	412
27.0	Bureau has received the record copy	413
37.9	Indications as to protection sought for the purposes of national	112
27.10	processing	413 413
37.10 37.11		414
37.11 37.11.1	National and regional phase entry under Art. 39 Effect of election prior to 19 months on the application of Art. 22	414
37.11.1	Necessary acts to enter the national phase under Art. 39 and the	414
37.11.2	relevant time limit	414
37.11.3	Consequences of missing the Art. 39 time limit	414
37.11.3	Application of certain rules to national phase entry under Art. 39	414
37.11.5	Time limit for supplying a translation of the priority document to an	717
37.11.3	elected State	415
37.12	Procedure before the EPO as a designated or elected Office	415
37.12.1	Entry into the EPO regional phase	415
37.12.2	Supply of a translation	416
37.12.3	Specification of documents on which the grant procedure is to	
<i>57</i> 11 2 .0	be based	416
37.12.4	Filing fee	416
37.12.5	Designation fee	417
37.12.6	Extension fees	417
37.12.7	Validation fees	418
37.12.8	Supplementary European search and fee	418
37.12.9	Request for examination	421
37.12.10	Renewal fee	421
37.12.11	Certificate of exhibition	421
37.12.12	Amendment of the application and invitation to correct deficiencies	422
37.12.13	Claims fees	422
37.12.14	Designation of the inventor	423
37.12.15	Requirements relating to a priority claim	423
37.12.16	Provision of a sequence listing	424
37.12.17	Details relating to the applicant	424
37.12.18	Representation	424
37.12.19	Circumstances in which international publication takes the place of	,
	European publication	425
37.12.20	Opportunity to have a search report drawn up in repect of an invention	
	not searched by the EPO in the international phase when	,
	no supplementary European search is necessary	425

	Chapter 38: International Preliminary Examination
38.1	Which designated States does Chapter II apply to?
38.2	Who may apply for international preliminary examination and which
38.3	States may be elected
38.3.1	Receiving Offices specify the competent International Preliminary
	Examining Authority or Authorities
38.3.2	Limitations set by the EPO on its competence as International Preliminary Examining Authority
38.4	How to apply for international preliminary examination – the demand. 428
38.4.1	Demand
38.4.2	Time limit
38.4.3	Where to apply
38.4.4	Use of a form
38.4.5	Content of the demand
38.4.6	Filing the demand constitutes the election of all eligible States 430
38.4.7	The EPO as an elected Office. 430
38.4.8	Fees due
38.4.9	Acceptable languages of the demand
38.4.10	Acceptable languages of the application
38.4.11	Acceptable languages of amendments
38.4.12	Languages before the EPO
38.5	Later election of States
38.6	Procedure where there are defects in the demand
38.6.1	Applicant not entitled to make a demand
38.6.2	Invitation by the International Preliminary Examining Authority to
	correct formal defects
38.6.3	Procedure where a statement concerning amendments is omitted or is
	misleading
38.6.4	Defects noticed by the International Bureau
38.7	Procedural steps taken by the international authorities on receipt of the
20.7.4	demand
38.7.1	Procedure of the International Preliminary Examining Authority on
	receipt of the demand – notification to the International Bureau and the applicant
20.7.2	
38.7.2	Notification to elected States of their election by the International Bureau and other related actions
2072	Dailoud unid Culter relation well-class relations and relations are relations and relations and relations and relations are rela
38.7.3	Notification of the written opinion and any Art. 19 amendments to the International Preliminary Examining Authority by the International
	, , ,
38.8	Bureau
38.8.1	Aspects of patentability examined
38.8.2	Definitions of novelty, inventive step and industrial applicability 438
38.8.3	Definition of prior art
38.8.4	Documents to be taken into consideration
38.9	Procedure before the International Preliminary Examining Authority. 430
38.9.1	When international preliminary examination starts and finishes 430
38.9.2	General provisions governing procedure
38.9.3	Right of the applicant to communicate with the International
36.7.3	Preliminary
	Examining Authority
38.9.4	Documents on which the examination is based
38.9.5	Applicant's right to amend
38.9.6	Situations where the International Preliminary Examining Authority is
	not obliged to examine part of or the whole of an application
38.9.7	The written opinion of the International Preliminary Examining
	Authority and responses thereto

38.9.8	Circumstances in which the written opinion established by the	
	International Searching Authority is considered to be a written opinion of the International Preliminary Examining Authority	440
38.9.9	Situation where amendments and arguments may be ignored	440
38.9.10	Procedure where the International Preliminary Examining Authority	110
30.7.10	needs a copy of the priority document or translation thereof	440
38.9.11	Procedure where unity is in dispute	441
38.9.12	Lack of unity where the EPO is International Preliminary Examining	
001/112	Authority	442
38.9.13	Procedure where a sequence listing is absent or in the wrong format	442
38.9.14	Top-up search	442
38.10	The International Preliminary Examination Report (IPER)	442
38.10.1	Time limit for establishing the International Preliminary Examination	
	Report	442
38.10.2	Requirements as to form	443
38.10.3	Language of the report (and any annexes)	443
38.10.4	Documents on which the report is based	443
38.10.5	Information on the first page	443
38.10.6	Comments on amendments and the correction of mistakes	443
38.10.7	Comments on priority	444
38.10.8	Comments on the non-establishment of an opinion	444
38.10.9	Comments on lack of unity	444
38.10.10	Statement regarding patentability under Art. 35(2)	444
38.10.11	Certain documents cited	445
38.10.12	Certain defects in the application	445
38.10.13	Certain observations on the application	445
38.10.14	Annexes to the report	445
38.10.15	Comment on top-up search	445
38.11	Translation and communication of the International Preliminary	
	Examination Report and its annexes	446
38.11.1	Transmission of International Preliminary Examination Report to the	
	International Bureau and the applicant by the International Preliminary	
	Examining Authority	446
38.11.2	Translation by the International Bureau of the International	
	Preliminary	
	Examination Report and its transmission to the elected Offices and the	
	applicant	446
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	446
38.11.4	Translation of the annexes of the International Preliminary Examination	
	Report by the applicant and transmission of the translation to the	
	elected Offices	447
38.11.5	Supply of documents cited in the International Preliminary	
	Examination Report to the applicant and elected Offices by the	
	International Preliminary Examining Authority	447
	Chapter 39: National Phase Aspects	
39.1	The effect of an international patent application having a filing date	448
39.1.1	Nature of the effect	448
39.1.2	Circumstances in which the effect is lost	448
39.1.3	Exceptions to the effect – the prior art effect of an international	. 10
57.1.5	application in a designated State	448
39.1.4	Definition of a Euro-PCT application	448
39.1.5	Extension of the effect to successor states	449
39.2	The effect of a published international patent application	449
39.2.1	Provisions of the PCT	449
39.2.2	Provisions of the EPC-publication of the translation	450

39.3	Examination by national Offices	450
39.3.1	When national processing may begin	450
39.3.2	Right to amend when entering the national phase under Chapter I	450
39.3.3	Right to amend when entering the national phase under Chapter II	450
39.3.4	Right to amend on entering the EPO regional phase	451
39.3.5	Procedure where unity has been impugned in the international phase	451
39.3.6		451
	Consideration of unity by the EPO	431
39.3.7	Effect on a designated Office of a decision by the receiving Office to	
	base a filing date on documents incorporated by reference in the case	
	where reservations have been filed or errors made	451
39.3.8	Requirements relating to form or contents additional to those in the PCT may not be imposed by national Offices	452
39.3.9	Requirements relating to the submission of certain documents (e.g. as	132
37.3.7		453
20.2.10	evidence) that may be imposed by national Offices	433
39.3.10	Requirements relating to the certification/verification of the Art. 22	
	translation that may be imposed by national Offices	454
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	454
39.3.12	Requirement to submit a translation of the priority document	454
39.3.13	The effect on designated Offices of a decision by the receiving	
	Office to restore a right of priority	455
39.3.14	The effect on designated Offices of a decision by the receiving	
	Office to refuse restoration of a right of priority	455
39.3.15	Request by the applicant for a designated Office to restore a right to	
37.3.13	priority	455
39.3.16	Substantive conditions of patentability that may be imposed by	133
37.3.10	Contracting States	456
20 2 17	Requirement by Contracting States that the inventor(s) must be the	730
39.3.17		457
20.2.10	applicant(s)-procedure when not abided by	43/
39.3.18	Requirements relating to representation that may be imposed by	457
20.2.40	Contracting States	457
39.3.19	Removal of reference signs in claims for publication	457
39.3.20	Submission of a sequence listing	457
39.3.21	Special provisions relating to utility models	457
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	457
39.4	Consequences of an incorrect translation on the scope of a patent	
	obtained	458
Cł	hapter 40: The Calculation of Time Limits and Procedural Safeguards	
	•	450
40.1	Expression of dates	459
40.2	Time limits to be calculated from date of mailing	459
40.3	Computation of time limits	459
40.4	Extension of time limits where a national Office or intergovernmental organisation is not open for business	459
40.5	Extension of time limits where mail is not delivered in a relevant	,
10.5	locality on the last day of a time limit	460
40.6	Circumstances in which a missed time limit is excused where a	100
40.0		460
10.7	document is sent in good time	700
40.7	Excuse of the delay in meeting a time limit in the case of war,	
	revolution, civil disorder, strike, natural calamity or unavailability of	471
40.0	electronic communication	461
40.8	Extension of a time limit where a letter is received more than seven days	4/4
	after posting	461
40.9	Chance for the applicant to escape a negative determination made in the	
	international phase	461
40.9.1	Overview	461

40.9.2	Duty of the International Bureau to supply documents to designated States when the International Bureau or receiving Office has made a	
40.9.3	negative determination	462
40.0.4	International Bureau/receiving Office is at fault according to the PCT.	462
40.9.4 40.9.5	Right of any designated State to maintain the effect of an international application in that State when it does not have to	462
	provisions of national law	462
40.10	Opportunity to correct an application where allowed under national law	463
40.11	Rectification of errors made by the receiving Office or the International Bureau concerning filing date and priority claim	463
40.12	Reinstatement of rights after failure to enter the national phase within the time limit	463
	Chapter 41: Rectification of Mistakes	
41.1	Mistakes that may be rectified	465
41.2	Mistakes that may not be rectified	465
41.3	Authority responsible for authorising rectification	465
41.4	Either the applicant or an international authority may initiate rectification	466
41.5	Procedure for requesting rectification – time limit	466
41.6	Decision on the authorisation of a rectification	466
41.7	Language of the correction	467
11.7	Chapter 42: Representation	107
42.1	Requirements relating to representation that may be imposed by the receiving Office	468
42.2	Requirements relating to representation that may be imposed by Contracting States	468
42.3	Right to practice before international authorities	468
42.4	Agents and common representatives	469
42.4.1	Appointment of an agent	469
42.4.2	Representative where there are two or more applicants	469
42.4.3	Effects of acts carried out by representatives and agents	470
42.4.4	Manner of appointment of an agent or common representative	470
42.4.5	Manner of renunciation of an agent or common representative	471
	Chapter 43: Miscellaneous Common Provisions	
43.1	Relationship between the PCT and the EPC	472
43.2	Rules relating to documents filed subsequently to the filing of the	
	application	472
43.2.1	Need for papers to be accompanied by a signed letter	472
43.2.2	Language of letters and documents	472
43.2.3	Form of subsequently filed documents	473
43.2.4	The use of telegraph, teleprinter, facsimile to transmit subsequently filed documents	473
43.2.5	The use of electronic means to transmit subsequently filed documents .	473
43.3	Withdrawal of an international application, a designation, an election, a demand or a priority claim	474
43.3.1	Withdrawal of an international application.	474
43.3.2	Withdrawal of a designation	475
43.3.3	Withdrawal of a priority claim	475
43.3.4	Withdrawal of a supplementary search request	476
43.3.5	Withdrawal of the demand or of elections	476
43.4	Recordal of changes concerning an applicant, inventor, agent or	5
	common representative by the International Bureau	477

Notification by national Offices and intergovernmental organisations.	477
	477
Third party observations	477
Offer to license an international application	478
Chapter 44: Information Made Available by the International Authorities and Designated/Elected Offices	
Confidential nature of the international application before its	479
Confidential nature of the written opinion of the International	
Searching Authority and related documents (applications filed before	
01 July 2014)	479
Confidential nature of international preliminary examination	480
Obligation for international authorities to keep files	480
Access allowed to files (applications filed on or after July 1, 1998)	480
Access to the file held by the International Bureau	480
Access to the file held by the receiving Office	481
Access to the file held by the International Searching Authority and supplementary International Searching Authority	481
Access to the file held by the International Preliminary Examining	
Authority	482
	482
	482
	483
applications)	483
Availability of information concerning national phase entry and	
	483
International Searching Authority (all applications)	483
Availability of citations in the International Preliminary Examination	
Report from the International Preliminary Examining Authority (all	
applications)	484
	485
	Schedule of Fees. Third party observations Offer to license an international application. Chapter 44: Information Made Available by the International Authorities and Designated/Elected Offices Confidential nature of the international application before its publication. Confidential nature of the written opinion of the International Searching Authority and related documents (applications filed before 01 July 2014). Confidential nature of international preliminary examination. Obligation for international authorities to keep files. Access allowed to files (applications filed on or after July 1, 1998). Access to the file held by the International Bureau. Access to the file held by the International Searching Authority and supplementary International Searching Authority. Access to the file held by a designated Office. Access to the file held by a designated Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by an elected Office. Access to the file held by the International Preliminary Examini