

# Contents

Foreword .....	VII
Preface .....	IX
About the author .....	XI
Detailed Contents .....	XV
Abbreviations used .....	XLI

## PART A – STRATEGY

Chapter 1:	Paper D Part I – Legal Questions .....	1
Chapter 2:	Paper D Part II – Legal Opinion .....	103
Chapter 3:	Pre-examination – Legal Questions .....	144

## PART B – THE EPC

Chapter 4:	The EPC and EPO .....	153
Chapter 5:	The Invention .....	162
Chapter 6:	The Application .....	178
Chapter 7:	Filing a European Patent Application .....	193
Chapter 8:	Examination on Filing .....	202
Chapter 9:	The Search Report and Opinion .....	210
Chapter 10:	Publication of the Application and Search Report .....	215
Chapter 11:	Request for Examination, Designation Fee, Extension Fees and Validation Fees .....	217
Chapter 12:	Substantive Examination .....	223
Chapter 13:	Allowance and Grant .....	227
Chapter 14:	Opposition Proceedings .....	232
Chapter 15:	Limitation and Revocation Proceedings .....	248
Chapter 16:	Appeal Proceedings .....	252
Chapter 17:	Proceedings before the Enlarged Board of Appeal .....	267
Chapter 18:	The Application and Patent in the Contracting States .....	272
Chapter 19:	Time Limits and Procedural Safeguards .....	279
Chapter 20:	Amendment and Correction .....	288
Chapter 21:	Inventorship, Ownership and Suspension of Proceedings .....	294
Chapter 22:	Representation .....	298
Chapter 23:	Languages .....	303
Chapter 24:	Miscellaneous Common Provisions .....	307
Chapter 25:	Information Made Available by the EPO .....	331
Chapter 26:	Special Agreements under the EPC .....	336
Chapter 27:	Rules Relating to Fees .....	339

## PART C – THE PCT

Chapter 28:	Institutional Aspects and Definitions .....	345
Chapter 29:	The Application .....	348
Chapter 30:	Filing an International Patent Application .....	365
Chapter 31:	Procedure of the Receiving Office .....	371
Chapter 32:	Drawing up the International Search Report .....	386
Chapter 33:	Supplementary International Searches .....	397
Chapter 34:	Amendment of the Application under Article 19 .....	404
Chapter 35:	Publication of the Application and the Search Report .....	406
Chapter 36:	Communications to National and Regional offices .....	411

Chapter 37:	Entry into the National/Regional Phase .....	413
Chapter 38:	International Preliminary Examination .....	430
Chapter 39:	National Phase Aspects .....	451
Chapter 40:	The Calculation of Time Limits and Procedural Safeguards .....	462
Chapter 41:	Rectification of Mistakes .....	468
Chapter 42:	Representation .....	471
Chapter 43:	Miscellaneous Common Provisions .....	475
Chapter 44:	Information Made Available by the International Authorities and Designated/Elected Offices .....	482
<b>Index</b> .....		<b>487</b>

# Detailed Contents

Foreword .....	VII
Preface .....	IX
About the author .....	XI
Contents .....	XIII
Abbreviations 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 .....	10
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? .....	11
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? .....	12
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? .....	13
1.4.11	Can the late arrival of a document sent by postal services 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? .....	14
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 .....	41
1.7.1	Divisional applications .....	41
1.7.2	The prior art effects of a published European patent application .....	46
1.7.3	Renewal fees .....	52
1.7.4	Incorporation by reference .....	57
1.7.5	The filing of an application and its filing date .....	60
1.7.6	Filing of documents – Languages and fee reductions .....	61
1.7.7	Filing of documents – other considerations .....	65
1.7.8	The prohibition of reformatio in peius .....	69

1.7.9	The nature of opposition proceedings – in what way do they differ from grant proceedings? . . . . .	71
1.7.10	The nature of appeal proceedings – in what way do they differ from first instance proceedings? . . . . .	75
1.7.11	Entering the EPO regional phase with a Euro-PCT application . . . . .	78
1.7.12	Interlocutory aspects of EPO procedure . . . . .	85
1.8	Transitional provisions EPC1973/EPC2000 . . . . .	88
1.9	Worked examples – Paper D1 2012 . . . . .	92

### Chapter 2: Paper D Part II – Legal Opinion

2.1	General comments . . . . .	103
2.2	How to tackle each question . . . . .	105
2.2.1	Preparing a time line . . . . .	105
2.2.2	Analysing the paper by considering the patentability of each invention. . . . .	106
2.2.3	Points to consider when an application for an invention has been filed . . . . .	107
2.2.4	Points to consider where an application for an invention has not been filed . . . . .	109
2.2.5	What national rights are therefore obtainable by the client and might be used to keep competitors off the market? . . . . .	109
2.2.6	What national rights are therefore obtainable by any competitor which might limit your client’s commercial freedom? . . . . .	110
2.2.7	Answering the paper . . . . .	110
2.3	Relevant timeline events for European and Euro-PCT applications . . . . .	111
2.3.1	Regular European patent application . . . . .	111
2.3.2	European patent application filed via the PCT. . . . .	112
2.4	Aspects of US and Japanese patent law . . . . .	112
2.5	Notes on claiming priority . . . . .	113
2.5.1	Relevance of the Paris Convention to European and Euro-PCT applications. . . . .	114
2.5.2	The importance of naming the correct applicant . . . . .	114
2.5.3	The importance of the “first filing” . . . . .	115
2.5.4	The limited circumstances in which priority may be claimed from a second or subsequent filing . . . . .	115
2.5.5	Illustrative examples of how priority works in relation to the first filing . . . . .	116
2.5.6	Examples of questions relating to the claiming of priority from a first filing in the EQE . . . . .	119
2.6	Worked example – Paper D2 2012 . . . . .	119
2.6.1	First reading and initial thoughts. . . . .	120
2.6.2	Generating a list of dates (Q1–3). . . . .	132
2.6.3	Chronological list of dates (Q1–3). . . . .	132
2.6.4	Expanded chronological list of dates (Q1–3) . . . . .	132
2.6.5	Drawing up a timeline (Q1–3) . . . . .	133
2.6.6	Analysis of patent rights (Q1–3) . . . . .	135
2.6.7	Possible answer (Q1–3). . . . .	138
2.6.8	Possible answer (Q4). . . . .	141

### Chapter 3: Pre-examination – Legal Questions

3.1	Overview . . . . .	144
3.2	Worked examples . . . . .	144

## PART B – THE EPC

### Chapter 4: The EPC and EPO

4.1	European patents. . . . .	153
4.2	The European Patent Organisation . . . . .	153
4.2.1	Foundation of the Organisation. . . . .	153
4.2.2	Structure of the Organisation. . . . .	153

4.2.3	Purpose of the Organisation . . . . .	153
4.3	The European Patent Office and its employees . . . . .	153
4.3.1	Location of the European Patent Office and its sub-offices . . . . .	153
4.3.2	President of the European Patent Office and his duties . . . . .	154
4.3.3	Appointment of senior EPO employees . . . . .	154
4.3.4	Employees not to disclose or make use of confidential information . . . . .	154
4.3.5	Disputes between the Organisation and the employees of the European Patent Office . . . . .	155
4.4	The departments of the European Patent Office . . . . .	155
4.4.1	The departments entrusted with the procedure . . . . .	155
4.4.2	Administrative structure of the EPO . . . . .	155
4.5	The Receiving Section . . . . .	155
4.6	The Search Divisions . . . . .	155
4.7	The Examining Divisions . . . . .	156
4.8	The Opposition Divisions . . . . .	157
4.9	The Legal Division . . . . .	157
4.10	The Boards of Appeal and the Enlarged Board of Appeal . . . . .	158
4.10.1	Composition of the Board of Appeal . . . . .	158
4.10.2	Organisation of the Boards of Appeal . . . . .	159
4.10.3	Enlarged Board of Appeal . . . . .	160
4.10.4	Independence and exclusion of Board of Appeal members . . . . .	160
4.10.5	Adoption of Rules of Procedure by the Boards of Appeal and the Enlarged Board . . . . .	160
4.10.6	Exclusion and objection . . . . .	161
4.11	The Administrative Council . . . . .	161

### Chapter 5: The Invention

5.1	What is not an invention for the purposes of the EPC? . . . . .	162
5.1.1	Requirement for technical subject matter . . . . .	162
5.1.2	Discoveries . . . . .	162
5.1.3	Scientific theories and mathematical methods . . . . .	162
5.1.4	Aesthetic creations . . . . .	162
5.1.5	Scheme, rule or method for performing a mental act . . . . .	163
5.1.6	Scheme, rule or method for playing games . . . . .	163
5.1.7	Scheme, rule or method for doing business . . . . .	163
5.1.8	Computer programs . . . . .	163
5.1.9	Presentation of information . . . . .	163
5.2	What inventions are barred from patentability? . . . . .	164
5.2.1	Morality exemption . . . . .	164
5.2.2	Plant varieties . . . . .	164
5.2.3	Animal varieties . . . . .	165
5.2.4	Essentially biological processes . . . . .	166
5.2.5	Method of treatment or diagnosis exclusion – general points . . . . .	167
5.2.6	Method of treatment of the human or animal body by therapy . . . . .	167
5.2.7	Method of treatment of the human or animal body by surgery . . . . .	168
5.2.8	Diagnostic method practiced on the human or animal body . . . . .	168
5.3	What is a patentable invention? . . . . .	169
5.4	Which inventions are susceptible of industrial application? . . . . .	169
5.5	Which inventions are new? . . . . .	169
5.5.1	Definition of novelty . . . . .	169
5.5.2	The state of the art includes earlier disclosures . . . . .	170
5.5.3	The state of the art includes the contents of earlier European patent applications . . . . .	170
5.5.4	Under what circumstances is something “made available to the public”? . . . . .	171
5.5.5	Judging the content of what has been made available . . . . .	172
5.5.6	Judging whether the content of what has been made available is prejudicial to novelty . . . . .	172
5.5.7	First medical use . . . . .	173

5.5.8	Second medical use . . . . .	173
5.5.9	Second non-medical use . . . . .	174
5.5.10	Abusive disclosure exemption . . . . .	174
5.5.11	Exhibition exemption . . . . .	175
5.5.12	Novelty of selection inventions . . . . .	175
5.6	Which inventions involve an inventive step? . . . . .	176
5.6.1	Definition of inventive step . . . . .	176
5.6.2	Problem-solution approach . . . . .	176
5.6.3	The skilled person and common general knowledge . . . . .	177
5.6.4	Considerations when asking whether the invention is obvious . . . . .	177
5.6.5	Inventive step based on an unexpected advantage . . . . .	177
5.6.6	Further indicators of inventive step . . . . .	177

### Chapter 6: The Application

6.1	Elements of the application . . . . .	178
6.2	General and physical requirements of the application . . . . .	178
6.2.1	Prohibited matter . . . . .	178
6.2.2	Physical requirements . . . . .	178
6.3	Requirements relating to the request . . . . .	178
6.3.1	Use of a specified form . . . . .	178
6.3.2	Drawings not allowed . . . . .	178
6.3.3	Petition for grant (Box 5) . . . . .	178
6.3.4	Waiver of communication under r.70(2) (Box 5.1) . . . . .	178
6.3.5	Details of the applicant (Boxes 7–14) . . . . .	178
6.3.6	Details of any representative (Boxes 15–19) . . . . .	179
6.3.7	Designation of the inventor (Boxes 22–23) . . . . .	179
6.3.8	Title of the invention (Box 24) . . . . .	179
6.3.9	Priority claim (Box 25) . . . . .	179
6.3.10	Indication of divisional status (Box 27) . . . . .	179
6.3.11	Indication that application is a replacement application (Box 28) . . . . .	179
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) . . . . .	180
6.3.14	Signature (Box 46) . . . . .	180
6.3.15	Correction of the request . . . . .	180
6.4	Requirements relating to the description . . . . .	180
6.4.1	Need for a sufficient disclosure . . . . .	180
6.4.2	Content of the description . . . . .	181
6.4.3	Order of presentation of the content of the description . . . . .	181
6.4.4	Description not to contain drawings . . . . .	181
6.5	Requirements relating to the claims . . . . .	181
6.5.1	Requirement for clarity, conciseness and support . . . . .	181
6.5.2	Claims to define matter the applicant seeks to protect . . . . .	182
6.5.3	Situations in which two-part form is required . . . . .	182
6.5.4	Number and type of claims allowed . . . . .	182
6.5.5	Numbering of the claims . . . . .	182
6.5.6	Omnibus claims generally not allowed . . . . .	182
6.5.7	References in claims to reference signs in figures . . . . .	183
6.5.8	Unity of invention . . . . .	183
6.5.9	Allowability of disclaimers . . . . .	183
6.5.10	Functional features . . . . .	183
6.5.11	Claims not to contain drawings . . . . .	183
6.6	Requirements relating to the abstract . . . . .	183
6.7	Requirements relating to the drawings . . . . .	184
6.8	Requirements relating to any priority claim . . . . .	184
6.8.1	Relevance of the Paris Convention . . . . .	184
6.8.2	Who may make a claim to priority? . . . . .	184
6.8.3	Length of priority period . . . . .	185
6.8.4	Priority claim to be in respect of the same invention . . . . .	185
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 . . . . .	186
6.8.7	Procedure for claiming priority – certified copy . . . . .	187
6.8.8	Procedure for claiming priority – translation . . . . .	188
6.8.9	Can one application claim more than one priority? . . . . .	189
6.8.10	Can one priority be claimed in more than one application? . . . . .	189
6.8.11	Effect of priority right. . . . .	189
6.8.12	Obligation to file copies of search results when claiming priority . . . . .	189
6.9	Requirements relating to the designation of the inventor . . . . .	189
6.10	Language requirements of the application . . . . .	190
6.10.1	Acceptable languages of filing . . . . .	190
6.10.2	Requirement for a translation. . . . .	190
6.10.3	Languages of filing under EPC1973 . . . . .	191
6.10.4	Languages accepted if filing at a national office . . . . .	191
6.10.5	Language of a divisional application or a replacement application. . . . .	191
6.11	Requirements relating to biotechnological inventions . . . . .	191
6.11.1	Sequence listings . . . . .	191
6.11.2	Deposit of biological material . . . . .	191
6.12	Special requirements for divisional applications . . . . .	192

### Chapter 7: Filing a European Patent Application

7.1	Who is entitled to file a European patent application? . . . . .	193
7.2	Where may a European patent application be filed? . . . . .	193
7.2.1	Where to file a regular European patent application . . . . .	193
7.2.2	Where to file a divisional application. . . . .	193
7.2.3	Where to file a replacement application under Art. 61(1)(b). . . . .	193
7.2.4	Restrictions on the filing of European patent applications under national law . . . . .	193
7.2.5	Procedure where the application is filed with a national office – time limit for forwarding to the EPO . . . . .	194
7.3	Manner of filing the application . . . . .	194
7.3.1	Filing in writing by post or by hand . . . . .	194
7.3.2	Filing by fax . . . . .	194
7.3.3	Filing electronically. . . . .	195
7.3.4	Filing by other means . . . . .	195
7.4	Filing a Divisional application . . . . .	195
7.4.1	Up to what point in time can a divisional application be filed? . . . . .	195
7.4.2	A divisional application may be filed in respect of any pending earlier European patent application. . . . .	195
7.4.3	On what kind of application can a divisional be based? . . . . .	196
7.4.4	Who is entitled to file a divisional application? . . . . .	196
7.5	Filing a replacement application. . . . .	197
7.6	Requirement to pay a filing fee, a search fee and claims fees . . . . .	197
7.6.1	Filing fee. . . . .	197
7.6.2	Reduction of the filing fee if using an official language of a contracting state. . . . .	197
7.6.3	Search fee . . . . .	198
7.6.4	Claims fees . . . . .	199
7.6.5	Fees for divisional applications . . . . .	199
7.6.6	Fees for replacement applications . . . . .	199
7.7	Designation of Contracting States . . . . .	199
7.8	Extension of a European patent . . . . .	200
7.9	Validation of a European patent. . . . .	201
7.10	Requirement to file copies of search results relating to a priority application . . . . .	201

### Chapter 8: Examination on Filing

8.1	Procedure on receipt of a new application . . . . .	202
8.2	Examination as to whether a filing date can be accorded . . . . .	202
8.2.1	Requirements for a filing date . . . . .	202

8.2.2	Need for a certified copy of the previous application if filing by reference . . . . .	202
8.2.3	Need for a translation of the previous application if filing by reference . . . . .	203
8.2.4	Procedure where a filing date cannot be accorded . . . . .	203
8.2.5	Filing date in the case of a divisional application or replacement application . . . . .	204
8.3	Filing date where pages of the description and drawings are subsequently filed . . . . .	204
8.4	Procedure where a filing date can be accorded – examination of formal requirements . . . . .	205
8.4.1	Determination as to whether any necessary translation has been filed . .	206
8.4.2	Request, description, claims, drawings and abstract . . . . .	206
8.4.3	Designation of the inventor . . . . .	206
8.4.4	Priority claim . . . . .	207
8.4.5	Representation and authorisation . . . . .	207
8.4.6	Filing and search fees . . . . .	208
8.4.7	Claims fees . . . . .	208
8.4.8	Sequence listings . . . . .	208
8.4.9	Other matters . . . . .	209

### Chapter 9: The Search Report and Opinion

9.1	The EPO must draw up a search report for each European patent application . . . . .	210
9.2	Procedure where a plurality of independent claims exist . . . . .	210
9.3	Procedure where a meaningful search is not possible . . . . .	210
9.4	Procedure where the application lacks unity . . . . .	211
9.5	Establishing of the definitive content of the abstract . . . . .	211
9.6	Patent classification used by the EPO . . . . .	212
9.7	Accelerated search . . . . .	212
9.8	The European Search Report . . . . .	212
9.8.1	Content of the search report . . . . .	212
9.8.2	Language of the search report . . . . .	212
9.8.3	Additional copies of citations . . . . .	212
9.9	The extended European Search Report . . . . .	213
9.10	Transmittal of the search report, search opinion and definitive content of the abstract . . . . .	213
9.11	Requirement to file a response to the extended European search report . . . . .	213
9.12	One chance for submission of voluntary amendments in response to extended European search report . . . . .	214

### Chapter 10: Publication of the Application and Search Report

10.1	Timing of publication . . . . .	215
10.2	No publication to take place when the application is withdrawn or refused . . . . .	215
10.3	Language and form of the publication . . . . .	215
10.4	Contents of the publication . . . . .	215
10.5	Matter excluded from the publication . . . . .	216

### 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 . . . . .	217
11.2	Payment of the designation fee . . . . .	217
11.2.1	Designation fee for a regular European patent application . . . . .	217
11.2.2	Designation fee for a divisional application . . . . .	217
11.2.3	Designation fee for a replacement application . . . . .	217



11.3	Payment of extension fees .....	218
11.4	Payment of validation fees .....	218
11.5	Request for examination .....	219
11.5.1	Examination must be requested .....	219
11.5.2	Time limit for requesting examination .....	219
11.5.3	Payment of an examination fee .....	219
11.5.4	Consequences of not requesting examination .....	219
11.5.5	Refund of the examination fee .....	220
11.5.6	Language of the request for examination – fee reduction .....	220
11.6	A request for examination filed before transmittal of the search report must usually be confirmed .....	221
11.7	Assumption of responsibility by the Examining Division .....	222

### Chapter 12: Substantive Examination

12.1	Formal written procedure .....	223
12.2	Informal communications by telephone, interview or e-mail .....	224
12.3	Procedure of the Examining Division in the case of an incomplete search .....	224
12.4	Further searches .....	225
12.5	Auxiliary requests .....	225
12.6	Double patenting .....	225
12.7	Accelerated procedure .....	226
12.8	Request for information concerning prior art .....	226
12.9	Refusal of the application .....	226

### Chapter 13: Allowance and Grant

13.1	Circumstances in which a patent is granted .....	227
13.2	Approval of the text for grant, payment of fees and the filing of claim translations .....	227
13.2.1	Communication from the Examining Division under r.71(3) .....	227
13.2.2	Consequences of not responding fully to the r.71(3) communication .....	228
13.2.3	Implicit approval of the text by payment of fees and filing of translations .....	228
13.2.4	Procedure where the proposed text is not acceptable to the applicant .....	228
13.2.5	Refund of grant and publishing fee .....	229
13.3	Between approval of the text and a decision to grant .....	229
13.4	Decision to grant .....	230
13.5	The decision to grant takes effect on publication of the mention of grant in the Bulletin .....	230
13.6	No publication of the mention of grant until designation or renewal fees have been paid .....	230
13.7	Publication of the specification of the granted patent .....	230
13.8	Grant to different applicants .....	231
13.9	Issue of a certificate .....	231
13.10	Validation in contracting States .....	231
13.11	Registration of the granted patent .....	231
13.12	Validation in non-contracting States .....	231

### 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 notice of opposition .....	234
14.2.5	Grounds for opposition .....	234
14.2.6	Payment of the opposition fee .....	235
14.2.7	Language of the notice of opposition – fee reduction .....	235

14.2.8	Opposition may be filed even where a patent is surrendered or has lapsed . . . . .	236
14.3	Examination of the opposition for admissibility and circumstances in which it is deemed not filed . . . . .	236
14.3.1	An opposition must be admissible to be examined . . . . .	236
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 expires . . . . .	236
14.3.4	Deficiencies that may be corrected after the opposition period expires . . . . .	236
14.3.5	Circumstances in which the opposition is deemed not to have been filed . . . . .	237
14.3.6	Decision that opposition is inadmissible or deemed not filed is to be communicated to the proprietor . . . . .	237
14.4	Intervening in an opposition . . . . .	237
14.5	Opposition to apply to all designated States . . . . .	239
14.6	Parties to the opposition and transfer of party status . . . . .	239
14.6.1	Proprietor and opponents are parties . . . . .	239
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 . . . . .	240
14.7.1	Steps taken prior to examination of the opposition . . . . .	240
14.7.2	Examination as to whether the grounds of opposition prejudice the patent . . . . .	240
14.7.3	Permissible amendments of the patent during opposition . . . . .	241
14.7.4	Requirements relating to documents filed during opposition proceedings . . . . .	242
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 . . . . .	242
14.7.6	Continuation of the opposition where the patent has been surrendered or has lapsed . . . . .	242
14.7.7	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 . . . . .	244
14.7.12	Revocation where no text is approved or patent is surrendered . . . . .	244
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 to maintain . . . . .	244
14.10.2	Need for payment of printing fee/filing of claim translations . . . . .	245
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	What language may a request for limitation or revocation be filed in? . . .	249
15.4	What fees are due in respect of a request for limitation or revocation? . . .	249
15.5	Content and form of the request for limitation or revocation . . . . .	249
15.6	Opposition proceedings take precedence . . . . .	249
15.7	Circumstances in which the request is deemed not to have been filed . .	250
15.8	Circumstances in which the request is rejected as inadmissible . . . . .	250
15.9	Decision on a request for revocation . . . . .	250
15.10	Decision on a request for limitation . . . . .	250
15.11	Publication of an amended specification if the patent is limited . . . . .	251

**Chapter 16: Appeal Proceedings**

16.1	The nature of appeal proceedings. . . . .	252
16.2	Decisions which may be appealed . . . . .	252
16.3	Suspensive effect of an appeal on the decision appealed . . . . .	252
16.4	Who may appeal and who is a party to the appeal? . . . . .	253
16.5	Notice of appeal . . . . .	253
16.5.1	Time limit for filing a notice of appeal. . . . .	253
16.5.2	Where and how may a notice of appeal be filed? . . . . .	254
16.5.3	Content and form of the notice of appeal . . . . .	254
16.5.4	Appeal fee. . . . .	254
16.5.5	Language of the notice of appeal . . . . .	256
16.6	Grounds of appeal . . . . .	256
16.6.1	Time limit. . . . .	256
16.6.2	Where and how may grounds of appeal be filed? . . . . .	257
16.6.3	Content of the grounds of appeal . . . . .	257
16.7	Examination of the appeal for admissibility . . . . .	257
16.8	Interlocutory revision . . . . .	258
16.9	Examination of the appeal . . . . .	259
16.9.1	General procedure to be used. . . . .	259
16.9.2	Extent to which the Board of Appeal in opposition proceedings may introduce new grounds or examine new claims . . . . .	260
16.9.3	Extent to which the Board of Appeal in examination proceedings may introduce new grounds or examine new claims . . . . .	261
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 of case during appeal proceedings . . . . .	263
16.9.8	Accelerated procedure. . . . .	263
16.9.9	Consolidation of proceedings. . . . .	263
16.9.10	EPO President's right to comment . . . . .	264
16.9.11	Oral proceedings before the Board of Appeal . . . . .	264
16.10	Decision on the appeal . . . . .	264
16.10.1	Taking a decision – discretion of the Board to remit proceedings to the first instance . . . . .	264
16.10.2	The binding effect of a decision on remittal . . . . .	264
16.10.3	Form and content of the decision . . . . .	265
16.11	Withdrawal of the appeal and the effect of deemed withdrawal of an application . . . . .	265

**Chapter 17: Proceedings before the Enlarged Board of Appeal**

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
17.2.5	Filing a petition for review . . . . .	268
17.2.6	Communication to the parties . . . . .	269
17.2.7	Examination of the petition for review . . . . .	269
17.2.8	Third-party rights . . . . .	270
17.3	Procedure before the Enlarged Board of Appeal . . . . .	271

### 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 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 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 utility certificates. . . . .	277
18.14	Authentic text in national proceedings . . . . .	277
18.15	Request by a national court for a technical opinion from an 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 . . . . .	283
19.7.1	Conditions necessary for re-establishment. . . . .	283
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 . . . . .	284
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 re-establishment . . . . .	285
19.7.8	Third-party rights may be awarded . . . . .	285
19.7.9	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 application) . . . . .	288
20.1.3	Further amendments require the consent of the Examining Division . . . . .	288
20.1.4	Amendment during opposition and appeal . . . . .	288
20.2	Requirement to identify amendments and the basis for them . . . . .	288
20.3	Language and form of amendments . . . . .	289
20.4	Amendment must not add subject matter . . . . .	289
20.5	Circumstances in which amended claims may not to relate to unsearched subject matter . . . . .	290
20.6	Amendment must not extend the protection conferred by a patent . . . . .	291
20.7	Correction of errors in documents . . . . .	291
20.7.1	What corrections are allowable? . . . . .	291
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 . . . . .	294
21.1.1	Right of the inventor to be mentioned . . . . .	294
21.1.2	Designation of the inventor . . . . .	294
21.1.3	Rectification of the designation of the inventor . . . . .	294
21.1.4	Publication of mention of the inventor . . . . .	294
21.2	Right to a European patent . . . . .	294
21.3	Procedure where the applicant does not have the right to a European patent . . . . .	294
21.3.1	Jurisdiction of the Contracting States . . . . .	294
21.3.2	Stay of proceedings during examination . . . . .	295
21.3.3	Calculation of time limits when proceedings are resumed . . . . .	295
21.3.4	No withdrawal during stay of proceedings . . . . .	296
21.3.5	Remedies following a final decision . . . . .	296
21.3.6	Partial transfer of right by virtue of a final decision . . . . .	297
21.3.7	EPO division responsible . . . . .	297
21.3.8	Stay in opposition proceedings . . . . .	297

### Chapter 22: Representation

22.1	Kinds of representation available . . . . .	298
22.1.1	Choice of representation for a person having a residence or principal place of business within a Contracting State . . . . .	298

22.1.2	Choice of representation for a person not having a residence or principal place of business within a Contracting State. . . . .	298
22.1.3	Common representative for parties acting in common . . . . .	298
22.2	Professional representation . . . . .	299
22.2.1	Those who can act as a professional representative . . . . .	299
22.2.2	Right of a person acting as a professional representative to set up in business. . . . .	299
22.2.3	Procedure for being entered on the list of professional representatives . . .	299
22.2.4	The European Qualifying Exam . . . . .	300
22.2.5	Institute of Professional Representatives before the EPO. . . . .	300
22.2.6	Circumstances in which a representative may be deleted from the list. . . .	300
22.2.7	Re-entry on the list following deletion . . . . .	300
22.2.8	Attorney-client evidentiary privilege. . . . .	301
22.3	Authorisation . . . . .	301
22.3.1	Requirement to file an authorisation . . . . .	301
22.3.2	Form and content of an authorisation. . . . .	302
22.3.3	Consequences of not filing an authorisation when requested. . . . .	302
22.3.4	Withdrawal/termination of an authorisation . . . . .	302
22.3.5	Where several representatives are appointed. . . . .	302
22.3.6	The authorisation of an association . . . . .	302

### Chapter 23: Languages

23.1	Languages of the EPC–authentic text . . . . .	303
23.2	Official languages of the EPO . . . . .	303
23.3	Language in which an application can be filed . . . . .	303
23.4	Language of filing determines the language of proceedings and the authentic text . . . . .	303
23.5	Language of the proceedings to be used in all proceedings except where exceptions are provided for. . . . .	303
23.6	Language to be used in written procedures – exceptions to the use of the language of the proceedings . . . . .	303
23.7	Consequence of not using an admissible language or not filing a required translation in written proceedings . . . . .	304
23.8	Language to be used in oral proceedings – exceptions to the use of the language of the proceedings. . . . .	305
23.9	Certification of translated documents . . . . .	305
23.10	Language of publication of applications, patents, the Bulletin, the Official Journal and entries in the Register . . . . .	306
23.11	Languages of the Administrative Council . . . . .	306

### Chapter 24: Miscellaneous Common Provisions

24.1	Principles of interpretation relevant to the EPC . . . . .	307
24.2	Rules relating to documents filed subsequently to the filing of the application . . . . .	307
24.2.1	Where and how to file subsequent documents . . . . .	307
24.2.2	Rules relating to content and form . . . . .	308
24.2.3	Need for a signature . . . . .	308
24.3	Withdrawal of applications, patents, designations, extensions, priority claims, oppositions, requests for limitation/revocation and appeals . . . .	309
24.3.1	Withdrawal of an application . . . . .	309
24.3.2	Withdrawal of part of the subject matter of an application. . . . .	309
24.3.3	Withdrawal of a designation. . . . .	309
24.3.4	Withdrawal of a request for extension or validation . . . . .	309
24.3.5	Withdrawal of a priority claim. . . . .	309
24.3.6	Withdrawal of an opposition . . . . .	310
24.3.7	Withdrawal of an appeal . . . . .	310
24.3.8	Withdrawal of a patent . . . . .	310
24.3.9	Withdrawal of a request for limitation/revocation. . . . .	310

24.4	Renewal fees .....	310
24.4.1	Requirement to pay renewal fees .....	310
24.4.2	Consequences of non-payment – grace period .....	310
24.4.3	Provisions in respect of divisional applications .....	311
24.4.4	Provisions in respect of applications which have been refused or deemed withdrawn .....	311
24.4.5	Renewal fees when the Enlarged Board of Appeal reopens proceedings before the Board of Appeal .....	311
24.4.6	Provisions in respect of replacement applications .....	312
24.4.7	Refund of a renewal fee .....	312
24.5	Assignment, licensing and other property transactions .....	312
24.5.1	Transfer and constitution of rights .....	312
24.5.2	Assignment .....	312
24.5.3	Contractual licensing .....	312
24.5.4	Law applicable .....	312
24.5.5	Registration of a transfer of an application or a patent .....	312
24.5.6	Registration of the grant or transfer of a licence and other transactions relating to a patent application .....	312
24.5.7	EPO department responsible .....	313
24.6	Observations by third parties .....	313
24.7	Notification by the EPO .....	314
24.7.1	Subject matter of notifications .....	314
24.7.2	Form of notification .....	314
24.7.3	Person to whom notification is made .....	314
24.7.4	Notification by postal services – deemed notification on the tenth day following posting .....	315
24.7.5	Notification by delivery by hand .....	315
24.7.6	Notification by public notice .....	315
24.7.7	Notification by technical means of communication .....	315
24.7.8	Notification through the central industrial property office of a Contracting State .....	316
24.7.9	Irregularities in notifications .....	316
24.7.10	Notification of loss of rights .....	316
24.7.11	Communications and notices to be signed and identify author .....	316
24.8	Decisions .....	316
24.8.1	Decisions only to be based on grounds/evidence on which the parties have had an opportunity to comment .....	316
24.8.2	Applicant or proprietor to submit or agree text decided on – auxiliary requests .....	317
24.8.3	Form of decisions .....	317
24.8.4	The finality of a decision .....	318
24.8.5	Obtaining a decision after the EPO has notified a loss of rights .....	319
24.8.6	Decisions to be signed and identify author .....	319
24.8.7	Notification of decisions .....	319
24.8.8	Correction of errors in decisions .....	319
24.8.9	Interlocutory decisions .....	320
24.9	Examination by the EPO of its own motion .....	320
24.10	Facts and evidence submitted late may be ignored .....	320
24.11	Oral proceedings .....	320
24.11.1	Extent of the right to oral proceedings .....	320
24.11.2	Summons to oral proceedings .....	320
24.11.3	Consequence of summoned party not turning up .....	321
24.11.4	Preparation for oral proceedings by the parties .....	322
24.11.5	Extent to which oral proceedings are open to the public .....	322
24.11.6	Procedure in oral proceedings .....	323
24.11.7	Minutes of oral proceedings .....	324
24.11.8	Fresh oral proceedings if the composition of a Board of Appeal changes ...	325
24.12	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 . . . . .	325
24.12.4	Summons to give evidence before the EPO . . . . .	325
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 . . . . .	326
24.12.8	Costs of taking evidence . . . . .	326
24.12.9	Conservation of evidence . . . . .	327
24.12.10	Minutes of taking of evidence/inspection . . . . .	327
24.13	Authentic text of a European patent or application . . . . .	328
24.14	Unity of a European patent application or European Patent . . . . .	328
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	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 . . . . .	334
25.3	The Official Journal . . . . .	334
25.4	The Bulletin . . . . .	334
25.5	Exchanges of information between the EPO and national authorities/courts . . . . .	335

### Chapter 26: Special Agreements under the EPC

26.1	Unitary patents . . . . .	336
26.1.1	Grant of a unitary patent by the EPO . . . . .	336
26.1.1.1	Switzerland/Liechtenstein unitary patent . . . . .	336
26.1.1.2	EU unitary patent . . . . .	336
26.1.2	Special department of the EPO . . . . .	337
26.1.3	Representation before special departments . . . . .	337
26.1.4	Select Committee of the Administrative Council . . . . .	337
26.1.5	Cover for expenditure for carrying out special tasks . . . . .	337
26.1.6	Payments in respect of renewal fees for unitary patents . . . . .	337
26.1.7	The European patent application as an object of property . . . . .	338
26.1.8	Joint designation . . . . .	338
26.2	Other agreements between the Contracting States . . . . .	338

### Chapter 27: Rules Relating to Fees

27.1	The Administrative Council adopts the rules relating to fees . . . . .	339
27.2	Purpose of the rules relating to fees . . . . .	339
27.3	Fees, costs and prices laid down by the President . . . . .	339
27.4	Amounts of fees to be published . . . . .	339
27.5	Due date for fees where not specified . . . . .	339
27.6	Currency to be used . . . . .	339
27.7	Payment or transfer to an EPO bank account . . . . .	339
27.8	Payment by other methods – deposit accounts and credit cards . . . . .	339
27.9	Safeguard in cases where payment is deemed not to have been made in time . . . . .	341
27.10	The EPO must be able to establish what a payment is for . . . . .	342



27.11	Who may make payments? To whom will refunds be paid? . . . . .	342
27.12	Procedure where the amount paid is insufficient . . . . .	342
27.13	Refund of insignificant amounts . . . . .	342
27.14	Refund in other cases . . . . .	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	Use of a specified form . . . . .	348
29.3.2	Petition . . . . .	349
29.3.3	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 . . . . .	351
29.3.14	Restoration of the right of priority . . . . .	352
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 . . . . .	355
29.4.1	Need for a sufficient disclosure . . . . .	355
29.4.2	Content of the description . . . . .	355
29.4.3	Order of presentation of the content of the description . . . . .	355
29.5	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 . . . . .	356

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 . . . . .	357
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 priority right . . . . .	359
29.8.6	What kind of application may be used as a basis for claiming priority? . . . . .	360
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 . . . . .	360
29.8.8	Procedure for claiming priority – declaration . . . . .	360
29.8.9	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? . . . . .	362
29.8.12	Effect of the claim to priority in the international phase . . . . .	362
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
29.9.2	Languages the receiving Office must accept . . . . .	362
29.9.3	Circumstances in which the applicant must provide a translation for international search . . . . .	362
29.9.4	Circumstances in which the applicant must provide a translation for international publication . . . . .	363
29.9.5	Procedure where the request is not in a language of publication . . . . .	363
29.9.6	Procedure where language of filing is not accepted by the receiving Office . . . . .	363
29.10	Requirements relating to biotechnological inventions . . . . .	364
29.10.1	Sequence listings . . . . .	364
29.10.2	Deposit of biological material . . . . .	364

### 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 . . . . .	370
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	Incorporation of the description and claims by reference – reservations. . . . .	371
31.1.2	Requirements for a filing date . . . . .	372
31.1.3	Procedure where a filing date can be accorded . . . . .	373
31.1.4	Procedure where a filing date cannot be accorded . . . . .	373
31.1.5	Procedure where a part of the application is missing. . . . .	375
31.1.6	Procedure where a part or element of the application is erroneously filed . . . . .	376
31.1.7	Review of the decision to award a filing date . . . . .	377
31.1.8	Supply to the applicant of certified copies of the application as filed . . . . .	378
31.2	Copying and transmittal of the international application by the receiving Office . . . . .	378
31.2.1	National security provisions. . . . .	378
31.2.2	Number of copies of the application required – responsibility for their provision . . . . .	378
31.2.3	Retention of the home copy by the receiving Office . . . . .	378
31.2.4	Transmittal by the receiving Office of the record copy to the International Bureau . . . . .	378
31.2.5	An international application is considered withdrawn if the International Bureau does not receive the record copy in time . . . . .	379
31.2.6	Procedure where the International Bureau receives the record copy in time – notification of receipt. . . . .	379
31.2.7	Transmittal by the receiving Office of a translation of the international application to the International Bureau . . . . .	379
31.2.8	Transmittal by the receiving Office of the search copy and any sequence listing in electronic form to the International Searching Authority . . . . .	380
31.2.9	Procedure of the International Searching Authority on receipt of the search copy . . . . .	380
31.2.10	Transmittal of documents relating to earlier search or classification . . . . .	380
31.3	Examination of formal requirements under Art. 14(1)(a) . . . . .	381
31.3.1	Was the application signed properly? . . . . .	381
31.3.2	Are the correct indications concerning the applicant present? . . . . .	381
31.3.3	Does the application contain a title? . . . . .	381
31.3.4	Does the application contain an abstract? . . . . .	381
31.3.5	Are certain of the physical requirements met? . . . . .	381
31.3.6	Invitation to correct defects where formal requirements of Art. 14(1)(a) are not met. . . . .	382
31.3.7	Format of any correction offered to the receiving Office . . . . .	382
31.4	Examination of other formal requirements . . . . .	383
31.4.1	Are the abstract, request and text matter of the drawings in the correct language? . . . . .	383
31.4.2	Has any priority claim been made correctly? . . . . .	383
31.4.3	Is any declaration under r.4.17 correctly made? . . . . .	384
31.4.4	Requirements relating to the submission of a translation . . . . .	384
31.4.5	The role of the International Bureau and International Searching Authority in identifying defects. . . . .	384
31.4.6	Procedure when the receiving Office declares that the application is considered withdrawn . . . . .	385

**Chapter 32: Drawing up the International Search Report**

32.1	Authorities competent to carry out international search . . . . .	386
32.1.1	What is an International Searching Authority? . . . . .	386
32.1.2	Requirements that must be met by an International Searching Authority . . . . .	386
32.1.3	Appointment of International Searching Authorities . . . . .	386

32.1.4	Receiving Offices specify the competent International Searching Authority or Authorities . . . . .	386
32.1.5	Limitations set by the EPO on its competence as International Searching Authority . . . . .	387
32.2	The nature of an international search . . . . .	387
32.2.1	The purpose of an international search . . . . .	387
32.2.2	Basis of the international search . . . . .	387
32.2.3	Definition of relevant prior art . . . . .	387
32.2.4	Fields to be covered . . . . .	387
32.2.5	Minimum documentation . . . . .	388
32.3	The nature of an international-type search . . . . .	388
32.4	Procedure for conducting the search . . . . .	388
32.4.1	General aspects . . . . .	388
32.4.2	Check that title and abstract are present and appropriate . . . . .	388
32.4.3	Check whether sequence listings have been provided properly . . . . .	389
32.4.4	Determination as to whether a search is possible . . . . .	389
32.4.5	Check for unity of invention . . . . .	390
32.4.6	Lack of unity where the EPO is the International Searching Authority . . . . .	391
32.4.7	Taking into account results of an earlier search or search opinion . . . . .	391
32.4.8	Taking into account the rectifications of obvious mistakes . . . . .	392
32.4.9	Taking into account the the late filing of missing parts or the late correction of erroneously filed elements or parts . . . . .	392
32.5	The International Search Report, the written opinion and the International Preliminary Report on Patentability . . . . .	393
32.5.1	Time limit for establishing the search report . . . . .	393
32.5.2	Form of the search report . . . . .	393
32.5.3	Written opinion of the International Searching Authority . . . . .	394
32.5.4	Transmittal of the search report and written opinion to the applicant and the International Bureau . . . . .	395
32.5.5	Preparation by the International Bureau of an International Preliminary Report on Patentability (IPRP) and transmission to the applicant . . . . .	395
32.5.6	Translation of the search report by the International Bureau . . . . .	395
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 . . . . .	395
32.5.8	Requests by a receiving Office or the applicant for copies of cited documents . . . . .	396
32.5.9	Publication of the search report . . . . .	396
32.5.10	Public availability of the written opinion . . . . .	396

### Chapter 33: Supplementary International Searches

33.1	Filing a request for a supplementary international search . . . . .	397
33.1.1	Time limit . . . . .	397
33.1.2	Where must the request be filed and what language should be used? . . . . .	397
33.1.3	Can more than one request be filed? . . . . .	397
33.1.4	Competent International Searching Authority . . . . .	397
33.1.5	Content of the request . . . . .	397
33.1.6	Requirement to pay fees . . . . .	398
33.1.7	Situations under which the request is considered not to have been submitted . . . . .	399
33.2	Processing of the request for supplementary international search by the International Bureau . . . . .	399
33.2.1	Checking of the supplementary search request . . . . .	399
33.2.2	Correction of defects and late payment of fees . . . . .	399
33.2.3	Transmittal to International Searching Authority . . . . .	399
33.3	Procedure for carrying out the supplementary international search . . . . .	400
33.3.1	Start date for the search . . . . .	400
33.3.2	Basis for the search . . . . .	400

33.3.3	General procedure . . . . .	400
33.3.4	Procedure in the case of a lack of unity . . . . .	401
33.4	The supplementary International Search Report . . . . .	402
33.4.1	Drawing up the supplementary International Search Report . . . . .	402
33.4.2	Transmittal and effect of the supplementary International Search Report . . . . .	402
33.4.3	Public availability of the supplementary International Search Report . . . .	403
<b>Chapter 34: Amendment of the Application under Article 19</b>		
34.1	Amendment of claims before the International Bureau . . . . .	404
34.1.1	When can the applicant amend the claims? . . . . .	404
34.1.2	Where should any amendments be filed? . . . . .	404
34.1.3	Language of the amendments . . . . .	404
34.1.4	Form of any amendments . . . . .	404
34.1.5	Statement accompanying the amendments . . . . .	405
34.1.6	Prohibition on added subject matter . . . . .	405
34.2	Notification of amendments to the International Preliminary Examining Authority when a demand has been filed . . . . .	405
<b>Chapter 35: Publication of the Application and the Search Report</b>		
35.1	Responsibility for international publication . . . . .	406
35.2	Timing of international publication . . . . .	406
35.3	Circumstances where no publication takes place . . . . .	406
35.4	Language and form of the publication . . . . .	406
35.4.1	Where the language of filing is used . . . . .	406
35.4.2	Where the language of a translation is used . . . . .	407
35.4.3	Translation of parts of the pamphlet into English where English is not the language of publication . . . . .	407
35.4.4	Form of the publication . . . . .	407
35.5	Contents of the publication . . . . .	407
35.5.1	A standardised front page (r.48.2(a)(i)) . . . . .	407
35.5.2	The description (r.48.2(a)(ii)) . . . . .	408
35.5.3	The claims (r.48.2(a)(iii)) . . . . .	408
35.5.4	Any drawings (r.48.2(a)(iv)) . . . . .	408
35.5.5	The International Search Report or Art. 17(2)(a) declaration (r.48.2(a)(v)) . . . . .	408
35.5.6	Any statement filed under Art. 19(1) (r.48.2(a)(vi)) . . . . .	408
35.5.7	Any request for rectification (r.48.2(i)) . . . . .	408
35.5.8	Indications relating to biological material (r.48.2(viii)) . . . . .	409
35.5.9	Information concerning a priority claim (r.48.2(ix)) . . . . .	409
35.5.10	Any declaration (r.48.2(x)) . . . . .	409
35.5.11	Request for restoration of the priority right (r.48.2(xi)) . . . . .	409
35.6	Matter excluded from the publication . . . . .	409
35.7	Notice of publication in the Gazette . . . . .	410
35.8	Publication of a notice that the application is considered withdrawn where withdrawal is received too late to stop publication . . . . .	410
<b>Chapter 36: Communications to National and Regional offices</b>		
36.1	Communication of the application (Art. 20) to designated States by the International Bureau . . . . .	411
36.1.1	In what circumstances does the communication occur? . . . . .	411
36.1.2	Normal timing of the communication and procedure where early national processing has been requested . . . . .	411
36.1.3	Content of the communication . . . . .	411
36.1.4	Responsibility for making copies . . . . .	411
36.1.5	Language of the communication . . . . .	411
36.1.6	Notification of the Art. 20 communication to the applicant . . . . .	411

36.1.7	Designated Offices must accept the r.47.1(c) notification as evidence that the Art. 20 communication has occurred or is not necessary . . . . .	412
36.2	Other information that is communicated to designated States by the International Bureau on request . . . . .	412
36.2.1	Fact and date of receipt of the record copy and priority document . . . . .	412
36.2.2	Transmission of the application to a designated Office other than the Art. 20 communication . . . . .	412

### Chapter 37: Entry into the National/Regional Phase

37.1	Overview . . . . .	413
37.2	Timing of national phase entry under Art. 22. . . . .	413
37.2.1	Standard 30 month time limit. . . . .	413
37.2.2	Specification of a later time limit than 30 months by a designated Office. . . . .	413
37.3	Supply of a copy of the international application . . . . .	413
37.4	Supply of a translation of the international application . . . . .	414
37.4.1	Requirements of the translation. . . . .	414
37.4.2	Consequences of certain defects in the translation. . . . .	415
37.4.3	Where requirements regarding the translation change. . . . .	415
37.5	Payment of the national fee . . . . .	415
37.6	Supply of indications concerning the inventor . . . . .	416
37.7	Use of a national form. . . . .	416
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 . . . . .	416
37.9	Indications as to protection sought for the purposes of national processing. . . . .	416
37.10	Consequences of not performing the Art. 22 acts . . . . .	416
37.11	National and regional phase entry under Art. 39 . . . . .	417
37.11.1	Effect of election prior to 19 months on the application of Art. 22 . . . . .	417
37.11.2	Necessary acts to enter the national phase under Art. 39 and the relevant time limit . . . . .	417
37.11.3	Consequences of missing the Art. 39 time limit . . . . .	417
37.11.4	Application of certain rules to national phase entry under Art. 39 . . . . .	417
37.11.5	Time limit for supplying a translation of the priority document to an elected State . . . . .	418
37.12	Procedure before the EPO as a designated or elected Office . . . . .	418
37.12.1	Entry into the EPO regional phase . . . . .	418
37.12.2	Supply of a translation . . . . .	419
37.12.3	Specification of documents on which the grant procedure is to be based . . . . .	419
37.12.4	Filing fee. . . . .	419
37.12.5	Designation fee . . . . .	420
37.12.6	Extension fees . . . . .	421
37.12.7	Validation fees . . . . .	421
37.12.8	Supplementary European search and fee. . . . .	421
37.12.9	Request for examination. . . . .	424
37.12.10	Renewal fee . . . . .	424
37.12.11	Certificate of exhibition . . . . .	424
37.12.12	Amendment of the application and invitation to correct deficiencies where no supplementary European search is to be carried out. . . . .	425
37.12.13	Claims fees . . . . .	425
37.12.14	Designation of the inventor . . . . .	426
37.12.15	Requirements relating to a priority claim . . . . .	426
37.12.16	Provision of a sequence listing . . . . .	427
37.12.17	Details relating to the applicant . . . . .	427
37.12.18	Representation. . . . .	427
37.12.19	Circumstances in which international publication takes the place of European publication . . . . .	428

37.12.20	Opportunity to have a search report drawn up in respect of an invention not searched by the EPO in the international phase when no supplementary European search is necessary . . . . .	428
----------	---	-----

### Chapter 38: International Preliminary Examination

38.1	Which designated States does Chapter II apply to? . . . . .	430
38.2	Who may apply for international preliminary examination and which States may be elected . . . . .	430
38.3	Authority competent to conduct international preliminary examination . .	430
38.3.1	Receiving Offices specify the competent International Preliminary Examining Authority or Authorities . . . . .	430
38.3.2	Limitations set by the EPO on its competence as International Preliminary Examining Authority . . . . .	431
38.4	How to apply for international preliminary examination – the demand . . .	431
38.4.1	Demand . . . . .	431
38.4.2	Time limit . . . . .	431
38.4.3	Where to apply . . . . .	432
38.4.4	Use of a form . . . . .	432
38.4.5	Content of the demand . . . . .	432
38.4.6	Filing the demand constitutes the election of all eligible States . . . . .	433
38.4.7	The EPO as an elected Office . . . . .	433
38.4.8	Fees due . . . . .	433
38.4.9	Acceptable languages of the demand . . . . .	435
38.4.10	Acceptable languages of the application . . . . .	435
38.4.11	Acceptable languages of amendments . . . . .	435
38.4.12	Languages before the EPO . . . . .	436
38.5	Later election of States . . . . .	436
38.6	Procedure where there are defects in the demand . . . . .	436
38.6.1	Applicant not entitled to make a demand . . . . .	436
38.6.2	Invitation by the International Preliminary Examining Authority to correct formal defects . . . . .	436
38.6.3	Procedure where a statement concerning amendments is omitted or is misleading . . . . .	437
38.6.4	Defects noticed by the International Bureau . . . . .	437
38.7	Procedural steps taken by the international authorities on receipt of the demand . . . . .	437
38.7.1	Procedure of the International Preliminary Examining Authority on receipt of the demand – notification to the International Bureau and the applicant . . . . .	437
38.7.2	Notification to elected States of their election by the International Bureau and other related actions . . . . .	437
38.7.3	Notification of the written opinion and any Art. 19 amendments to the International Preliminary Examining Authority by the International Bureau . . . . .	438
38.8	The objective of international preliminary examination . . . . .	438
38.8.1	Aspects of patentability examined . . . . .	438
38.8.2	Definitions of novelty, inventive step and industrial applicability . . . . .	438
38.8.3	Definition of prior art . . . . .	438
38.8.4	Documents to be taken into consideration . . . . .	439
38.9	Procedure before the International Preliminary Examining Authority . . .	439
38.9.1	When international preliminary examination starts and finishes . . . . .	439
38.9.2	General provisions governing procedure . . . . .	440
38.9.3	Right of the applicant to communicate with the International Preliminary Examining Authority . . . . .	440
38.9.4	Documents on which the examination is based . . . . .	440
38.9.5	Applicant's right to amend . . . . .	440
38.9.6	Situations where the International Preliminary Examining Authority is not obliged to examine part of or the whole of an application . . . . .	441

38.9.7	The written opinion of the International Preliminary Examining Authority and responses thereto . . . . .	442
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 . . . . .	443
38.9.9	Situation where amendments and arguments may be ignored . . . . .	444
38.9.10	Procedure where the International Preliminary Examining Authority needs a copy of the priority document or translation thereof. . . . .	444
38.9.11	Procedure where unity is in dispute . . . . .	444
38.9.12	Lack of unity where the EPO is International Preliminary Examining Authority . . . . .	445
38.9.13	Procedure where a sequence listing is absent or in the wrong format . . . . .	445
38.9.14	Top-up search. . . . .	9
38.9.15	Third party observations. . . . .	446
38.10	The International Preliminary Examination Report (IPER) . . . . .	446
38.10.1	Time limit for establishing the International Preliminary Examination Report . . . . .	446
38.10.2	Requirements as to form. . . . .	446
38.10.3	Language of the report (and any annexes). . . . .	446
38.10.4	Documents on which the report is based . . . . .	446
38.10.5	Information on the first page . . . . .	446
38.10.6	Comments on amendments and the correction of mistakes . . . . .	447
38.10.7	Comments on priority . . . . .	447
38.10.8	Comments on the non-establishment of an opinion . . . . .	447
38.10.9	Comments on lack of unity . . . . .	447
38.10.10	Statement regarding patentability under Art. 35(2) . . . . .	447
38.10.11	Certain documents cited . . . . .	448
38.10.12	Certain defects in the application. . . . .	448
38.10.13	Certain observations on the application . . . . .	448
38.10.14	Annexes to the report . . . . .	448
38.10.15	Comment on top-up search . . . . .	449
38.11	Translation and communication of the International Preliminary IPER Examination Report and its annexes . . . . .	449
38.11.1	Transmission of International Preliminary Examination Report and other documents to the International Bureau and the applicant by the International Preliminary Examining Authority . . . . .	449
38.11.2	Translation by the International Bureau of the International Preliminary Examination Report and its transmission to the elected Offices and the applicant . . . . .	449
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. . . . .	450
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 . . . . .	450
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 . . . . .	450

### Chapter 39: National Phase Aspects

39.1	The effect of an international patent application having a filing date . . . . .	451
39.1.1	Nature of the effect . . . . .	451
39.1.2	Circumstances in which the effect is lost. . . . .	451
39.1.3	Exceptions to the effect – the prior art effect of an international application in a designated State. . . . .	451
39.1.4	Definition of a Euro-PCT application. . . . .	451
39.1.5	Extension of the effect to successor states. . . . .	452
39.2	The effect of a published international patent application . . . . .	452



39.2.1	Provisions of the PCT. . . . .	452
39.2.2	Provisions of the EPC—publication of the translation . . . . .	453
39.3	Examination by national Offices . . . . .	453
39.3.1	When national processing may begin . . . . .	453
39.3.2	Right to amend when entering the national phase under Chapter I. . . . .	453
39.3.3	Right to amend when entering the national phase under Chapter II . . . . .	453
39.3.4	Right to amend on entering the EPO regional phase. . . . .	454
39.3.5	Procedure where unity has been impugned in the international phase. . . . .	454
39.3.6	Consideration of unity by the EPO . . . . .	454
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. . . . .	454
39.3.8	Requirements relating to form or contents additional to those in the PCT may not be imposed by national Offices. . . . .	455
39.3.9	Requirements relating to the submission of certain documents (e.g. as evidence) that may be imposed by national Offices . . . . .	456
39.3.10	Requirements relating to the certification/verification of the Art. 22 translation that may be imposed by national Offices . . . . .	457
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 . . . . .	457
39.3.12	Requirement to submit a translation of the priority document . . . . .	457
39.3.13	The effect on designated Offices of a decision by the receiving Office to restore a right of priority . . . . .	458
39.3.14	The effect on designated Offices of a decision by the receiving Office to refuse restoration of a right of priority. . . . .	459
39.3.15	Request by the applicant for a designated Office to restore a right to priority. . . . .	459
39.3.16	Substantive conditions of patentability that may be imposed by Contracting States . . . . .	460
39.3.17	Requirement by Contracting States that the inventor(s) must be the -applicant(s)—procedure when not abided by . . . . .	460
39.3.18	Requirements relating to representation that may be imposed by Contracting States . . . . .	460
39.3.19	Removal of reference signs in claims for publication. . . . .	460
39.3.20	Submission of a sequence listing . . . . .	460
39.3.21	Special provisions relating to utility models. . . . .	460
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 . . . . .	461
39.4	Consequences of an incorrect translation on the scope of a patent obtained . . . . .	461

**Chapter 40: The Calculation of Time Limits and Procedural Safeguards**

40.1	Expression of dates . . . . .	462
40.2	Time limits to be calculated from date of mailing . . . . .	462
40.3	Computation of time limits . . . . .	462
40.4	Extension of time limits where a national Office or intergovernmental -organisation is not open for business . . . . .	462
40.5	Extension of time limits where mail is not delivered in a relevant locality on the last day of a time limit . . . . .	463
40.6	Circumstances in which a missed time limit is excused where a document is sent in good time . . . . .	463
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 electronic communication . . . . .	464
40.8	Extension of a time limit where a letter is received more than seven days after posting. . . . .	464

40.9	Chance for the applicant to escape a negative determination made in the international phase .....	464
40.9.1	Overview .....	464
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 .....	465
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 .....	465
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 .....	466
40.9.5	The duty of Contracting States to excuse missed time limits under provisions of national law .....	466
40.10	Opportunity to correct an application where allowed under national law .....	466
40.11	Rectification of errors made by the receiving Office or the International -Bureau concerning filing date and priority claim .....	466
40.12	Reinstatement of rights after failure to enter the national phase within the time limit .....	466
<b>Chapter 41: Rectification of Mistakes</b>		
41.1	Mistakes that may be rectified .....	468
41.2	Mistakes that may not be rectified .....	468
41.3	Authority responsible for authorising rectification .....	468
41.4	Either the applicant or an international authority may initiate rectification .....	469
41.5	Procedure for requesting rectification – time limit .....	469
41.6	Decision on the authorisation of a rectification .....	469
41.7	Language of the correction .....	470
<b>Chapter 42: Representation</b>		
42.1	Requirements relating to representation that may be imposed by the receiving Office .....	471
42.2	Requirements relating to representation that may be imposed by Contracting States .....	471
42.3	Right to practice before international authorities .....	471
42.4	Agents and common representatives .....	472
42.4.1	Appointment of an agent .....	472
42.4.2	Representative where there are two or more applicants .....	472
42.4.3	Effects of acts carried out by representatives and agents .....	473
42.4.4	Manner of appointment of an agent or common representative .....	473
42.4.5	Manner of renunciation of an agent or common representative .....	474
<b>Chapter 43: Miscellaneous Common Provisions</b>		
43.1	Relationship between the PCT and the EPC .....	475
43.2	Rules relating to documents filed subsequently to the filing of the application .....	475
43.2.1	Need for papers to be accompanied by a signed letter .....	475
43.2.2	Language of letters and documents .....	475
43.2.3	Form of subsequently filed documents .....	476
43.2.4	The use of telegraph, teleprinter, facsimile to transmit subsequently filed documents .....	476
43.2.5	The use of electronic means to transmit subsequently filed documents ...	476
43.3	Withdrawal of an international application, a designation, an election, a demand or a priority claim .....	477
43.3.1	Withdrawal of an international application .....	477
43.3.2	Withdrawal of a designation .....	478
43.3.3	Withdrawal of a priority claim .....	478

43.3.4	Withdrawal of a supplementary search request .....	478
43.3.5	Withdrawal of the demand or of elections .....	479
43.4	Recordal of changes concerning an applicant, inventor, agent or common representative by the International Bureau .....	480
43.5	Notification by national Offices and intergovernmental organisations .....	480
43.6	Schedule of Fees.....	480
43.7	Third party observations .....	480
43.8	Offer to license an international application .....	481
<b>Chapter 44: Information Made Available by the International Authorities and Designated/Elected Offices</b>		
44.1	Confidential nature of the international application before its publication .....	482
44.2	Confidential nature of international preliminary examination .....	482
44.3	Obligation for international authorities to keep files.....	483
44.4	Access allowed to files .....	483
44.4.1	Access to the file held by the International Bureau .....	483
44.4.2	Access to the file held by the receiving Office .....	484
44.4.3	Access to the file held by the International Searching Authority and supplementary International Searching Authority .....	484
44.4.4	Access to the file held by the International Preliminary Examining Authority .....	485
44.4.5	Access to the file held by a designated Office.....	485
44.4.6	Access to the file held by an elected Office.....	485
44.5	Availability of the priority document from the International Bureau ...	485
44.6	Availability of information concerning national phase entry and translations required by national Offices .....	486
44.7	Availability of citations in the International Search Report from the International Searching Authority .....	486
44.8	Availability of citations in the International Preliminary Examination Report from the International Preliminary Examining Authority .....	486
<b>Index</b>	.....	<b>487</b>