

How to get a European patent

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(3rd edition)

Guide for applicants Part 2

PCT procedure before the EPO – “Euro-PCT”

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A. General overview

Introduction

- 1 This part of the EPO Guide for Applicants ("EPO PCT Guide") is aimed at applicants interested in pursuing the procedure under the PCT. The Guide has a summary character and focuses on the elements specific to the PCT procedure before the EPO. Although the information is not complete, it aims to cover all the **points to note** when the EPO acts in its capacity as:

- a receiving Office,
- an International Searching Authority,
- an International Preliminary Examining Authority, and/or
- a designated or elected Office.

Annex II shows the different phases (see also Annex III).

As from 1 January 2004 the procedures under the PCT have undergone major changes as a consequence of amendments to the Regulations under the PCT ("PCT Rules"), which are covered by the term Enhanced International Preliminary Search and Examination System ("EISPE system"). It should be noted that the new procedures apply in general only to international applications filed on or after 1 January 2004. **Unless indicated otherwise, the EPO PCT Guide applies only to the procedures in force from 1 January 2004.** Therefore, if an application was filed before this date, the procedures set out below will not apply or will apply only in part. In this case, the reader is referred to the information provided in the previous version of this guide and to further publications mentioned below.

The present version of the EPO PCT Guide is updated to 1 December 2005. Any comments on the guide may be sent to Directorate 5.2.5. The postal and e-mail addresses are shown on the cover page.

Relationship to other sources of information

- 2 The EPO PCT Guide gives an overview of the procedures under the PCT before the EPO. The information provided is not to be considered complete and/or to replace the relevant publications of the EPO and WIPO. It is explicitly noted that the EPO PCT Guide is intended to be complementary to, but not a substitute for, the **PCT Applicant's Guide** ("WIPO PCT Guide") published by the **International Bureau of WIPO** ("IB"). The WIPO PCT Guide is available in English and French on the Internet (<http://www.wipo.int/pct/guide/en/index.html>). The German version is published by Carl Heymanns Verlag KG. General information on the EPO and specific information on the procedures before the EPO as receiving Office, international authority and designated or elected Office under the PCT is provided in Volume I/A (Annex B2) and Volume I/B (Annexes C, D and E) of the WIPO PCT Guide.

Up-to-date news about the PCT is available on the **WIPO website** (<http://www.wipo.int/pct/en/index.html>), from the **PCT Newsletter** and the **PCT Gazette**, both published by WIPO and available on the WIPO website. Information on the procedures under the PCT is also provided on the EPO website (<http://www.epo.org>) and in the **EPO's Official**

Journal ("OJ"). Applicants are strongly recommended to consult these publications and, in particular, any such information published after 1 December 2005.

Readers desiring further information about the PCT procedure in the international phase are advised to consult the Administrative Instructions under the PCT ("AI"), the PCT Receiving Office Guidelines ("GL/RO") and the PCT International Search and Preliminary Examination Guidelines ("GL/ISPE"), all available on the WIPO website. Any reference to "Guidelines" ("GL/EPO") in this guide, however, relates to the **Guidelines for Examination in the European Patent Office** (http://www.european-patent-office.org/legal/gui_lines/index.htm).

Relationship PCT - EPC

- 3** For international applications which are the subject of proceedings before the EPO, the provisions of the PCT and the PCT Rules apply, **supplemented** by the provisions of the EPC. In case of conflict between the provisions of the EPC and those of the PCT, the **PCT prevails** unless the PCT explicitly allows a reservation with regard to such conflicting PCT provision. If the EPO has made such reservation, a different PCT provision or an EPC provision may be applicable (eg Rule 4.10(d) PCT and Rule 49.6(f) PCT, see points 42, 214, 222).
- Art. 150(2) EPC

The role of the EPO in the international phase

- 4** For international applications under the PCT, the EPO may act as:
- receiving Office ("**RO**") (see point 10 ff),
 - International Searching Authority ("**ISA**") (see point 64 ff) and
 - International Preliminary Examining Authority ("**IPEA**") (see point 101 ff).
- Art. 1 – 49 PCT
Art. 150 – 158 EPC
GL/EPO A-VII;
E-IX, 1 ff

During the international phase of the processing of an application no designated or elected Office is allowed to process or to examine that application. However, this prohibition may be lifted at the explicit request of the applicant (see point 166).

Art. 23 PCT
Art. 40 PCT
WIPO PCT Guide 16

Euro-PCT application

- 5** An international application for which the European Patent Office is a designated Office (see points 35 and 156), and which has been accorded an international filing date has the effect of a regular European application. Such an international application, being equivalent to a regular European patent application, is usually referred to as a "Euro-PCT application".
- Art. 11(3) PCT

Annex II contains a chart illustrating the various phases of a Euro-PCT application with the most important time limits.

PCT Newsletter
10/2004, 2

The role of the EPO in the European phase

- 6** Once an international application has entered the national phase before the EPO, the international application is said to be in the **European phase**.
- Art. 11(3) PCT
Art. 150(3) EPC
WIPO PCT Guide 44

The time limit for entering the **European** phase is 31 months from the filing date or, if priority has been claimed, from the earliest priority date (see point 157). The time limit for entry into the national phase in several EPC contracting states is only 30 months. It follows that if the applicable time limit for entry into the national phase before the national office of such state is missed, patent protection for that state may still be obtainable via a European patent. An up-to-date overview of the applicable time limit for entry into the national phase in each PCT contracting state is available on the WIPO website.

If an international application enters the European phase, the EPO will act:

Art. 153 and 156
EPC

- as **designated Office** if the international application was only processed under PCT Chapter I proceedings (see point 156 ff);
- as **elected Office** if the international application was also processed under PCT Chapter II proceedings (see points 101 ff and 156 ff).

Contracting states to the PCT and the EPC

- 7** On 1 December 2005 the following 31 states were contracting states to the EPC:

Austria (AT), Belgium (BE), Bulgaria (BG), Cyprus (CY), Czech Republic (CZ), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (GR), Hungary (HU), Ireland (IE), Iceland (IS), Italy (IT), Latvia (LV), Liechtenstein (LI), Lithuania (LT), Luxembourg (LU), Monaco (MC), the Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), Switzerland (CH), Turkey (TR), United Kingdom (GB).

Art. 64 PCT
WIPO PCT Guide
325

All EPC contracting states are also contracting states to the PCT and bound by its Chapter II (see the PCT Newsletter and the OJ for current status). The EPO can therefore act as designated and elected Office for any EPC contracting state provided the international application was filed on or after the date on which the EPC entered into force for the state concerned. This means that no European patent can be granted for an EPC contracting state on the basis of an international application filed prior to the date of entry into force of the EPC for that state. For some EPC contracting states, patent protection can only be obtained via the European phase, since these states have closed off the possibility of entering into the national phase before the national Office concerned (see point 38). For information on "extension states", see point 39 ff.

Representation in the international phase

- 8** Any attorney, patent agent or other person ("agent") having the right to practise before the national or regional patent office with which the international application was filed is entitled to practise before:

- this receiving Office,
- the IB,
- the competent ISA and
- the competent IPEA.

Art. 27(7), 49 PCT
R. 90.1 PCT
Art. 133 and 134
EPC
WIPO PCT Guide
78 – 86, 340 – 344,
410 – 423

An agent so appointed before the receiving Office is referred to as "the agent for the international phase". Applicants are strongly advised to appoint an agent.

- 9** Two or more applicants may choose to appoint either a **common agent**, or one of themselves to act as their **common representative**, who in turn may then appoint a (common) agent. If no common agent or common representative has been appointed, the applicant first named in the request who is entitled to file an international application with the EPO as receiving Office is deemed to be the common representative.

R. 2.2, 2.2*bis* and 90
PCT

More information on representation before the EPO is provided in point 29 ff (EPO as RO), point 74 (EPO as ISA), point 125 ff (EPO as IPEA) and in point 180 ff (EPO as designated or elected Office).

B. The EPO as a PCT receiving Office

Where may an international application be filed?

- 10** In principle an international application may **at the applicant's option** be filed:
- with the national office of the PCT contracting state of which the applicant is a resident or national, or with the office acting for that state, or
 - with the IB as receiving Office.
- 11** A third option exists for applicants who are nationals or residents of an **EPC** contracting state, since they may also file international applications with the **EPO** acting as a **receiving Office**. When the EPO acts as receiving Office, the EPO will process the application in accordance with the relevant provisions of the PCT, including the PCT Receiving Office Guidelines and the Administrative Instructions under the PCT.
- 12** If the EPO is chosen as receiving Office the international application should be sent directly to one of the EPO filing offices and **not** to a national patent office (see point 15). However, the national law of an EPC contracting state may prescribe that an international application is to be filed with the EPO as receiving Office **via** its national patent office. If, pursuant to national law, the international application must be filed with the EPO as receiving Office via the competent national patent office, this office will only be acting as a "filing office" for the EPO and not as receiving Office. The date of receipt of the application by the national patent office concerned, on behalf of the EPO as receiving Office, will be considered the international filing date, on condition that the application meets the requirements for a filing date to be accorded.
- The national patent office concerned will have to ensure that the application reaches the EPO no later than two weeks before the end of the thirteenth month after filing or, if priority is claimed, after the earliest date of priority.
- 13** The addresses of national patent authorities and information on the legislation of the EPC contracting states establishing which applications must be filed with the national patent office are provided in the brochure "National law relating to the EPC".
- 14** At present there are no agreements in force allowing the EPO to act as receiving Office for an applicant who is not a resident or national of an EPC contracting state.

Art. 10 PCT
R. 19 PCT
WIPO PCT Guide
49, 50

Art. 151(1), 152 EPC
R. 104(3) EPC
GL/EPO E-IX, 2

Art. 152 EPC
Art. 11 PCT

R. 104(3) EPC

Art. 151(2)(3) EPC

How and where to file if the EPO is receiving Office

- 15** The international application has to be filed in triplicate. It can be filed with the EPO's filing offices in Munich, The Hague and Berlin. Please note that the sub-office in Vienna is **not** a filing office. The EPO's addresses are listed in Annex IV.

R. 92.4 PCT
WIPO PCT Guide
220
R. 104(1) EPC
OJ 2005, 41, 44

International applications must be filed in writing, either on paper or in electronic form, with the EPO filing offices (see point 16 ff). They may be filed direct, by post, by fax or online. For information on the requirements for filing in electronic form (E-filing), see point 21 ff.

Filing direct or by post

- 16** The date of filing accorded to an application filed with the EPO direct or by post is the **date of handing over or receipt respectively at an EPO filing office**. WIPO PCT Guide
Vol. I/B2
OJ 2002, 374
OJ 2005, 41, 44
- Please note that Rule 82 PCT excusing a delay in the post is not applicable to the priority period. It is therefore recommended that an application be filed as early as possible. R. 82.1 PCT

Fax filing

- 17** If an international application is filed by fax, the date on which the facsimile application documents are received in full at the EPO is accorded as the date of receipt of the application. Each of the EPO filing offices is based in the Central European Time zone (CET). For fax numbers, see Annex IV. R. 92.4 PCT
OJ 2005, 41, 44
- If an international application is filed by fax, the original, ie the confirmation copy, is to be filed simultaneously, and the fax should state that the confirmation copy has been forwarded. In any event the confirmation copy must be filed no later than one month from the date of invitation by the EPO. As in the case of filing by post, the confirmation copy is to be filed in triplicate (see points 15 and 45). OJ 2005, 41, 44
- 18** An international application **cannot** be filed with the EPO by telegram, telex, teletex or e-mail. Applications so filed cannot be accorded a valid date of filing. E-mail, telegram, telex and teletex have no legal force in proceedings under the PCT and cannot be used validly to perform **any** procedural act. Therefore, no time limit for such act can be complied with via such means. OJ 2000, 458
OJ 2005, 44

Filing further documents

- 19** After an international application has been filed other documents may be filed in any proceedings before the EPO direct, by post or - with the exception of authorisations and priority documents - by fax at the EPO filing offices. OJ 2005, 41, 44
- In the case of loss or delay, the EPO accepts evidence of mailing a document only if it was mailed via the postal authorities or if one of the following delivery services was used instead: Chronopost, Deutsche Post Express, DHL, Federal Express, LTA, TNT, SkyNet or UPS. R. 82.1(d)(e) PCT
OJ 2003, 283

Acknowledgement of receipt

- 20** The EPO confirms receipt of an international application on EPO Form 1030/1031 by post. OJ 1992, 310
- On request, the EPO also confirms receipt of the international application by fax, against payment of the administrative fee.
- To ensure prompt confirmation of receipt, the following points must be respected:
- the request for acknowledgement must be sent together with the international application,

- evidence of payment of the prescribed administrative fee or a debit order in respect of it (see Section 2.1, item 13 of the Schedule of Fees) must be enclosed, and
- the address to which the receipt is to be sent must be given.

E-filing

- 21** International applications may be filed in electronic form with the EPO as receiving Office, either online or on an electronic data carrier ("physical medium").

GL/EPO A-II, 1.3
OJ 1999, 165
OJ 2002, 543, 545
OJ 2003, 609
WIPO PCT Guide
219A, 223A, 240A,
497 – 504
PCT AI Part 7
PCT Gazette
47/2002, 23832

Online filing

- 22** For online filing with the EPO as receiving Office, the EPO's **epoline®** Online Filing software or the PCT-SAFE software, provided by the IB, may be used. The software allows applicants to fill in the application form (PCT/RO/101) directly in the electronic document formats that are accepted by the EPO as receiving Office (see PCT Gazette).

The **epoline®** Online Filing software and the required smart card are free of charge. More information is available on the **epoline®** website (<http://www.epoline.org>). The online filing package may be obtained by following the instructions provided on the **epoline®** website under "Online Filing".

Information on the PCT-SAFE software is available on the WIPO website (<http://www.wipo.int/pct-safe/en/index.htm>) and in the WIPO PCT Guide.

If an international application is filed online with the EPO as receiving Office, the receipt of documents is acknowledged electronically by the EPO during the submission session. The acknowledgement includes the identity of the receiving Office, ie the EPO, the date and time of receipt, a reference or application number allocated by the EPO, a list of the files transmitted and a message digest, ie the message in compressed form.

Filing on a physical medium

- 23** At present, the sole physical medium accepted by the EPO as receiving Office is CD-R.

If an international application is filed on a physical medium, the acknowledgement of receipt is sent by post.

PCT-EASY filing

- 24** The possibility of filing with the EPO as receiving Office on paper with a print-out of the request and a physical medium containing the request data and the abstract - the so-called PCT-EASY filing - is only available using the PCT-SAFE software, which incorporates the PCT-EASY functionality allowing for the preparation of the PCT-EASY request form and the PCT-EASY physical medium. The **epoline®** software does not provide for the possibility of a PCT-EASY filing. A PCT-EASY physical

medium filed alone - without the corresponding application documents in paper form - does not meet the requirements for according an international filing date.

Divisional applications

- 25** The PCT does not provide for the possibility of filing a divisional application. A divisional application can be filed as soon as the international application has entered the European phase. GL/EPO A-VII, 4.1

The PCT request

- 26** International applications **must** be filed using the **PCT request form** (PCT/RO/101) or a corresponding computer printout. Applicants are advised to read carefully the PCT request form and the explanatory notes before completing the form. For electronic filing, see point 21 ff. Art. 3, 4, 11(1)(iii) PCT
R. 3, 4 PCT
WIPO PCT Guide
56 – 112

The PCT request and the explanatory notes can be found in Annex V. Copies of the form together with explanatory notes are available free of charge from the EPO, the IB and national patent offices.

New versions of the form are published by the IB in both the PCT Newsletter and the WIPO PCT Applicant's Guide (<http://www.wipo.int/pct/en/forms/index.htm>).

Who may file with the EPO as receiving Office?

- 27** Any national of an EPC contracting state or any natural or legal persons having their residence in one of these states may file an international application with the EPO as receiving Office. If there are two or more applicants, it is sufficient for at least one of the applicants to satisfy these requirements. Art. 9 PCT
R. 4.5, 18, 19.2 PCT
Art. 151 EPC
GL/EPO E-IX, 2

Designation of inventor

- 28** It is recommended that the inventor always be identified (Box No. III, PCT request form), unless there are special reasons for not doing so. The name and address of the inventor must be furnished if the applicant wants to enter into the national phase of a state requiring that the data of the inventor be given in the request upon filing (eg the US). The consequences of non-compliance are a matter of national law. For up-to-date information on the national law of each of the PCT contracting states, see WIPO PCT Guide Vol. I/B-1 and B-2. Art. 4(1)(v) PCT
R. 4.1(a)(iv) PCT
WIPO PCT Guide
73 – 76

In so far as the applicant aims to obtain a European patent, the data concerning the inventor may be furnished during the European phase (see point 260). R. 111 EPC
GL/EPO A-VII, 3.4

Agent or common representative

- 29** Any person entitled to practise before the EPO in proceedings established by the EPC may be appointed as agent for any **international** application filed with the EPO as receiving Office (see points 10-14). Art. 27(7), R. 18 PCT
Art. 49, R. 90.1 PCT
Art. 133, 134 EPC
WIPO PCT Guide
410 – 423
OJ 1994, 538
- 30** Two categories of professional representative - agents in PCT terminology - have the right to practise before the EPO:
- any professional representative entered on the relevant list

maintained by the EPO,

- any legal practitioner qualified to practise in patent matters in one of the EPC contracting states and who has his place of business in that state.

The directory of professional representatives can be ordered from the EPO's Vienna sub-office and consulted on the EPO website (<http://www.european-patent-office.org/repsearch.html>).

How to appoint an agent

- 31** Appointment of an agent for the international phase requires a declaration to that effect made either in the PCT request (Box No. IV PCT request form) itself or in a separate notice ("the power of attorney"). For the appointment of the agent to be effective the PCT request, or the power of attorney, must be duly signed by (all) the **applicant(s)**. R. 90.4, 90.5 PCT

Appointment of an agent may also be effected by referring in the PCT request or in a separate notice to an existing general power of attorney deposited with the EPO, if a copy of it is attached to the PCT request.

Waiver

- 32** The EPO as receiving Office (and also as ISA and IPEA) has waived the requirement that a signed separate power of attorney be submitted to it if the PCT request is not signed by the applicant. The EPO has also waived the requirement that a copy of the general power of attorney be attached to the PCT request or to a separate notice in which an agent is appointed by reference to a general power of attorney. R. 90.4(d) 90.5(c) PCT
OJ 2004, 305
PCT Gazette
12/2004, 6462

- 33** However, as a matter of strategy and caution agents are recommended to obtain explicit authorisation from all applicants by way of direct signature of the PCT request or by duly signed powers of attorney. An explicit authorisation of each applicant is required in any case in which a withdrawal of any kind is submitted. Further, the EPO may require the filing of a separate power of attorney or a copy of a general power of attorney in any case of doubt as to the agent's entitlement to act. R. 90.4(e), 90.5(d) PCT

Appointment of agent for European phase with the EPO as receiving Office

- 34** An agent appointed in the PCT request as agent for an international application is **only** appointed for the international phase. This means that a professional representative authorised to act before the EPO and who acted for the applicant in the international phase is not automatically considered agent for the European phase. However, if the EPO is receiving Office and the agent is appointed by separate authorisation, the applicant may at the same time indicate therein that the agent is also appointed to represent the applicant before the EPO as designated or elected Office (see point 156). For the designation of an agent for the international *and* European phase at the same time, the applicant may use Form EPA/EPO/OEB 1003 available on the Internet (<http://www.european-patent-office.org/epo/formul/epc/1003.pdf>). Art. 134 EPC

If the appointment of an agent is effected by reference to an existing general power of attorney and filing of a copy (see point 31), the appointment of the agent (also) for the European phase must be explicitly made in a separate notice.

For which states may international applications be filed?

- 35** An international application may seek patent or another form of protection (utility model, for example) for any PCT contracting state.

Art. 4(1)(ii),
11(1)(iii)(b) PCT
R. 4.9(a)(b) PCT
Art. 153 EPC
WIPO PCT Guide 57

Upon filing of the PCT request, the applicant will obtain automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and in respect of both regional and national patents. The designation EP covers all EPC contracting states for which the PCT and the EPC are in force on the filing date of the international application. A decision on the EPC contracting states in which protection is actually being sought need not be made until the application enters the European phase (see point 215). Therefore, if a state accedes to the EPC after the international filing date, no European patent can be obtained for that state. In this respect, the date of entry into the European phase is irrelevant (see point 39 ff).

Non-designation

- 36** For reasons of national law, check-boxes in Box No. V on the PCT request form provide for exceptions to the otherwise automatic designation of DE Germany, KR Republic of Korea and RU Russian Federation. Crossing the check-box for DE Germany, KR Republic of Korea and/or RU Russian Federation is **not** considered to be a withdrawal, but a non-designation of the state(s) concerned. The designation of JP Japan will soon be added to this list. According to the national law of these states, the filing of an international application which contains the designation of that state and claims the priority of an earlier national application (for Germany: for the same kind of protection) will have the result that the earlier national application ceases to have effect, with the same consequences as the withdrawal of the earlier national application. More information on so-called "self-designation" can be obtained from the national patent offices concerned.

PCT Gazette
50/2003, p. 28386;
52/2005, p. 34912

- 37** As regards the EPC contracting states, the problem of self-designation exclusively concerns DE Germany and only if the PCT request includes the automatic designation of DE Germany for a **national patent**. Therefore, **the designation of DE Germany for the purposes of an EP European patent is not considered a self-designation and therefore not affected. Consequently, there is no reason for withdrawing the automatic designation of EP.**

- 38** The national law of a number of EPC contracting states stipulates that on the basis of a PCT application **only a European patent** may be obtained for these states. The countries which close off the route to a national patent in this way were, at 1 December 2005, **Belgium, Cyprus, France, Greece, Ireland, Italy, Monaco, the Netherlands and Slovenia.**

Art. 45(2) PCT
Art. 153(1) EPC
PCT 2004, 6 – 7

Extension

- 39** With several European states, which are not a party to the EPC and thus not "included" in the designation "EP", the EPO has agreed on a so-called "extension agreement". Pursuant to such agreement an applicant may, in the European phase, extend his application to any "extension state" on condition that all requirements are met: a valid extension requires, firstly, that on the international filing date the extension agreement was in force and, secondly, that this extension state was both a PCT contracting state at the filing date and was designated for a **national** patent in the international application.

WIPO PCT Guide
41, 89
GL/EPO A-III, 13

All extensions states listed below were already PCT contracting states on the date of entry into force of the extension agreement. Moreover, as from 1 January 2004, all PCT contracting states are automatically designated for a national and, where applicable, a regional patent (see point 35).

Extension agreements are in force with:

AL Albania (since 1 February 1996)	OJ 1996, 82
MK Former Yugoslav Republic of Macedonia (since 1 November 1997)	OJ 1997, 530
HR Croatia (since 1 April 2004)	OJ 2004, 117
YU Serbia and Montenegro (since 1 November 2004)	OJ 2004, 563
BA Bosnia and Herzegovina (since 1 December 2004)	OJ 2004, 619
The extension agreements with the Republic of Slovenia (entry into force 1 March 1994), the Republic of Romania (entry into force 15 October 1996), Lithuania (entry into force 5 July 1994) and Latvia (entry into force 1 May 1995) terminated when these four states acceded to the EPC with effect from 1 December 2002, 1 March 2003, 1 December 2004 and 1 July 2005 respectively. The extension system continues to apply after this date for all applications filed prior to the date on which the agreement terminated.	OJ 2002, 463 OJ 2003, 1

- 40** A decision on the states for which extension is sought need not be taken until the application enters the European phase (see point 223).

Priority claim

- 41** A declaration in an international application claiming the priority of one or more earlier applications filed in or for any state party to the Paris Convention for the Protection of Industrial Property must always indicate the date on which the earlier application was filed, the state or states in which it was filed and the application number(s) under which it was filed. If the earlier application was a regional one, it suffices to give the name of the patent-granting authority under the regional agreement - ie "EP" in the case of a European application (Box No. VI PCT request form).
- 42** According to Rule 4.10 PCT as amended with effect from 1 January 2000, priority may also be claimed from an application filed in or for any member of the World Trade Organization (WTO) that is not party to the Paris Convention for the Protection of Industrial Property. However, the EPO as designated/elected Office has made a reservation to that provision because amended Rule 4.10(a) and (b) PCT is not

Art. 8(1) PCT
R. 4.10 PCT
WIPO PCT Guide
48, 96 – 100,
245 – 250

R. 4.10(d) PCT
OJ 2003, 184
OJ 2003, 567
OJ 2004, 483

compatible with Article 87 EPC. This was confirmed by the Enlarged Board of Appeal in decisions G 2/02 and G 3/02 of 26 April 2004 (see point 263).

The International Searching Authority (ISA)

- 43** If an international application is filed with the EPO acting as receiving Office, the **EPO is the only competent ISA**. Therefore, this need not be entered in Box No. VII on the PCT request form. Art. 16 PCT
R. 4.1(b)(iv), 4.14bis PCT
- 44** An applicant who is of the opinion that the EPO can base its search entirely or partly on one or more earlier search reports already prepared by the EPO on an application whose priority is claimed for this application should indicate this accordingly in Box No. VII on the PCT request form (see point 41). Please note that a refund is only possible, if the priority of the earlier application has been claimed in Box No. VI on the PCT request form (see point 76 ff). R. 41 PCT

Documents to be filed with the EPO acting as a receiving Office

- 45** Until further notice, all documents constituting an international application must be filed **in triplicate** with the EPO as receiving Office: request, description, claims, abstract and drawings (Box No. IX PCT request form). Under current practice, only one copy of the *other* documents referred to in Rule 3.3(a)(ii) PCT and listed on the right-hand side of Box No. IX on the PCT request form is to be filed with the EPO. Art. 3(2), 4 – 7 PCT
R. 3.3, 4 – 8, 11.1(b) PCT
WIPO PCT Guide 51, 193 – 194
R. 104 EPC
GL/EPO E-IX, 2

Applications in the field of biotechnology

- 46** Under the PCT, the question whether a reference to deposited biological material must be included in an international application is left to the national law of the designated states. The PCT, however, prescribes the contents of a required reference and when such a reference must be provided. A reference in accordance with the provisions of the PCT is to be regarded by each designated Office as satisfying the requirements of national law as to (only) the content and time for furnishing the reference. For obtaining a European patent, a reference to deposited biological material must be made. For further requirements in this respect, see EPO Guide I-76 ff. R. 13bis PCT
WIPO PCT Guide 477 – 489
R. 28 EPC
OJ 1996, 596
- 47** Details of **deposited biological material** which are not included in the description should be supplied on a separate form (PCT/RO/134) (Box No. IX, check-box No. 8 PCT request form). This form must be used even if it is the applicant's wish that samples be made available only to an expert.

If the biological material has not been deposited by the applicant but by someone else, the name and address of the latter person, the depositor, must be entered in the international application and a document submitted in which the depositor: R. 28(1)(d) EPC

- has authorised the applicant to refer to the biological material, and
- has given his/her unreserved and irrevocable consent to the deposited material being made available to the public.

The discretion given to the designated Offices regarding the furnishing of samples of biological material is used by the EPO in conformity with Rule 28(3) EPC. As a consequence, samples of biological material may, in many cases, be furnished by the EPO as designated Office to third parties as from international publication, ie during the international phase.

R. 13bis.6 PCT
R. 28 EPC

- 48** If the international application discloses a **nucleotide or amino acid sequence**, it must - if it comprises sequences of at least 10 nucleotides or at least 4 amino acids - contain a sequence listing, which is to be drawn up in compliance with the standard prescribed in Annex C to the Administrative Instructions under the PCT (Box No. IX, check-box No. 9-10 PCT request form).

R. 5.2, 13ter PCT
WIPO PCT Guide
118 – 119, 490
Supplement No. 2 to
OJ 11/1998
GL/EPO A-VII, 4.2

The EPO has notified the IB that it accepts sequence listings and/or tables related thereto, to be filed on electronic media as specified by the EPO. The specification of these electronic media is published in Vol. I/B-C (Receiving Offices) of the WIPO PCT Guide.

Gazette 48/2004,
28048

- 49** If the applicant has filed sequence listings under Section 801 of the Administrative Instructions, a basic fee component of 400 times the fee per sheet will be due. Therefore, should the sequence listings be significantly less than 400 pages in length, it is advisable that the applicant refrains from filing them under Section 801 of the Administrative Instructions, but files them on paper or files the complete application in electronic form under Section 703 of the Administrative Instructions (see point 60). For the purposes of international search the sequence listing in electronic form will, however, be required by the EPO as ISA under Rule 13ter PCT (see points 93-94).

WIPO PCT Guide
119c

- 50** Any sequence listing not contained in the international application as filed will - in so far as it is not allowable as amendment under Article 34 PCT (see points 93-94) - not form part of the international application.

R. 13ter(e) PCT

Signature

- 51** The PCT request form or, where applicable, the power of attorney **must be signed by the applicant**.

R. 4.1(d), 4.15,
26.2bis(a),
51bis.1(a)(vi) PCT
WIPO PCT Guide
107 – 108

Where there are two or more applicants each applicant must sign the request, or each applicant for whom an agent has been appointed must sign a power of attorney (Box No. IX PCT request form, see point 31). However, if there is more than one applicant the EPO/RO will not invite the applicant to furnish the missing signature(s) if the PCT request form is signed by at least one of the applicants. Any designated Office, however, may require the missing signature of any applicant who has not signed the PCT request for that designated state.

- 52** If not the applicant but his agent has signed the PCT request form a signed power of attorney or a copy of a general power of attorney need not be submitted since this requirement has been waived by the EPO (see point 32). However, as a matter of strategy and caution agents are recommended to obtain explicit authorisation from all applicants, either by way of direct signature or powers of attorney (see point 29 ff).

R. 90.3, 90.4, 90.5
PCT

Language of the international application

- 53** The international application, ie the request, description, claim(s), drawing(s) and abstract, must be filed with the EPO as receiving Office in English, French or German. An international application filed in another language will be forwarded to the IB to act as receiving Office instead of the EPO.
- 54** If an application is filed with the EPO as receiving Office in one of its official languages, that language is considered the language of the proceedings which may not be changed during the international phase or on entry into the European phase (see point 199 ff). However, with the exception of amendments and corrections to the application, for which the language of the international application must be used, any other correspondence with the EPO may be in any of the EPO's three official languages.

Art. 3(4)(i), 11(1)(ii) PCT
R. 12, 19.4 PCT
WIPO PCT Guide
54 – 55
Art. 150(2) EPC
R. 1, 104 EPC
OJ 1993, 540

Fees

- 55** For international applications the following fees are payable direct to the EPO as receiving Office:
- the transmittal fee,
 - the international filing fee, and
 - the international search fee.
- 56** The transmittal, international filing and search fees are payable within **one month** of receipt of the international application. If the application contains more than 30 sheets, the international filing fee is increased, with a fixed sum to be paid for each sheet in excess of 30 sheets. This extra fee is considered part of the international filing fee.

Art. 3(4)(iv) PCT
R. 14 –16
WIPO PCT Guide
197 ff
Art. 152(3) EPC

R. 14.1, 15.4, 16.1(f) PCT

Amounts of fees

- 57** The amounts of the transmittal and international search fee are fixed by the EPO and given in the EPO's current Schedule of fees published in the EPO's Official Journal. The amount of the international filing fee is fixed by WIPO and is specified in the Schedule of Fees which is annexed to the PCT Regulations (PCT Schedule of Fees) and forms an integral part thereof.
- The current fee rates are published in the EPO's Official Journal, the PCT Gazette and the "PCT Newsletter" (see point 2).
- 58** Fees that are to be paid to the EPO must be paid in euro. The date to be considered as the date on which a payment is made is established according to the EPO's Rules relating to Fees (RFees).

R. 96.1 PCT
PCT Schedule of
Fees
Art. 2(2), (18) RFees

Art. 8 RFees

Reductions

- 59** The international filing fee is reduced by 75% if the international application is filed by:
- (a) an applicant who is a natural person and who is a national of and resides in a state whose per capita national income is below USD 3 000, or

PCT Schedule of
Fees
WIPO PCT Guide
202

(b) an applicant, whether a natural person or not, who is a national of and resides in a state that is classed as a least-developed country by the United Nations.

If there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b) (see further PCT Schedule of Fees under point 4. annexed to the PCT Regulations). A list of states that fall under the criteria mentioned in (a) and (b) is published in the PCT Newsletter.

60 Further reductions apply to the international filing fee, depending on the form in which the application is filed. Different levels of reduction are provided if the application is filed:

WIPO PCT Guide
202A

- on paper together with a copy in electronic form (PCT EASY filing) (see point 24);
- in electronic form in PDF format, or
- in electronic form in XML format (see points 22-23).

See point 75 ff for information on reduction and refund of the search fee.

61 The PCT request form contains a Fee Calculation Sheet which applicants are asked to use for calculating fees.

Late payment of fees

62 If no fees are paid within the prescribed time limits (see point 56), or if the amounts paid are not sufficient to cover the fees due, the EPO invites the applicant to pay the missing amount together with a late payment fee of 50% of the amount of unpaid fees but at least an amount equal to the transmittal fee.

Art. 14(3) PCT
R. 16bis PCT
WIPO PCT Guide
211 – 214
OJ 1992, 383

The late filing fee may not exceed the amount of 50% of the international filing fee as specified in the PCT Schedule of Fees without taking into account any fee due for each sheet of the international application in excess of 30 sheets.

63 If the applicant fails to pay the prescribed fees together with the late payment fee within one month of the date of the invitation, the international application will be deemed to be withdrawn and the receiving Office will so declare.

C. The EPO as an International Searching Authority (ISA) - PCT Chapter I

I. General

For all PCT applications filed as from 1 January 2004 the ISA issues not only an ISR but also a Written Opinion of the International Searching Authority (WO-ISA) (see point 1). The WO-ISA provides the applicant with a preliminary, non-binding opinion on the issues of novelty, inventive step and industrial application. This allows the applicant to assess, already at the search stage, whether to proceed to the national/regional phase. Therefore, in many cases the filing of a demand for international preliminary examination will have no added value (see point 104). The WO-ISA will be prepared at the same time as the ISR for delivery to the applicant and the IB. The WO-ISA is not published, but will be available to the designated Offices and third parties on expiry of 30 months from the (earliest) priority date (see points 82 and 87).

Competence of the EPO as an ISA

- 64** The EPO's competence as an ISA is in principle **universal**, ie not restricted to international applications from eg EPC contracting states. As set out hereafter, this does not mean that the EPO will act as ISA for any international application (see point 65 ff).

Art. 16 PCT
R. 35 PCT
Agreement EPO-
WIPO, Art. 3(1)
OJ 2001, 601
WIPO PCT Guide
268
Art. 154 EPC

Specification by the receiving Office

- 65** The EPO acts as ISA for any application on condition that **the relevant receiving Office has specified the EPO as ISA**.

On 1 December 2005 the following states had **not** specified the EPO as ISA (and IPEA): United Arab Emirates (AE), Australia (AU), China (CN), Comoros (KM), Democratic People's Republic of Korea (KP), Republic of Korea (KR), Oman (OM), Papua New Guinea (PG), Libyan Arab Jamahiriya (LY), Saint Kitts and Nevis (KN).

Up-to-date information is available in WIPO PCT Guide Vol. I/C and on the WIPO website (see point 2).

Canada has informed the IB that the EPO no longer acts as ISA (and IPEA) for international applications filed on or after 26 July 2004 with the Canadian patent office as receiving Office.

- 66** If the IB has been acting as receiving Office, the EPO is competent as ISA (and IPEA) if the international application could have been filed with a receiving Office which has specified the EPO as ISA.

Agreement EPO-
WIPO, Art. 3(3)
OJ 2001, 601

Limited competence

- 67** The EPO has limited its competence as ISA under certain conditions. The EPO will not carry out an international search in respect of any international application filed by a national or resident of the United States of America with the United States Patent and Trademark Office (USPTO) as receiving Office where such application contains one or more claims relating to the field of business methods as defined in the

Agreement EPO-
WIPO, Art. 3(4)
OJ 2001, 601
OJ 2002, 52 and 175
OJ 2003, 633
OJ 2005, 149

Notice from the President of the EPO dated 26 November 2001 (see also point 90). Moreover, where the IB acted as receiving Office (see point 66), the EPO is not competent as ISA if the international application could have been filed with the USPTO as receiving Office, unless the application could have been filed also with the EPO as receiving Office.

- 68** The duration of the limitation runs until 1 March 2007. An extension of the duration of the limitation is likely. Up-to-date information can be obtained from the sources referred to in point 2.

Choice of ISA and consequences

- 69** If the receiving Office has specified more than one ISA, the applicant must indicate his choice of ISA in the PCT request (Box No. VII) and in the Fee Calculation Sheet (Box No. 2) (see Annex VI). More than one ISA may not be selected. For example, the EPO may be chosen as ISA for applications filed with the USPTO and for applications in English filed with the JPO as receiving Office. Applicants considering their choice of ISA are advised to bear in mind that the EPO will only act as an **IPEA** if **the international search was carried out by the EPO** or by the Austrian, Finnish, Spanish or Swedish patent office (see point 108).
- 70** If the EPO acts as ISA, the supplementary search report is dispensed with and no search fee will be due on entry into the European phase (see point 232). Further, if the EPO acts as IPEA, a reduction of 50% on the fee due for examination in the European phase is granted (see point 255).

R. 4.1(b)(iv) and 4.14bis PCT Agreement EPO-WIPO, Art. 3(2) OJ 2001, 601

Translation

- 71** For the purpose of the international search by the EPO as ISA the application must be written in one of its three official languages, **English, French and German**. Where the international application is filed in a different language the applicant must file with the receiving Office a translation into one of the three official languages of the EPO. Such translation must be furnished within one month of the date of receipt of the international application by the receiving Office.
- The receiving Office will promptly forward a copy of the translation and of the PCT request to the EPO, referred to as the "search copy", after payment of the search fee.
- In any further correspondence with the EPO as ISA the applicant may use any of the three official languages of the EPO (see point 54).

R. 12.3 PCT

R. 23.1(b) PCT

R. 92.2(b) PCT

Application filed in Dutch

- 72** An exception to the translation requirements for the purpose of international search by the EPO as ISA applies only if the application was filed with the Belgian or Netherlands patent office as receiving Office, since - although not an official language - the EPO as ISA also accepts applications in Dutch. Therefore, a translation of an international application filed in Dutch with the Belgian or Netherlands patent office is not required for the purpose of the international search by the EPO as ISA. However, within 14 months of the priority date a translation must be filed with the receiving Office in a language of publication accepted by the receiving Office for the purpose of

R. 12.3, 12.4, 43.4, 48.3 PCT Agreement EPO-WIPO, Annex A OJ 2001, 601 WIPO PCT Guide Vol. I/B, Annex D

international publication. The ISR and WO-ISA will be established in the language of the international publication. For the above reasons, filing an application in Dutch is to be carefully considered.

Partnership between the EPO, the Spanish Patent and Trademark Office (OEPM) and the Swedish Patent and Registration Office (PRV) for conducting international searches

- 73** The EPO, OEPM and PRV have formed a partnership for the purpose of carrying out the tasks incumbent on them as ISA under Article 16(3)(a) PCT and Section III, paragraphs (1) and (2), of the Protocol on Centralisation. Within the framework of the partnership, the three Offices have adopted a common schedule for all fees and other charges which they are entitled to make in their capacity as ISA, the amounts of which are those laid down in the EPO's Rules relating to Fees.
- OJ 1999, 66, second paragraph, and 431, last paragraph

Representation before the EPO as ISA

- 74** Applicants may be represented before the EPO as ISA by the agent appointed on filing the international application and having the right to practise before the receiving Office, ie the agent for the international phase (see point 8).
- Art. 49 PCT
R. 90.1(b) and
90.1(d) PCT
WIPO PCT Guide
410 – 423

An applicant may also appoint an agent to represent him **specifically before the EPO in its capacity as ISA**. Moreover, the agent appointed for the international phase - and thus including representation before the ISA - may appoint a sub-agent to represent the applicant specifically before the EPO as ISA.

Any agent specifically appointed before the EPO as ISA must be entitled to practise before the EPO (see point 30).

The requirements in respect of filing a separate power of attorney or a copy of a general power of attorney have been waived by the EPO as ISA (see point 32).

Reduction of the search fee

- 75** The search fee to be paid in case the EPO acts as ISA is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person who is a national and resident of a state not party to the EPC which fulfils the requirements for the reduction of the international filing fee and the handling fee as specified in the PCT Schedule of Fees annexed to the PCT Regulations. A list of the states fulfilling these requirements is available on the Internet (http://www.wipo.int/pct/en/fees/fee_reduction.pdf). The consequence of the requirement that **each applicant** must be a natural person who is a national and resident of a state **not** party to the EPC, is that its scope of application is more limited than the reduction scheme under the PCT for the international filing fee (see point 59) and the handling fee (see point 132).
- WIPO PCT Guide
202 – 203
OJ 2000, 446

Refunding of the search fee

- 76** Where the EPO can base the ISR on an earlier search it has already performed on an application whose priority is claimed for the international application, the search fee paid will be refunded in part or in full depending on the extent to which the EPO benefits from that earlier search. This means that the amount of the refund is based on the price of the earlier search. If the applicant wishes the EPO as ISA to base the ISR on an earlier search, the applicant must so request (Box No. VII PCT request form).

R. 4.11(a), 16.3, 41.1 PCT
OJ 2002, 56
OJ 2003, 631
OJ 2005, 433, 463
WIPO PCT Guide
102

The criteria determining the applicable refund rate are laid down in the Notice from the President of the EPO dated 13 December 2001 for all international applications filed up to 1 July 2005. For international applications filed on or after that date, the criteria laid down in the Notice from the President of the EPO dated 1 July 2005 apply. In all other respects the Notice dated 30 November 2003 remains in full force.

- 77** If an international application filed on or after 1 January 2004 is searched by the EPO as ISA, the amount of an earlier search fee paid to be refunded is, at 1 December 2005, as set out in OJ 2005, 431.

II. The procedure before the EPO as ISA

General

- 78** The objective of the international search is to discover relevant prior art. According to the definition of prior art in the PCT it consists of everything which has been made available to the public anywhere in the world by means of a written disclosure. Prior art is relevant if it is of assistance in determining whether the claimed invention is new and involves an inventive step. This definition of prior art is exclusively valid for the international procedure. This means that during the European phase the EPO applies the criteria applicable under the EPC for determining the relevant prior art.

Art. 15, 27(5) PCT
R. 33 PCT
OJ 2003, 574
GL/EPO E-IX, 3

Establishing the ISR and WO-ISA

- 79** For all applications filed on or after 1 January 2004 the EPO as ISA issues not only an International Search Report (ISR) but also a Written Opinion of the International Searching Authority (WO-ISA). The WO-ISA provides the applicant with a preliminary non-binding written opinion on the question of whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable. In content the WO-ISA is intended as a means to bring forward a report akin to a first written opinion under PCT Chapter II. Other requirements, such as form, contents or clarity, will be considered only if they have an impact on the assessment of novelty, inventive step and/or industrial applicability.

R. 43bis, 44 PCT

The ISR

- 80** The procedure for establishing the ISR is broadly similar to that for establishing the European search report. As a rule, the ISR is established and then transmitted to the applicant and the IB within three months of receipt of the search copy of the application (see point 71) or within nine months of the earliest priority date, whichever time limit expires later.

Art. 18 PCT
R. 42, 44 PCT
Newsletter 12/2003,
14

International publication

- 81** The international publication of the international application by the IB takes place promptly after expiry of 18 months from the priority date. If the ISR is available at that time it will be published together with the application. If not, the ISR is published separately from the international application on receipt by the IB.
- Art. 21 PCT
R. 48 PCT

The WO-ISA

- 82** The WO-ISA will be prepared at the same time as the ISR for delivery together with the ISR to the applicant and the IB. Unlike the ISR, the WO-ISA will not be published.
- R. 44 PCT

Access to the WO-ISA

- 83** The IB and the ISA will not, unless authorised by the applicant, allow anyone access to the WO-ISA before the expiry of 30 months from the priority date. After that date the EPO as designated Office will grant access to the WO-ISA. If the EPO acts as IPEA, the WO-ISA established by the EPO as ISA will be considered a first written opinion for the purposes of Chapter II and may as such become public as part of the Chapter II file. For further information, see points 142 ff and 155.
- R. 44^{ter} PCT
WIPO PCT Guide
292 E
GL/EPO E-IX, 5.8

Amendments and informal comments

- 84** There is no possibility for any form of dialogue between the applicant and ISA on the content of the ISR and/or the WO-ISA. However, the applicant may submit amendments of the claims pursuant to Article 19 PCT as well as informal written comments to the WO-ISA (see point 85). These amendments and informal comments are to be filed **exclusively with the IB**.
- Art. 19 PCT
R. 46 PCT
WIPO PCT Guide
292 D

Any amendment to the claims under Article 19 PCT is to be made:

- within two months of the date of transmittal of the search report, or
- within 16 months of the (earliest) priority date,

whichever time limit expires later.

- 85** Informal comments are to be submitted to the IB within the international phase, ie within 30 months of the (earliest) priority date, but preferably before 28 months from the priority date.
- PCT Newsletter
10/2004, 7
- 86** If a demand for preliminary examination is or will be filed, any response to the WO-ISA must be submitted to the IPEA under Article 34 PCT as part of the preliminary examination procedure (see point 139).

IPRP Chapter I

- 87** If no demand for international preliminary examination is filed, the WO-ISA will be converted by the IB into an International Preliminary Report on Patentability (IPRP Chapter I). Further, on request it will be communicated to the designated Offices on expiry of 30 months from the priority date. A copy is promptly sent to the applicant. The procedure where a demand for international preliminary examination is filed is set out in point 139 ff.
- R. 44^{bis}, 93^{bis}.1
PCT

The IPRP Chapter I together with the informal comments will be made available for public inspection at the IB, but not before 30 months from the priority date. The same is true of the WO-ISA.

R. 44ter, 94.1(b)
PCT

Before taking a decision on filing a demand for international preliminary examination, applicants are advised to consider the information provided hereafter (see point 139 ff).

When may the EPO refuse to conduct a (full) search?

- 88** For several reasons the EPO as ISA may refuse or will not be able to perform a (full) international search. Such refusal may relate to, eg, the subject-matter of the application, non-compliance with requirements regarding the description, claims or drawings of the application (see point 91), missing sequence listings (see point 94) or lack of unity of invention (see point 95 ff).

If no search at all is performed, the EPO as ISA will establish a "declaration of non-establishment" instead of an ISR and give reasons for the decision in that declaration and in the WO-ISA.

- 89** The EPO is not required to perform an international search and to establish an ISR if the application relates to subject-matter which is not regarded as an invention or susceptible of industrial application or which is excluded from patentability under the EPC provisions. Here, the criteria applied for the decision not to perform an international search are the same as for the European procedure (see EPO Guide I, 29 ff). This means that the discretion of the ISA not to search subject-matter set forth in Rule 39.1 PCT is used by the EPO as ISA only to the extent that such subject-matter is not searched under the provisions of the EPC.

Art. 17(2)(a)(i) PCT
R. 39.1 PCT
WIPO PCT Guide
279, 280
Agreement EPO-
WIPO, Art. 4 and
Annex B
GL/EPO B-VIII,
1-3
OJ 2002, 260
OJ 2001, 601

Business methods

- 90** Attention is drawn to the field of business methods (see point 67). The EPO as ISA will not carry out an international search on an application to the extent that its subject-matter relates to no more than a method of doing business, in the absence of any apparent technical character. Moreover, claims which merely specify commonplace features relating to the technological implementation of such methods will not be searched if the search examiner cannot establish any technical problem which might potentially have required an inventive step for it to be overcome. In such cases, it is not possible to carry out a meaningful search into the state of the art.

R. 39.1(iii) PCT
OJ 2002, 260

Complex applications

- 91** Furthermore, the EPO as ISA will not perform an international search if the application documents fail to comply with the prescribed requirements to such an extent that a meaningful search is impossible; these kinds of applications are often referred to as "complex applications".

Art. 17(2)(a)(ii) PCT
GL/ISPE, Ch. 9
OJ 2000, 228

Partial search

- 92** If any of the reasons for not performing an international search exists with respect to certain claims only, an ISR and a WO-ISA will be established in respect of the other claims.

Art. 17(2)(b) PCT

Nucleotide and amino acid sequences

- 93** On 1 April 2005, amended Rule 13~~ter~~ PCT entered into force and applies to any international application filed on or after this date and also to any international application in respect of which a demand is filed on or after 1 April 2005, irrespective of the date of filing of that application (see point 154 ff).

R. 5.2, 13~~ter~~.1 PCT
WIPO PCT Guide
271 – 278
GL/EPO A-VII, 4.2

If the sequence listing to an international application is not available in electronic form and/or does not comply with the standard provided in the Administrative Instructions (WIPO ST 25), the EPO as ISA will invite the applicant to furnish the sequence listing in such form and pay a late furnishing fee.

PCT Gazette
48/2004, p. 28050
OJ 2005, 225

Moreover, if the application was (partly) filed on paper and the applicant has filed the sequence listing neither on paper nor in electronic form complying with the standard provided for in the Administrative Instructions (WIPO ST 25), the EPO as ISA will invite the applicant to furnish the sequence listing in paper form complying with that standard under payment of a late furnishing fee.

- 94** If, within the time limit set, the applicant has not submitted the sequence listing in the required form and has not paid the late furnishing fee, the EPO as ISA will carry out the international search without the sequence listing to the extent that a meaningful search can be carried out without such listing.

R. 13~~ter~~.1(d) PCT

If both deficiencies apply, only one late furnishing fee will be due. This is for instance the case if the sequence listing filed in paper form does not comply with the standard and no sequence listing in electronic form was filed. The late furnishing fee must not exceed 25% of the international filing fee. The extra charge for sheets in excess of 30 pages is not taken into account.

R. 13~~ter~~.1(c) PCT

Lack of unity of invention

- 95** The EPO as ISA examines whether the application complies with the requirement of unity of invention. This means that the international application must either relate to only one invention or to a group of inventions which are so linked that they form a single general inventive concept.

Art. 17(3)(a) PCT
R. 13, 40 PCT
GL/ISPE, Ch. 10
Art. 154(3) EPC
R. 105(1) EPC
GL/EPO B-VII, 3;
C-III, 7.11
OJ 1989, 61

- 96** If the EPO as ISA considers that the international application does not comply with the requirement as to unity of invention, the EPO - stating its reasons for so finding - invites the applicant to pay an additional search fee for each further invention. At the same time the EPO informs the applicant of the result of its partial international search, which is restricted to those parts of the application relating to the invention first mentioned in the claims.

If the applicant does not pay any additional search fee, the EPO establishes the ISR and WO-ISA on the basis of the result already communicated.

If the applicant pays one or more additional search fee(s) within the time limit set, those parts of the application for which additional search fees were paid will also be searched. Consequently the ISR will be

Art. 17(3) PCT

established for all inventions for which a search fee has been paid. Additional search fees are payable directly to the EPO as ISA.

No payment of additional fee(s)

- 97** The lack of an ISR and WO-ISA in respect of those parts of the international application for which no additional search fee was paid, has not, of itself, any influence on the validity of the international application. However, the national law of any designated Office may provide that the non-searched parts are considered withdrawn unless a special fee is paid (see the information in WIPO PCT Guide Vol. II/A-D). As regards the consequences for the procedure in the European phase, see point 272 ff. Art. 17(3)(b) PCT
WIPO PCT Guide
287
- 98** With regard to the (further) procedure in the international phase, it is to be noted that if a claim relates to an invention in respect of which no ISR and WO-ISA has been established, the EPO as IPEA will not carry out international preliminary examination in respect of that claim (see point 147). This applies also if amendments and/or comments under Article 34(2) PCT were filed. R. 66.1(e) PCT

Protest

- 99** An applicant may pay an additional search fee under "protest". This means that at the time of payment of the additional fee(s) the applicant objects to the claimed lack of unity in a written reasoned statement filed with the EPO as ISA. Such objections may concern the finding of non-unity as such or the number of the required additional fees being excessive. The lodging of a protest does not delay the search itself. R. 40.2(c) PCT
- With effect from 1 April 2005 a new protest procedure entered into force for all applications filed on or after that date. Under the new procedure set out in Rule 40 PCT, the review has been reduced to a one-stage protest procedure. However, the EPO as ISA (and also the EPO as IPEA) will continue to apply the two-stage review procedure pending entry into force of the revised version of the EPC (EPC 2000). This means that all protests, regardless of whether the filing date of the application is before, on or after 1 April 2005, will be treated in the same manner as set out below (point 100). OJ 2005, 226

Protest procedure

- 100** Where an additional fee for international search has been paid under protest, a review panel will examine free of charge whether the invitation to pay these fees was justified and inform applicants of the result of this examination. R. 40.2(e) PCT
OJ 2005, 226

If the review panel during this prior review finds that the invitation was **not** justified and allows the protest, the additional fees paid will be refunded. If the protest fee has already been paid, it will also be refunded.

If the review panel finds that the invitation was entirely justified, it will inform the applicant accordingly and invite him to pay the protest fee within one month, if he wishes the protest to be referred to the **board of appeal** for decision.

If the result of the review is that the invitation was partly justified, the corresponding additional fee(s) will be refunded. If the protest fee has

already been paid, the protest will be referred to the board of appeal unless the applicant indicates within one month of the notification that he does not wish to continue the protest procedure. If the protest fee has not yet been paid, he will be invited to pay it within one month of the date of notification of the result of the review.

D. The EPO as an International Preliminary Examining Authority (IPEA) - PCT Chapter II

I. General

Aim of the international preliminary examination

- 101** The aim of the international preliminary examination under Chapter II of the PCT is not to be granted or refused a patent, but to obtain a **preliminary and non-binding opinion** on whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable.

Art. 33, 35 PCT
R. 64, 65, 67, 68
PCT
WIPO PCT Guide
322
OJ 2003, 574
GL/EPO E-IX, 4

While there is not a fully uniform approach to these criteria in national laws, their application during international preliminary examination is such that the International Preliminary Report on Patentability established by the IPEA (IPRP Chapter II) provides the applicant with a good basis on which to evaluate the chances of obtaining patents in the various Offices in the national phase.

- 102** The term "IPRP Chapter II" as a new name for the international preliminary examination report (IPER) was introduced as from 1 January 2004. Both terms therefore refer to the same document.

R. 70.15(b) PCT

- 103** Under the procedures in force as from 1 January 2004 applicants will already **as part of the international search procedure** receive a preliminary non-binding written opinion on the patentability of their claimed invention (WO-ISA, IPRP Chapter I) (see point 82).

As set out before, the applicant may react to the WO-ISA by filing free of charge "Article 19 amendments" or "informal comments" with the IB (see point 84 ff). Should the applicant decide to file a demand for international preliminary examination, the demand form as well as arguments and amendments under Article 34 PCT are to be filed with the competent IPEA.

Usefulness of PCT Chapter II

- 104** International preliminary examination will in general have no added value if no arguments and amendments to be taken into account by the EPO as IPEA are filed. In the absence of arguments and amendments to the application being filed there will in general be no reasons leading the IPEA to a different substantive conclusion to that reached by the ISA in the WO-ISA.

Filing a demand for international preliminary examination is, normally, only useful if the WO-ISA was "negative" and the applicant is of the opinion that the PCT Chapter II procedure may lead to a "positive" IPER. It follows that, especially if the WO-ISA was "negative" and amendments are filed, international preliminary examination is helpful in evaluating the chances of obtaining patents in the national phase because the applicant will receive an opinion on the application **as amended**.

Before taking a decision on filing a demand with the EPO as IPEA, applicants are strongly recommended to take note of the procedure set out in part II of this chapter (see point 139 ff).

Competence of the EPO as an IPEA

- 105** The EPO's competence as an IPEA is in principle **universal**, ie not restricted to international applications from, eg, the EPC contracting states. However, this does not mean that the EPO carries out preliminary examination for every international application. Here, restrictions apply as set out hereafter (see points 106-113).
- Art. 32 PCT
R. 59.1 PCT
WIPO PCT Guide, 327

Specification by the receiving Office

- 106** The EPO acts as an IPEA for any application, **on condition that the receiving Office with which the international application was filed has specified the EPO as IPEA**. A list of countries which have not specified the EPO as IPEA (and ISA) is provided in point 65. Up-to-date information is available in WIPO PCT Guide Vol. 1/D and on the WIPO website (see point 2).
- Art. 32 PCT
Agreement EPO-WIPO, Art. 3(2), (3)
OJ 2001, 601
- 107** Where the international application was filed with the IB, the EPO is competent as IPEA if the international application could have been filed with a receiving Office which has specified the EPO as IPEA.

EPO was ISA

- 108** The EPO will, however, only act as an IPEA if the international search was also carried out by the EPO or by the Austrian, Finnish, Spanish or Swedish patent office. Applicants considering their choice of ISA (Box No. VII PCT request form) are advised to bear this in mind (see point 69).
- Agreement EPO-WIPO, Art. 3(2)
OJ 2001, 601

Choice of applicant

- 109** Where several IPEAs are competent in relation to a particular application, the applicant may choose. Here, it must be considered that where the EPO as IPEA has drawn up the IPRP Chapter II the examination fee due in the European phase is reduced by 50% if examination is requested for the invention for which the IPRP Chapter II was drawn up (see point 255 ff).
- R. 35.2, 59.1 PCT

Limited competence

- 110** The EPO has limited its competence as IPEA under certain conditions. The EPO will not carry out international preliminary examination in respect of any international application filed by a national or resident of the United States of America with the USPTO or the IB, where such application contains one or more claims relating to the field of **business methods** (see point 90). The limitation applies if the demand is filed at the EPO on or after 1 March 2002 and before 1 March 2007. An extension of the duration of the limitation is likely. Up-to-date information can be obtained from the sources referred to in point 2.
- Agreement EPO-WIPO, Art. 3(4)
OJ 2001, 601
OJ 2002, 52 and 175
OJ 2003, 633
OJ 2005, 149
- 111** Such limitation also applies to international applications containing one or more claims relating to the field of **telecommunications** if the demand was filed at the EPO after 1 March 2002 and before 1 July 2004.

- 112** Where the IB was receiving Office, the EPO is also not competent as IPEA for international applications concerning business methods (see point 110) or telecommunications (see point 111), if the international application could have been filed with the USPTO, unless the application could have been filed also with the EPO as receiving Office.

Who may file a demand for international preliminary examination with the EPO?

- 113** **Sole** applicants must have their residence in, or be a national of, a PCT contracting state bound by PCT Chapter II. If there are **two or more applicants** at least one of them must meet these requirements. Secondly, the international application must have been filed with a receiving Office of or acting for a PCT contracting state bound by PCT Chapter II.

Art. 31(2)(a) PCT
R. 18.1, 54.2 PCT
WIPO PCT Guide
325, 338, 339
Art. 155 EPC
OJ 1997, 593

At 1 December 2005, all PCT contracting states were bound by Chapter II and therefore these requirements do not stand in the way of the applicant filing a demand, if the international application was validly filed.

How and where is the demand for international preliminary examination by the EPO filed?

- 114** The demand for international preliminary examination must be made using the prescribed form (PCT/IPEA/401 - see Annex VIII), copies of which are available free of charge from all receiving Offices, the IB and the EPO. The form may also be downloaded from the internet (http://www.wipo.int/pct/en/forms/demand/ed_demand.pdf).

Art. 31(3) and (6)
PCT
R. 53 PCT
WIPO PCT Guide
327

The demand and any further document relating to the Chapter II procedure (eg arguments and amendments filed under Article 34(2) PCT) **must be submitted to the EPO as IPEA and not to the receiving Office or the IB**. The EPO as IPEA will indicate the date of receipt on the demand and promptly notify the applicant of that date. Each of the EPO filing offices is based in the Central European Time zone (CET) (see Annex IV).

Art. 34(2)(b) PCT
R. 61 PCT

The demand may be filed direct, by post or by fax, but cannot be filed in electronic form (see point 16 ff). As soon as electronic filing of the demand becomes possible, a notice will be published in all relevant sources of information (see point 2).

The documents submitted for the purposes of international preliminary examination should carry the international application number and should be clearly marked "PCT Chapter II". Identifying labels for documents pertaining to Chapter II are no longer in use. If the demand is filed by fax, no written confirmation is required but may be requested by the EPO as IPEA (see points 17 and 19).

OJ 2005, 41, 44

When should the demand for international preliminary examination be filed with the EPO?

- 115** Pursuant to Rule 54bis PCT, the demand may be validly submitted at any time prior to expiry of whichever of the following periods expires later:

Art. 22(1), 39(1)(a)
PCT
R. 54bis, 69.1 PCT
WIPO PCT Guide
331
R. 107(1) EPC

- three months from the date of transmittal to the applicant of the ISR and WO-ISA by the ISA, or
- 22 months from the (earliest) priority date.

This time limit guarantees that the applicant has at least three months to decide whether he wants to file a demand with arguments and amendments.

If the demand is submitted after expiry of this time limit, the demand is considered **not submitted**.

The EPO as IPEA will not start preliminary examination before expiry of this time limit, unless the applicant requires an earlier start. This means that arguments and/or amendments under Article 34 PCT filed after filing of the demand, but before expiry of this time limit, must be taken into account for international preliminary examination (see point 140).

R. 69.1(a) PCT
WIPO PCT Guide
377

- 116** Where the WO-ISA is considered a first written opinion (see point 141), a single extension of one month for filing **a reply** (amendments and arguments) is in principle granted if requested before expiry of the normal time limit under Rule 54*bis* PCT and on condition that the time limit so extended does not expire later than 25 months from the (earliest) priority date (see also point 146). **The extension does not concern the time limit for filing the demand, which cannot be extended.**

Delaying of national phase until 30 months

- 117** Most contracting states apply Article 22 PCT as amended with effect from 1 January 2004. For these states, the 30/31-month time limit for entry into the national/regional phase applies regardless of whether the applicant has submitted the demand within 19 months of the (earliest) priority date.

Art. 22, 39 PCT

For entry into the European phase, in each case a time limit of 31 months from the priority date applies as from 2 January 2002 (see point 157).

R. 107(1) EPC

- 118** However, in respect of some designated Offices the demand must still be received by the competent IPEA within 19 months of the (earliest) priority date to secure the right to entry into the national phase being delayed until 30/31 months from the priority date. An updated list of the contracting states for which the 20/21-month time limit is still applicable where no demand is filed within 19 months is published on the WIPO website (see point 2). On 1 December 2005, the 20/21-month time limit applied to the following states: Switzerland (CH), Luxembourg (LU), Sweden (SE), United Republic of Tanzania (TZ), Uganda (UG). However, in respect of the regional designation of each of these states, the time limit under amended Article 22 PCT of 30/31 months applies.

- 119** For these states, where extension of the time limit for entry into the national phase to 30/31 months can only be obtained if the demand is filed within 19 months of the (earliest) priority date, the applicant must respect the 19-month time limit even where the ISR and the WO-ISA are not yet available. In other words, a delay in the international search does not have as a consequence that the 19-month time limit is changed, since this time limit is exclusively calculated on the basis of the priority date.

WIPO PCT Guide
376

For states applying old Article 22(1) PCT, a demand filed with the EPO after expiry of 19 months from the priority date but prior to;

- three months from the date of transmittal to the applicant of the ISR and the written opinion (WO-ISA) by the ISA or
- 22 months from the (earliest) priority date,

is valid, but does not have the effect of postponing commencement of the national phase to 30/31 months for the states in question (see point 118).

Translation of the international application

- 120** If neither the language in which the international application was filed nor the language in which the application was published is one of the **official languages of the EPO** (English, French or German), the applicant must file a translation in one of these languages with the EPO as IPEA.

R. 55.2 PCT
WIPO PCT Guide
332, 334
OJ 1993, 540

This situation occurs if the international application was filed in Spanish, and the Spanish patent office acted as ISA. However, if the international application was filed in Spanish but the EPO acted as ISA, the applicant need not furnish a translation to the EPO as IPEA. In such cases the international preliminary examination will be carried out on the basis of the translation furnished for the purposes of international search (see point 71).

- 121** The applicant must also file a translation of any amendments to the international application if he wishes them to be taken into account for the international preliminary examination.

R. 53.9, 55.3, 66.9
PCT
WIPO PCT Guide
381

Applications filed in Dutch

- 122** If the EPO is IPEA for an international application originally filed in Dutch with the Dutch or Belgian Patent Office as receiving Office, it will use the published version which it has received from the IB. It should be noted that the demand and amendments must be submitted in the language of the international publication (see points 73 and 123).

R. 12.4, 55.2(b) PCT

Language of the demand

- 123** The demand must be filed in the language in which the international application was filed except in the following situations:
- If the international application was filed in a language other than the language in which it was published, the demand must be filed in the language of publication.
 - If a translation of the application has to be filed with the EPO as IPEA (see points 120-121), the demand must be filed in the language of that translation.

R. 48.3, 55.1 PCT

- 124** Any other correspondence with the EPO as IPEA may be in any of the EPO's three official languages with the exception of amendments to the application, which are to be filed in the same language as the demand (see point 123).

R. 92.2(b), 66.9 PCT
Art. 150 EPC
R. 1 EPC
Agreement EPO-
WIPO, Art. 7
OJ 2001, 601
OJ 1993, 540

Representation

- 125** Applicants may be represented before the EPO as IPEA by the agent appointed on filing the international application and having the right to practise before the receiving Office, ie the agent for the international phase (see points 8 ff, 30). The applicant may also appoint an agent to represent him **specifically** before the EPO as IPEA. Moreover, the agent appointed for the international phase may appoint a sub-agent to represent the applicant specifically before the EPO as IPEA.

Art. 49 PCT
R. 90.1(c) and
(d) PCT
WIPO PCT Guide
340 ff

- 126** Any agent specifically appointed before the EPO as IPEA must be **entitled to practise before the EPO** (see point 30). It is strongly recommended that applicants who do not have their residence or place of business in one of the EPC contracting states appoint an agent entitled to practise before the EPO for the proceedings before the EPO as IPEA (see points 8-9, 29-30).

R. 90.1(c) PCT
Art. 134 EPC
OJ 1997, 596

- 127** The appointment of an agent specifically before the EPO as IPEA can be done by the applicant or the agent for the international phase either by completing Box No. III on the PCT demand Form (PCT/IPEA/401) and signing the demand, or by signing and submitting a separate power of attorney. Appointment may also be effected by reference in the demand or in a separate notice to a correctly deposited general power of attorney, of which a copy must be submitted. In that case, the demand or the separate notice may be signed by the purported agent.

R. 90.4, 90.5 PCT

- 128** The EPO as IPEA has waived the requirement that a signed separate power of attorney or a copy of a general power of attorney be submitted to it if the demand is signed by the purported agent for the procedure before the EPO as IPEA and not by the applicant or the agent for the international phase.

R. 90.4(d), 90.5(c)
PCT
OJ 2004, 305

An exception to the waiver applies where the demand is signed by an agent who is not the agent of record, both agents do not belong to the same office and the new agent is not appointed in addition to the agent appointed earlier but appointed under revocation of any earlier appointment (PCT/IPEA/401, Box III second and third check-box). In that situation a separate power of attorney signed by the applicant or the agent of record, or a copy of a general power of attorney is to be furnished.

Which states may be elected?

- 129** The filing of the demand constitutes the election of all PCT contracting states designated in the international application and bound by PCT Chapter II for a national and where possible a regional patent at the same time (see point 113). If after filing the PCT request the applicant has validly withdrawn a designation, the filing of the demand cannot constitute the election of that state.

Art. 31(4) PCT
R. 53.7 PCT
WIPO PCT Guide
326, 350

Signature

- 130** The demand must be signed by the applicant or if there is more than one applicant by all applicants. If the signature of one or more applicants is missing, the EPO as IPEA will not invite the applicant(s) to furnish the missing signature(s) provided that at least one of the applicants has signed the demand.

R. 53.2(b), 53.8, 60.1(a-ter), 90.3 PCT
WIPO PCT Guide
354

A (common) agent or common representative may sign the demand on behalf of the applicant(s) who appointed him (see point 9).

Where the demand is signed by a (common) agent the EPO as IPEA will not invite the applicant(s) to file a (separate) power of attorney - if not already on file - or a copy of a general power of attorney since the EPO has waived these requirements (see point 128).

R. 90.4, 90.5 PCT
OJ 2004, 305

Fees

- 131** For international preliminary examination, the handling fee and the preliminary examination fee must be paid **direct** to the EPO as IPEA.

Art. 31(5) PCT
R. 57, 58 PCT
WIPO PCT Guide
360 ff

Both fees are due within **one month** of the date on which the demand was submitted or within 22 months of the priority date, whichever time limit expires later. The amount of the handling fee and the preliminary examination fee to be paid shall be the amount applicable on the date of payment.

Applicants are urged to use the **Fee Calculation Sheet** annexed to the demand form (PCT/IPEA/401).

Fee reductions

- 132** The **handling fee** is reduced by 75% under the same conditions as the **international filing fee** (see point 59).

PCT Schedule of Fees
WIPO PCT Guide
365, 366
OJ 2000, 446

The fee for **international preliminary examination** is reduced by 75% under the same conditions as the reduction of the **international search fee** (see point 75).

Consequences of non- or late payment of fees

- 133** Applicants should avoid late or incomplete payment of the handling and international preliminary examination fee (see point 131), since the EPO cannot commence international preliminary examination before these fees have been paid. Late payment thus reduces the amount of time available for establishment of the IPRR Chapter II.

R. 58bis PCT
WIPO PCT Guide
372 ff
OJ 1998, 282

- 134** Where the EPO as IPEA finds that the amount paid to it is insufficient to cover the handling fee and the international preliminary examination fee or that no fees were paid by the time they were due, the EPO as IPEA invites the applicant to pay to it the amount required to cover both fees together with the late-payment fee within one month of the date of the invitation. If the applicant complies with the invitation within the specified time limit, payment is deemed to have been made in due time. The late-payment fee is 50% of the amount of unpaid fees as specified in the invitation. However, it shall be at least equal to but not more than double the amount of the handling fee.

- 135** If the applicant does not comply with the invitation, the demand is deemed not to have been made and no IPRP Chapter II will be established. As regards the procedure before the EPO as designated Office, this has no consequence with regard to the time limit to be respected for entry into the European phase, which is always 31 months from the priority date (see point 157). However, non-payment of the fees poses a **threat to the international application** in any state where the short time limit of 20/21 months under (old) Article 22 PCT still applies. At worst, it may be too late for the applicant to be able to take the prescribed steps for entry into the regional/national phase within 20/21 months of the earliest priority date (see point 118 ff).

Refund of the fee for international preliminary examination

- 136** Where the international application or the demand for international preliminary examination is withdrawn **before** examination has commenced and within 30 months from the priority date, the applicant is refunded 75% of the fee for international preliminary examination. If the demand is deemed not to have been submitted or the fee was paid by mistake, the fee is refunded in full. Any amount paid in excess of the amount due is likewise refunded.

R. 57.6, R. 58.3 PCT
Agreement EPO-
WIPO, Annex C-II
OJ 2001, 601

Only for applications filed before 1 January 2004 and only if the applicant is content with a rationalised preliminary examination procedure are two-thirds of the fee for international preliminary examination refunded (see point 150).

Art. 10d RFees
OJ 2001, 539
OJ 2004, 305

Defects in the demand and how they can be corrected

- 137** If the demand does not comply with the requirements, the EPO as IPEA invites the applicant to correct the defects within one month of the date of the invitation. If the applicant complies with the time limit, the demand is deemed to have been received on the actual filing date, provided that the demand as submitted sufficiently identified the international application.

R. 60.1 PCT
WIPO PCT Guide
372 – 376

If the applicant does not comply with the invitation in due time, the demand is deemed not to have been submitted.

- 138** Where there is more than one applicant, a frequent defect concerns failure to provide the required indications and/or the signatures of all the applicants. However, if the required indications are available in respect of one of the applicants and the demand is signed by one of them, this is considered sufficient and no invitation will be issued.

R. 53, 60.1(a-bis),
60.1(a-ter) PCT

II. The international preliminary examination procedure before the EPO as an IPEA

Which documents form the basis of the international preliminary examination? - Amendments

- 139** The applicant must indicate in Box No. IV of the demand form (PCT/IPEA/401) whether the international preliminary examination is to be based on the international application

- as originally filed,

or whether it should take account of

Art. 19, 34 PCT
R. 53.9, 66.1,
66.4bis, 66.5,
70.2(a) and (c) PCT
WIPO PCT Guide
345 ff, 387

- amendments to the claims under Article 19 PCT, and/or
- amendments to the claims, the description and/or the drawings under Article 34(2)(b) PCT.

140 If amendments under Article 19 PCT are to be taken into account, the applicant must enclose a copy with the demand.

Art. 34(2)(b) PCT
R. 66.1(b), 66.4bis PCT
WIPO PCT Guide
349
OJ 2001, 542

Amendments and arguments filed under Article 34(2) PCT must be taken into account by the EPO as IPEA if they are filed before expiry of the time limit for filing the demand (see point 115), but should preferably be filed together with the demand. Subsequent amendments filed thereafter will only be taken into account by the EPO as IPEA if they are received before the point at which preparation of a written opinion or the IPRP Chapter II has actually started. Amendments not taken into account may be (re-)filed with the elected Offices upon entry into the regional/national phase.

141 If the EPO acted as ISA, the EPO as IPEA will consider the WO-ISA as a first written opinion for the purposes of international preliminary examination and, as a rule, commence the international preliminary examination immediately after expiry of the time limit for filing the demand (see points 116 and 142). Therefore, it is important that arguments and amendments under Article 34 PCT are filed in due time.

Applicants must indicate in an accompanying letter the difference between the application as originally filed and any amendments made under Article 34 PCT and, in their own interest, should indicate the reasons underlying any such amendments.

R. 66.8(a) PCT

Further steps in the procedure - first written opinion

142 A written opinion for the purposes of international preliminary examination is a notification issued by an IPEA which indicates any comments or objections concerning the international application.

Art. 33, 34, 35 PCT
R. 66.1bis, 66.2, 66.3, 69, 70 PCT
WIPO PCT Guide
390 - 392, 400 ff
Gazette 03/2004, 1744
OJ 2003, 574

Pursuant to Rule 66.1bis(a) PCT the WO-ISA shall be considered to be a (first) written opinion of the IPEA for the purposes of international preliminary examination. However, the EPO has notified the International Bureau under Rule 66.1bis(b) PCT that this provision is only applied by the EPO as IPEA to the extent that the WO-ISA has been established by the EPO acting as ISA. This means that the EPO as IPEA does **not** consider any WO-ISA established by any ISA other than the EPO itself as a written opinion for the purposes of international preliminary examination.

It therefore depends on the circumstances of the case whether a (first) written opinion is issued by the EPO as IPEA before the IPRP Chapter II is established. **As a rule no second written opinion is established.**

OJ 2005, 493

The procedure before the EPO as IPEA may therefore be summarised as follows:

First case: The EPO acted as ISA and made no objections

143 If the WO-ISA established by the EPO as ISA contains **no objections** to the international application ("positive WO-ISA"), the EPO as IPEA will consider the WO-ISA as the first written opinion for the purposes of international preliminary examination (see point 142). The EPO as

Art. 34(2)(c) PCT

IPEA will, however, use its discretion in proceeding to issue the IPRP Chapter II immediately after expiry of the time limit for filing the demand. Therefore, the IPRP Chapter II will have no value added to the information provided in the WO-ISA, unless the applicant files arguments and amendments to be taken into account by the EPO as IPEA.

Second case: The EPO acted as ISA and made objections

- 144** If the WO-ISA established by the EPO as ISA contained **comments or objections** to the international application ("negative WO-ISA"), the EPO as IPEA will consider the WO-ISA as the first written opinion for the purposes of international preliminary examination (see point 142). The WO-ISA will not, however, be reissued as a first written opinion of the EPO as IPEA. It follows that the EPO as IPEA will proceed to issue the IPRP Chapter II immediately after expiry of the time limit for filing the demand (see points 116 and 141). This procedure applies irrespective of whether the applicant has filed arguments and/or amendments to be taken into account by the EPO as IPEA, since as a rule no second written opinion is established.

R. 66.1bis, 66.4,
66.4bis PCT
OJ 2003, 574

*Third case: The EPO **did not** act as ISA and the EPO as IPEA has no objections*

- 145** If the WO-ISA was issued by an ISA other than the EPO (see point 108), the WO-ISA is not considered to be the first written opinion of the EPO as IPEA (see point 142). However, if the EPO as IPEA has no objections to the (amended) application for which preliminary examination has been requested, it may proceed to issue the IPRP Chapter II immediately after expiry of the time limit for filing the demand (see point 143).

Art. 34(2)(c) PCT

*Fourth case: The EPO **did not** act as ISA and the EPO as IPEA has objections*

- 146** If the WO-ISA was issued by another ISA (see point 108), the WO-ISA is not considered to be the first written opinion of the EPO as IPEA (see point 142). If the EPO as IPEA has objections to the (amended) application for which preliminary examination has been requested, it will issue a first written opinion. In this opinion, the applicant is set a time limit for replying. It is in the applicant's interest to make use of the opportunity to give a detailed and complete response, since as a rule no more than one written opinion is issued.

R. 66.1bis, 66.2,
66.4, 66.4bis PCT

Time limit for reply to the written opinion

The time limit for the reply to the first written opinion issued by the EPO as IPEA is usually two months but may be extended to a maximum of three months at the applicant's request. Such a request must be filed before expiry of the two-month time limit set. An extension will only be granted if the extended time limit does not expire later than 25 months from the priority date. An extension of the time limit may also be requested if the WO-ISA is considered to be the first written opinion of the EPO as IPEA (see point 116).

R. 44bis, 66.2(d)(e),
69.2 PCT

Refusal to perform preliminary examination

- 147** The EPO as IPEA will not perform an international preliminary examination on any claim for which no international search was performed (see point 89 ff). In this context it is not relevant whether or not the applicant files arguments and/or amendments that, allegedly, overcome the reasons for the decision of the ISA not to search the claims concerned. Art. 17(2)(a) PCT
R. 66.1(e),
66.2(a)(vi) PCT
- 148** Further, the EPO as IPEA will make use of its discretion not to carry out preliminary examination if the application relates to subject-matter listed in Rule 67 PCT to the extent that such subject-matter is not regarded as an invention or susceptible of industrial application or which is excluded from patentability under the provisions of the EPC. Also, if the application fails to comply with the prescribed requirements to such an extent that no meaningful opinion can be formed on novelty, inventive step or industrial applicability, no preliminary opinion on these questions will be established. Art. 34(4) PCT
R. 67 PCT

Contacts between applicants and the EPO during the procedure

- 149** Before the IPRP Chapter II is established, a discussion **by telephone** between the applicant or his representatives and the EPO examiner responsible for preparing the report may be useful. Applicants or their representatives wishing to avail themselves of this opportunity must be aware of the fact that a WO-ISA established by the EPO as ISA, will be considered a first written opinion of the EPO as IPEA (see point 142). Therefore, a request for personal communication by telephone in which it is indicated what is to be discussed should preferably be filed together with the demand. If such request is filed after expiry of the time limit for filing the demand, the IPRP Chapter II may already have been established and the request cannot be granted (see point 143 ff). Art. 34(2)(a) PCT
R. 66.6 PCT
WIPO PCT Guide
393 ff
OJ 2001, 542
OJ 2005, 493

Rationalised procedure

- 150** For international applications filed on or after 1 January 2004 the rationalised international preliminary examination procedure has been discontinued. Consequently, no request for "detailed examination" will be required. Moreover, since no "rationalised IPER" will be established for such applications, the refund of two-thirds of the fee for international preliminary examination is not available. OJ 2001, 539
OJ 2004, 305
Art. 10d RFees

For international applications filed before 1 January 2004 the rationalised procedure is still applicable (see point 136). For information on the procedure, see the previous version of this guide.

Nucleotide and amino acid sequences

- 151** As from 1 April 2005 amended Rule 13~~ter~~ PCT entered into force and applies to any international application filed on or after this date and to any international application in respect of which a demand is filed on or after 1 April 2005, irrespective of the date of filing of that application. The procedure applied by the EPO as ISA is also applicable before the EPO acting as IPEA (see points 93-94). R. 13~~ter~~.2 PCT

Unity of invention

- 152** Where the EPO as IPEA considers that the international application lacks unity of invention, it will invite the applicant either to restrict the claims in order to meet this requirement or, to the extent that the inventions have been searched, to pay additional preliminary examination fees. In the latter case, the applicant may pay the additional fees under protest. The rest of the procedure is the same as the protest procedure before the EPO as an ISA (see point 100). Where applicable, the EPO as IPEA will base the examination on the results of any review or protest procedure, if available, before establishment of the IPER.
- Art. 34(3) PCT
R. 68.2, 68.3(c) PCT
GL/EPO E-IX, 5.2
- 153** Claims relating to inventions in respect of which no international search report has been established will not be the subject of international preliminary examination by the EPO as IPEA (see point 147).
- R. 66.1(e) PCT

What must be done after receipt of IPRP Chapter II?

- 154** The IPRP Chapter II is transmitted to the applicant and the IB. The applicant then has no further opportunity to submit comments to the EPO as IPEA. He may now decide on the basis of the results of the international preliminary examination as laid down in the IPRP Chapter II whether he wishes to pursue his international application further and take the regional/national route.
- Art. 36, 39 PCT
R. 71.1 PCT

Questions relating to the **European phase** - the procedure before the **EPO as a designated or elected Office** - are dealt with in Chapter E.

Confidentiality of the international preliminary examination

- 155** The IB and the EPO as IPEA may not allow access to the file of the international preliminary examination to third parties without authorisation by the applicant. Upon expiry of 30 months from the priority date, the IB sends, on request, a copy of the IPRP Chapter II to each elected Office. As from the same date, the IB also furnishes copies of the IPRP Chapter II on behalf of the EPO as IPEA.
- Art. 36(3), 38 PCT
R. 73.2, 94 PCT
OJ 2003, 382
OJ 1999, 329
WIPO PCT Guide
474 – 476
- Furthermore, after completion of the IPRP Chapter II the EPO as elected Office allows access to the file of the international preliminary examination.

E. Euro-PCT procedure before the EPO as a designated (PCT Chapter I) or elected (PCT Chapter II) Office

I. General

Before the end of the international phase the applicant must decide whether and where he wants to proceed with the application in the national/regional phase. If the applicant decides to enter into the European phase he must in due time (see point 157) take the required steps (see points 171 ff) to initiate the procedure before the EPO as designated or elected Office.

When is the EPO a designated or elected Office?

- 156** If an applicant enters the regional phase before the EPO (hereinafter "the European phase", see point 6) without having requested preliminary examination, the EPO will act as a so-called "designated Office" (see point 64 ff). However, if before entering the European phase the application was processed under PCT Chapter II, the EPO will act in the European phase as a so-called "elected Office" (see point 101 ff).

Art. 150(3), 153, 156 EPC
Art. 31 PCT
GL/EPO E-IX, 5-6

Time limit for entry into the European phase

- 157** Pursuant to Rule 107(1) EPC in the version in force as from 2 January 2002, the applicable time limit for entry into the European phase is always 31 months from the filing date or, if priority has been claimed, from the earliest priority date (see point 117). This 31-month time limit thus applies irrespective of whether or not a demand for preliminary examination was filed (on time) (see points 117-119). As a consequence, the procedure before the EPO as designated or elected Office can and will be dealt with - unlike in the previous version of this guide - in one and the same chapter.

Art. 22(3), 39(1)(b) PCT
R. 107(1) EPC

When can the EPO act as designated Office?

- 158** Since all EPC contracting states are PCT member states, the EPO can in principle act as a designated Office for any EPC contracting state, provided the international application was filed on or after the date on which the EPC entered into force for the state concerned (see point 7). If this requirement is not met it may be that an extension agreement was in force on the international filing date that provides for the extension of a European patent to the state for which patent protection is sought (see point 39 ff).

R. 4.9(a) PCT
R. 107(1) EPC

- 159** Furthermore, a European patent for any EPC contracting state can only be obtained if the applicant in the international application validly designated the EPO. Under the PCT Regulations in force as from 1 January 2004, all possible national offices and intergovernmental organisations granting patents are automatically designated (see point 35). Therefore, it is possible to obtain a European patent for any EPC contracting state if the designation "EP" for all or for some contracting states (see point 215) is not explicitly withdrawn by the applicant during the international phase.

When can the EPO act as elected Office?

- 160** For the EPO as an elected Office, the same requirements apply (see points 158 and 159). In addition, however, the EPO must have been elected in the demand for international preliminary examination. Since the filing of the demand constitutes the election of all PCT contracting states that were designated for where possible a national and a regional patent, this requirement will automatically be met unless the applicant has validly withdrawn that election (see points 7, 129).

When must the applicant decide on the scope of protection of the European patent?

- 161** The applicant has to decide in the European phase for which EPC contracting states he wishes to obtain patent protection by means of a European patent (see point 215). He may choose from among all the EPC contracting states that were contracting states to both the EPC and the PCT on the date of filing of the international application (see points 7, 159). At the same time, he must decide for which extension states he seeks extension of the Euro-PCT application (see points 39 ff and 223 ff).

When must the European phase be initiated before the EPO as designated or elected Office?

- 162** If, after examining the ISR and WO-ISA (see point 78 ff) and, where applicable, the result of the international preliminary examination as laid down in the IPRP Chapter II, an applicant considers that the further prosecution of his Euro-PCT application before the EPO promises to be successful, he must take the required steps before the EPO **within 31 months** of the filing date or, if priority has been claimed, of the earliest priority date (see point 157).
Art. 22(1), 31(7), 39(1) PCT
R. 61.2(a) PCT
R. 107(1) EPC
OJ 2001, 586
GL/EPO E-IX, 6.2
- 163** The time limit for entry into the European phase is thus extended by one month vis-à-vis the standard time limit of 30 months provided in Articles 22(1) and 39(1)(a) PCT.
- 164** For an indefinite transitional period, the **earlier 20 or 21-month time limit** for entry into the national phase continues to apply for some **other designated Offices** if no valid demand for international preliminary examination is filed **within 19 months** of the earliest priority date (see points 118-119).
- 165** If the applicant does not take the prescribed steps for entry into the European phase within the applicable time limits, the Euro-PCT application is deemed to be withdrawn (see point 172).
Art. 24(1)(iii) PCT
R. 108 EPC

Early entry into the European phase

- 166** An applicant can at any time request the EPO as designated or elected Office to commence processing the Euro-PCT application before expiry of the 31-month time limit. To this extent, the applicant must, in addition to filing an express request for early processing, complete the steps for entry into the European phase listed below (see point 172 ff).
Art. 23(2), 40(2) PCT
OJ 2001, 587 (point 5)
- 167** If the EPO acts as **designated** Office and the IB has not yet transmitted a copy of the international application, the ISR and the WO-ISA, **the applicant** must file with the IB a request under Rules 47.4 and 44bis PCT to do so.
Art. 20 PCT
R. 44.bis.2(b), 47.4 PCT

- 168** If the EPO acts as an **elected** Office and the IB has not yet transmitted a copy of the international application, the ISR, the WO-ISA and the IPRP Chapter II with its annexes, **the applicant** must file with the IB a request under Rules 61.2 and 73.2 PCT to do so. Art. 36(3)(a) PCT
R. 61.2(d), 73.2(b) PCT

- 169** The EPO will begin processing as soon as all requirements are met.

Accelerated prosecution of applications - the "PACE" programme

- 170** In addition to the possibility of early entry into the European phase, the applicant may also wish to accelerate the prosecution on or after entry into the European phase. To this extent, a request under the PACE programme is to be submitted on entry into the European phase or later on. The acceleration affects the formalities examination, the establishment of the supplementary European search report, where such a report is necessary (see point 229 ff), and substantive examination. OJ 2001, 459

II. What must the applicant do to initiate the European phase?

Minimum requirements

- 171** The EPO is sent the copy of the international application required under Article 22(1) or 39(1) PCT by the International Bureau. Therefore, the applicant does not as a rule need to submit a copy of the application to the EPO (see points 167 and 168). Art. 22(1), 39(1) PCT

- 172** In order to initiate the European phase the applicant must take **at least the following steps within 31 months** of the filing date or, if priority has been claimed, of the earliest priority date: Art. 157(2)(b), 158(2) EPC

- supply the **translation**, if the Euro-PCT application was not published in one of the EPO's official languages (see point 199 ff), R. 107(1)(a) EPC
- specify the application documents on which the European grant procedure is to be based (see point 187 ff), R. 107(1)(b) EPC
- pay the **national fee**, comprising a national basic fee and the designation fees (see point 212 ff), R. 106, 107(1)(c) and (d) EPC
- pay the **search fee**, if a supplementary European search report is required (see point 237 ff), R. 107(1)(e) EPC
- file the **request for examination** and pay the **examination fee** (see point 246 ff) R. 107(1)(f) EPC
- pay, where appropriate, the **renewal fee** for the third year (see point 259 ff), and R. 107(1)(g) EPC
- pay, where applicable, the claims fee (see point 242 ff). R. 110(1) EPC

Moreover, applicants with neither residence nor place of business in an EPC contracting state are strongly advised to appoint in due time a professional representative (see point 180 ff).

Amounts of fees to be paid in the European phase

- 173** The **amounts** of all fees mentioned hereafter are listed in the currently valid version of the Rules relating to Fees (RFees) and the Schedule of

fees of the EPO, which is published as a supplement to the Official Journal (OJ) and can be found on the EPO website (<http://www.european-patent-office.org/epo/fees1.htm>).

- 174** All fees to be paid on entry into the European phase are to be paid to the EPO. A list of bank accounts can be found on the EPO website (http://www.european-patent-office.org/epo/new/bank_euro.pdf).

Language of the proceedings in the European phase

- 175** The language of the proceedings is one of the official languages of the EPO (English, French, German). If the international application has been published in one of those languages, this language is the language of the proceedings. If not, the language of the translation which was transmitted to the EPO as designated or elected Office on entry into the European phase is the language of proceedings (see point 199 ff). Art. 14 EPC

How and where should the applicant initiate the procedure before the EPO as a designated/elected Office (Form 1200)?

- 176** For **entry into the European phase**, applicants are strongly recommended to use special form EPO/EPO/OEB Form 1200 (Annex X). Art. 22, 39 PCT
R. 49.4, 76.5 PCT
- 177** The form is obtainable from the EPO or may be downloaded from the EPO website (http://www.european-patent-office.org/epo/formul/epc_e.htm). Applicants are advised to read the explanatory notes carefully before completing the form.
- 178** The form must be filed with **the EPO** direct (not the IB) either by post or by fax. Applicants must indicate the European application number, which the EPO communicates to them approximately two months before expiry of the international phase. Applicants who have not yet been notified of this number when performing the required steps may instead cite the PCT application number or the PCT publication number. OJ 2005, 41, 44
- 179** Form 1200 may also be filed electronically using the **epoline®** software. The national basic fee is reduced if this mode of filing is chosen (see point 212 ff). OJ 2002, 543, 545

Representation - Requirements specific to applicants with neither residence nor place of business in an EPC contracting state ("non-resident applicants") (Form 1200, Sections 2 and 3)

- 180** Applicants having neither their residence nor principal place of business within the territory of one of the contracting states to the EPC must be represented by a professional representative and act through him in all proceedings established by the EPC. However, until expiry of the 31-month time limit under Articles 22(3) and 39(1)(b) PCT, non-resident applicants may either take the procedural steps initiating the procedure before the EPO as designated/elected Office (see point 172 ff) themselves, or act through a professional representative entitled to practise before the EPO. This implies, for example, that a non-resident applicant himself may within the 31-month time limit file and sign Form 1200 and submit a translation of the application, if required. Under no circumstances can an applicant act through his agent appointed for the international phase if the latter is not a professional Art. 22, 27(7) PCT
Art. 133(2), 150,
153(1) EPC
R. 107 EPC
GL/EPO A-VII, 3.1

representative entitled to practise before the EPO (see point 30). The only exception is that payments to the EPO can be validly made by anybody.

- 181** Non-resident applicants who did **not** themselves take the **required** steps for entry into the European phase **within the 31-month time limit** may subsequently perform these and the other procedural steps (eg file a request for re-establishment of rights) **only through a professional representative entitled to practise before the EPO** (see point 30). If such representative has been appointed agent for the international phase, he is not automatically also appointed for the European phase. A separate appointment is necessary.
- 182** **Non-resident applicants** are therefore **strongly advised** to appoint a professional representative before the EPO **in good time**, ie before they initiate proceedings before the EPO as designated/elected Office, by completing Form 1200, Sections 2 and 3 (see point 184 ff).
- 183** In the case of failure to appoint the required professional representative, the applicant will be invited by the EPO to do so within a period to be specified in the invitation. Until the appointment is validly made, any procedural step taken by the applicant will be deemed not to have been taken.

How to appoint a representative - Authorisation

- 184** As a rule, an authorisation or (a reference to) a general authorisation need not be filed by a representative who identifies himself as professional representative entered on the list maintained by the EPO (Annex VII). This means that the representative must just inform the EPO of his appointment as professional representative for the application concerned (see point 34). Art. 133 EPC
R. 101 EPC
OJ 1991, 421, 489
- 185** Legal practitioners entitled to practise before the EPO and employees representing an applicant who are not professional representatives must, as a rule, file a signed authorisation or a reference to a general authorisation. However, no (new) authorisation is to be filed where the EPO acted as receiving Office and the authorisation expressly empowered the legal practitioner or employee to act before the EPO in the European phase (see point 34). Art. 133(3), and
134(7) EPC
- 186** Where an authorisation is to be filed, the EPO will invite the applicant or representative to file it within a period to be specified in the invitation. If the authorisation is not filed in due time, any procedural steps taken by the representative will be deemed not to have been taken.

Which version of the Euro-PCT application is taken as the basis for the procedure before the EPO as a designated/elected Office (Form 1200, Section 6)?

- 187** Section 6 of Form 1200 is to be used by applicants to indicate the documents on which the proceedings before the EPO as designated or elected Office are to be based. R. 107(1)(b) EPC
- 188** It follows from the pre-crossed box in Section 6.1 of Form 1200 that if the EPO acts as a designated Office the application documents published by the IB - where applicable with amended claims under Article 19 PCT - are taken as the basis for the proceedings unless

replaced by amendments submitted by the applicant together with Form 1200.

- 189** It follows from the pre-crossed box in Section 6.2 of Form 1200 that if the EPO acts as elected Office the documents on which the international preliminary examination report (IPRP Chapter II) was based are taken as the basis for the proceedings in the European phase. However, the applicant may indicate otherwise and request the European procedure to be based on, eg, earlier-filed amendments under Article 19 PCT (see point 84 ff), or on new amendments submitted together with Form 1200 (see point 190 ff).
- R. 70.2, 70.11, 70.16 PCT,
GL/EPO E-IX, 6.3, 6.4

Amending the application before the EPO as designated or elected Office

- 190** The right to file amendments within the 31-month time limit for entry into the European phase is provided for in the PCT. However, if the applicant does not make use of the possibility of filing amendments together with Form 1200 or changes his mind as to the documents which are to form the basis of the European procedure, further possibilities for filing amendments at a later stage are available (see point 192 ff).
- Art. 28 and 41 PCT
R. 52, 78 PCT
- 191** In addition to any amendments made during the international phase or filed on entry into the European phase within the 31-month time limit, the applicant may - before the EPO as designated or elected Office - make the following amendments to the description, claims and drawings of his international application:
- Art. 157(1) EPC
GL/EPO E-IX, 6.3, 6.4
- 192** Firstly, amendments may be filed within a non-extendable period of one month of notification of a communication issued promptly by the EPO once the requirements for entry into the European phase have been fulfilled. This invitation will also be issued if the applicant on entry into the European phase submitted, with Form 1200, amendments to be taken into account. After expiry of the one-month time limit set in the invitation the EPO will take the application as last amended as a basis for any supplementary European search which may have to be performed under Article 157(2) EPC (see point 230 ff).
- R. 109 EPC
- 193** Secondly, amendments may be filed if a supplementary search report has been established after receipt of that report and before receipt of the first communication from the Examining Division.
- R. 86(2) EPC
OJ 1999, 696, 698
- 194** Thirdly, after receipt of the first communication from the examining division the applicant has another opportunity to file amendments, on condition that these amendments are submitted at the same time as the reply to that communication.
- R. 86(3) EPC
- 195** It is within the discretion of the examining division to accept any further amendment.
- 196** For the effect of amendments on the claims fees to be paid, see point 197.

Amendments and claims fees

- 197** The claims fees must be calculated on the basis of the number of claims contained in the application in the version that is, in accordance with the indications in Form 1200, to be taken as the basis for
- R. 110 EPC
OJ 1999, 660, 696

processing in the European phase. However, where, as a consequence of a later (further) amendment of the claims in response to the communication issued pursuant to Rule 109 EPC, the number of claims changes, that number is then used as the basis for calculation of the claims fees (see point 192 ff). The communication pursuant to Rule 109 EPC at the same time sets the time limit for payment of the claims fees pursuant to Rule 110(2) EPC. If the amendments reduce the number of claims, any claims fees overpaid are refunded.

- 198** Where the applicant fails to pay the correct amount of the claims fees on expiry of the 31 month time limit, the EPO will invite him by means of the combined communication pursuant to Rule 109 and Rule 110(2) EPC to pay the missing amount within a period of grace of one month as from notification.

When must the applicant file a translation of the Euro-PCT application (Form 1200, Section 7)?

- 199** If the Euro-PCT application was not published by the IB in one of the official languages of the EPO (English, French, German), the applicant **must**, within 31 months of the filing date or, if priority has been claimed, the earliest priority date, submit to the EPO **a translation of the Euro-PCT application into English, French or German** (Form 1200, Section 7). If a translation needs to be filed, the language of the translation determines the language of proceedings before the EPO (see point 176). However, in written proceedings the applicant may use any official language. Amendments, however, are always to be filed in the language of proceedings.

Art. 22(1), 39(1) PCT
R. 49 PCT
Art. 158(2) EPC
R. 1, 107(1)(a) EPC
GL/EPO E-IX, 4.3

- 200** If the international application has been published in one of the EPO's official languages, there is no translation requirement and none should be filed. Any translation that is nevertheless filed will be ignored.

What are the legal consequences of not filing a translation?

- 201** If the translation of the international application as originally filed is not filed within the time limit, the Euro-PCT application is deemed to be withdrawn. The applicant is informed of this in a communication under Rule 108(3) EPC. The loss of rights is deemed not to have occurred if, within two months of notification of the above communication, the translation is supplied and a surcharge is paid.

Art. 24(1)(iii),
39(2) PCT
R. 76.5,
R. 49.5(c-bis) PCT
R. 108(3) EPC
Art. 2(3c) RFees

What the translation must include

- 202** **The translation must always include:**

R. 49.5 PCT

- the description
- the claims as originally filed
- any text in the drawings
- the abstract.

- 203** If the EPO acts as designated Office the translation must, where applicable, also include:

Art. 19(1) PCT
R. 49, 70.16 PCT
R. 107 EPC

- any **amendments made to the claims** in the proceedings before the IB (see point 84) and the statement under Article 19 PCT explaining the amendments and indicating any impact such

amendments might have on the description and drawings, but only if the applicant wishes them to form the basis of further proceedings;

- any published request for rectification; R. 91.1(f), 48.2(a)(vii) PCT
- any separately furnished references to deposited biological material (Form 1200, Section 8) R. 13bis.3 and 13bis.4 PCT

204 In addition, if the EPO acts as elected Office, translations of any annexes to the international preliminary examination report (IPRP Chapter II) must always be furnished, even if the applicant does not wish them to form the basis for the further proceedings. Art. 36(3)(b), 39(2) PCT
R. 74 PCT

205 If the applicant wishes the amendments to the claims made before the IB under Article 19 PCT to form the basis of the subsequent procedure, and these amendments are not annexed to the international preliminary examination report, then they and the statement explaining them must also be furnished in translation. Art. 39(2) PCT
R. 49.5(c-bis) PCT

206 If the translation of all annexes to the international preliminary examination report is not filed in due time, the applicant is invited to furnish the missing translation within a reasonable time limit. If the applicant fails to comply, **the Euro-PCT application is deemed to be withdrawn**. Any amendments under Article 19 PCT not furnished in translated form will be disregarded for the further proceedings.

Biological material (Form 1200, Section 8)

207 Where the Euro-PCT application refers to deposited **biological material** (see point 46 ff), the applicant is strongly recommended, upon entry into the European phase, to submit a copy of the **receipt** issued by the depositary institution. R. 13bis.3 and 13bis.4 PCT
R. 28 EPC

Nucleotide and amino acid sequences (Form 1200, Section 9)

208 Where the Euro-PCT application discloses nucleotide and amino acid sequences, it must, on entering the European phase, contain a **sequence listing** drawn up in compliance with the prescribed standard (see point 48 ff) in one of the EPO's official languages if the EPO does not already have one. As a rule the EPO has a sequence listing drawn up in compliance with the prescribed standard if the international search was performed by the EPO (see point 93 ff). R. 5.2, 13ter.3 PCT
R. 27(a), 111(3) EPC
GL/EPO A-VII, 4.2
Supplement No. 2 to OJ 11/1998, 66 (point IV.4)

209 If on expiry of the 31-month time limit a sequence listing is not available to the EPO or does not comply with the standard contained in Annex C to the Administrative Instructions, or has not been filed on the prescribed electronic data carrier, or if a sequence listing subsequently filed within the said period is not drawn up in the language of proceedings, the applicant will be invited to furnish a sequence listing complying with the standard or on the prescribed data carrier or to file a translation within such period as the EPO specifies. R. 111(3) EPC

210 Furthermore, the applicant must enclose, together with the sequence listing and the data carrier, a declaration to the effect that the sequence listing filed does not extend beyond the content of the application as originally filed and that the information stored on the data carrier is the same as the written sequence listing. R. 49.5(b) PCT

- 211** There is no requirement to translate any text matter in a sequence listing which forms part of the description, provided that the sequence listing complies with Rule 12.1(d) PCT and the description with Rule 5.2(b) PCT. R. 5.2(b), 12.1(d) PCT

Which fees must the applicant pay to the EPO?

Payment of the national fee

- 212** The national fee comprises a **national basic fee**, which is equal to the European filing fee, **and the designation fees**. The national basic fee is reduced where Form 1200 is filed online. Art. 158(2) EPC
R. 106 EPC
Art. 2(1), (3) RFees

National basic fee

- 213** The **national basic fee is due within the 31-month time limit**. R. 106(a), 107(1)(c) EPC

Non-observance of the time limit for payment of the national basic fee

- 214** If the **national basic fee** is not paid in due time, the application is deemed to be withdrawn. The applicant is informed of this in a communication under Rule 108(3) EPC. R. 108(1) EPC

The loss of rights is deemed not to have occurred if, within two months of notification of the above communication, the fee and a surcharge are paid. R. 108(3) EPC

A request for re-establishment of rights in respect of the time limit for payment of the national basic fee is excluded (decision G 3/91). The same applies for a request under Rule 49.6 PCT, since the EPO has made a reservation. R. 49.6 PCT
Art. 122(5) EPC
OJ 1993, 8

Designations and designation fees (Form 1200, Section 10)

- 215** **EPC contracting states may only be designated** in the European phase if they were already designated in the international application (see point 35). Since, by filing the PCT request, all possible states and intergovernmental organisations are automatically designated, all EPC contracting states that were EPC and PCT member states at the date of filing the international application can be designated in the European phase (see point 156). An exception applies only where the applicant has withdrawn the designation "EP" for all or for some EPC contracting states. Payment of designation fees in the European phase is thus to be considered as confirmation and as a definitive choice following the (automatic) designation "EP" in the PCT request.

Payment of designation fees

- 216** The applicant must pay one designation fee for each (designated) EPC contracting state in which he seeks patent protection at the time the payment is made. For the joint designation of Switzerland and Liechtenstein, only one designation fee is due. Art. 79(2) EPC
R. 107(1)(d) EPC

- 217** The designation fees are deemed paid for **all** (designated) EPC contracting states upon payment of seven times the amount of the designation fee. Where less than seven designation fees are paid, the applicant must indicate for which states he is paying the designation fees. This can be indicated in Form 1200, Section 10.2. A later change of mind must be communicated at the latest simultaneously with the actual payment (see also Form 1200, Section 10.3).

Time limit for payment of designation fees

- 218** The designation fees must be paid within 31 months of the filing date or, if priority has been claimed, the earliest priority date, or within six months of publication of the ISR, whichever time limit expires later. Therefore, unless the publication of the ISR was late, the designation fees will as a rule be due on entry into the European phase, ie within the 31-month time limit.

Non-observance of the time limit for payment of designation fees

- 219** If a designation fee is not paid in due time, the designation of the corresponding state is deemed withdrawn. If no designation fee at all has been paid in time, the application will be deemed withdrawn. R. 108(1)(2) EPC
- 220** The applicant will be informed of any deemed withdrawal in a communication under Rule 108(3) EPC if he has not dispensed with such notification (Form 1200, Section 10.2). The loss of rights is deemed not to have occurred if, within two months of notification of the above communication, the fees and a surcharge are paid. R. 108(3) EPC
- 221** If the applicant has dispensed with the communication under Rule 108(3) EPC in respect of any designation not indicated in Form 1200, Section 10.2, he may within a non-extendable period of grace of two months from expiry of the normal time limit validly pay any designation fee, provided that within this grace period a surcharge is also paid. R. 108(4) EPC
OJ 2005, 11, 126
- 222** A request for re-establishment of rights in respect of the time limit for payment of a designation fee is excluded (see decision G 3/91). The same applies for a request under Rule 49.6 PCT, since the EPO has made a reservation. R. 49.6 PCT
Art. 122(5) EPC
OJ 1993, 8

Extension and extension fees (Form 1200, Section 11)

- 223** An international application entering the European phase can be extended to certain non-contracting states, which to that effect concluded an extension agreement with the EPO, if these states were designated in the international application for a national patent and an extension agreement was in force on the international filing date (see point 39 ff). Subject to these conditions, extension is deemed to be requested for each Euro-PCT application entering the European phase. OJ 2001, 590
- 224** In Form 1200, Section 11, the applicant may indicate for which states he intends to pay (an) extension fee(s). However, only if payment of an extension fee for an extension state is effected in due time does the extension take effect.
- 225** The applicant must, upon payment, specify the extension states for which payment is actually made and in particular if the payment does not correspond to the indications provided in Form 1200, Section 11.

- 226** Extension fees are to be paid within the same time limit that applies for payment of the designation fees pursuant to Rule 107(1)(d) EPC (see point 218).

Non-observance of the time limit for payment of extension fees

- 227** If no valid payment is made, the (deemed) request for extension will be deemed withdrawn.

- 228** If an extension fee is not paid in due time - even if the intention to pay the extension fee for one or more states was indicated in Form 1200, Section 11 - **no** communication pointing out the failure to observe the time limit for payment is issued. However, an extension fee may still be paid within a non-extendable period of grace of two months following expiry of the normal time limit, provided that within this grace period the missing extension fee(s) plus a surcharge is (are) paid.

R. 85a(2) EPC
OJ 1994, 75
OJ 1997, 538
OJ 2001, 588, 590

Supplementary European search

- 229** As a rule, a supplementary European search must be performed for each international application entering the European phase and a search fee must be paid. In some cases however, the requirement that a supplementary European search report is to be drawn up, is dispensed with (point 232). Further, if a supplementary search report is to be drawn up, a reduction of the search fee may apply. This depends on the filing date of the international application and on the ISA that drew up the ISR (point 238).

Art. 157(2) EPC
R. 107(1)(e) EPC
GL/EPO E-IX, 5.4

- 230** On 1 July 2005 new Rule 44a EPC entered into force. This provision stipulates that for European and international applications filed on or after 1 July 2005 a so-called Extended European Search Report (EESR) will be drawn up. Such report contains not only the search report but also an opinion on whether the application seems to meet the requirements under the EPC. This means that, if on entry into the European phase a supplementary European search is to be performed, an EESR will be drawn up for each application having an international filing date on or after 1 July 2005.

OJ 2005, 5
OJ 2005, 435

- 231** The supplementary search is performed on the basis of the last set of (amended) claims available or filed by the applicant on expiry of the time limit under Rule 109 EPC, since that set of claims must be considered the final version at the time the search commences (see point 192).

R. 109 EPC

No supplementary European search is performed

- 232** Only in two situations has the obligation to draw up a supplementary European search report been dispensed with:

- Firstly, in each case where the ISR was drawn up by the **EPO itself**.
- Secondly, if the international application was filed **before 1 July 2005** and the ISR was established by the **Austrian, Spanish or Swedish patent office**.

Art. 157(3)(a) EPC
OJ 1979, 4, 50, 248
OJ 1995, 511
OJ 2005, 422, 435, 546

- 233** If such dispensation applies, it applies also if a declaration of non-establishment under Article 17(2)(a) PCT has been issued instead of

Art. 17(2)(a) PCT

an ISR, since for the purposes of Article 157 EPC such declaration replaces the ISR.

- 234** If no supplementary European search report is to be drawn up, the Euro-PCT application will, following formalities examination, be passed on for substantive examination as soon as a valid request for examination has been filed (see point 246 ff).

A supplementary European search is performed

- 235** In the following cases no dispensation applies and the EPO will draw up a supplementary European search report on entry into the European phase:

Art. 157(3)(b) EPC
OJ 1979, 368
OJ 1981, 5
OJ 1994, 6, 691
OJ 2000, 321
OJ 2005, 5, 422, 435

- for any international application filed on or after 1 April 2005 for which the international search was performed by the Finnish patent office;
- for any international application filed on or after 1 July 2005 for which the international search was performed by the Austrian, Spanish or Swedish patent office;
- for any international application for which the international search was performed by any ISA not located in an EPC contracting state. At present these ISAs are the patent offices of Australia, Canada, China, Japan, the Russian Federation, the Republic of Korea and the USA.

Information on supplementary European search

- 236** The European Patent Bulletin will mention the date of completion of the drawing-up of the supplementary European search report, which is not published but available through file inspection. However, if during the supplementary search the EPO as designated or elected Office comes to the conclusion that no search or only a partial search can be carried out, it will issue, depending on the case, a declaration of no-search or a partial supplementary European search report.

R. 45 EPC

Search fee for supplementary European search

- 237** If a supplementary European search is to be performed, the European search fee must be paid within the 31-month time limit. For detailed information reference is made to the Notice from the EPO dated 28 October 2005.

R. 107(1)(e) EPC
Art. 2(2) RFees
OJ 2005, 577

Reduction of the search fee

- 238** If a supplementary European search report is to be established, the European search fee is at present (01.12.2005) reduced as follows:

OJ 2005, 422, 435, 548

- by 20% for international applications filed before 1 July 2005 and for which the ISR was drawn up by the United States Patent and Trademark Office, the Japan Patent Office, the Korean Intellectual Property Office, the State Intellectual Property Office of the People's Republic of China, the Russian Federal Service for Intellectual Property, Patents and Trademarks or the Australian Patent Office;
- by presently EUR 190 for international applications filed on or after 1 July 2005 and for which the ISR was drawn up by the

United States Patent and Trademark Office, the Japan Patent Office, the Korean Intellectual Property Office, the State Intellectual Property Office of the People's Republic of China, the Russian Federal Service for Intellectual Property, Patents and Trademarks or the Australian Patent Office;

- by presently EUR 810 for international applications filed on or after 1 July 2005 and for which the ISR was drawn up by the Austrian Patent Office, the Spanish Patent and Trademark Office or the Swedish Patent and Registration Office; where the European search fee is paid after 1 April 2006, the reduction of EUR 810 will be adjusted upwards to EUR 845;
- by presently EUR 810 for international applications filed on or after 1 April 2005 and for which the ISR was drawn up by the National Board of Patents and Registration of Finland; where the European search fee is paid after 1 April 2006, the reduction of EUR 810 will be adjusted upwards to EUR 845.

239 If the Canadian patent office acted as ISA, no reduction of the search fee is presently granted.

Non-observance of the time limit for payment of the search fee

240 If the search fee is not paid in due time the application will be deemed to be withdrawn and the applicant will be informed thereof in a communication under Rule 108(3) EPC. The loss of rights is deemed not to have occurred if, within two months of notification of this communication, the search fee and a surcharge are paid. Art. 157(2)(b) EPC
R. 108(1)(3) EPC

241 A request for re-establishment of rights in respect of the time limit for payment of the search fee is ruled out (see decision G 3/91). Art. 122(5) EPC
OJ 1993, 8

Claims fee

242 If the application documents on which the European grant procedure is to be based contain more than ten claims, a **claims fee** is payable for the eleventh and each subsequent claim within the 31-month period. R. 109, 110 EPC

243 The claims fees must be calculated on the basis of the number of claims contained in the application in the version that is, in accordance with the indications in Form 1200, to be taken as the basis for processing in the European phase (see point 197). However, where, as a consequence of a later (further) amendment of the claims in response to the communication issued pursuant to Rule 109 EPC, the number of claims changes, that number is then used as the basis for calculation of the claims fees. The communication pursuant to Rule 109 EPC at the same time sets a time limit for payment of claims fees pursuant to Rule 110(2) EPC.

If the applicant has already paid claims fee within the 31-month period, any amounts in excess of the newly computed fees will be refunded. R. 110(3) EPC

Non-observance of the time limit for payment of the claims fee

244 Where the applicant fails to pay the correct amount of the claims fee within the 31-month period, the EPO will invite him by means of the combined communication pursuant to Rule 109 and Rule 110(2) EPC to pay the missing amount within a non-extendable period of grace of R. 110(2) EPC

one month of notification of a communication pointing out the failure to pay (see point 198). If additional claims fees become due as a result of amendments filed in response to this communication, no further invitation under Rule 110(2) EPC will be issued.

- 245** Where a claims fee is not paid in due time, the claim concerned is deemed to be abandoned. R. 110(4) EPC

How to file the request for examination (Form 1200, Section 4)

- 246** A European patent may only be granted on the basis of the (positive) results of the substantive examination of the application as to whether it meets the requirements of the EPC. The substantive examination of an application will only start upon explicit request. Art. 157(1), 94 EPC
GL/EPO A-VII, 5.2
- 247** To this extent, the applicant must file a written request for examination. If Form 1200, as recommended, is used (see point 176), this requirement will always be met since the appropriate check-box is pre-crossed (Form 1200, Section 4).
- 248** The request for examination is only effective if the examination fee has been paid. Therefore, the examination fee must be paid in due time (see points 249-251 and 257-258).

When must the request for examination be filed? When must the examination fee be paid?

- 249** The request for examination must be filed and the examination fee paid within 31 months of the filing date or, if priority has been claimed, of the earliest priority date or within six months of publication of the ISR, whichever time limit expires later. At the same time the applicant may file a dispensation with the Invitation pursuant to Article 96(1). Therefore, as a rule and unless the publication of the ISR was late, the request for examination must be filed and the examination fee paid on entry into the European phase, ie within the 31-month time limit. For applications filed on or after 1 July 2005 a higher examination fee is due if **no** European supplementary search report is established (because the EPO was ISA). For a detailed account of the legal situation with regard to the examination fee reference is made to the Notice from the EPO dated 28 October 2005. Art. 150(2), 157(1),
94(2) EPC
R. 107(1)(f) EPC
OJ 2005, 577
GL/EPO C-VI, 1.1.2
- 250** If the applicant entered the European phase early (see point 166), he may delay filing the request for examination and payment of the examination fee until expiry of the 31-month time limit. However, the examination of the application will not start until these requirements are met.
- 251** The drawing-up of any supplementary European search report (see point 229 ff) or the publication of the translation of the Euro-PCT application (see point 275 ff) by the EPO has no effect on the time limit for filing the request for examination and paying the examination fee.

Result of supplementary search and refund of examination fee

- 252** Where the request for examination has been filed before transmittal of the supplementary European search report, which will usually be the case, the EPO invites the applicant as soon as possible after it transmits the supplementary European search report, to indicate whether he desires to proceed further with the application before the Art. 96(1) EPC
Art. 10b RFees
GL/EPO C-VI, 1.1.2

EPO, unless he has expressly waived his right to receive such invitation.

- 253** If he does not wish to proceed further, the applicant may withdraw the application or simply refrain from answering the invitation within the two- month time limit set therein. In such a case, where the application is withdrawn or deemed to be withdrawn, the examination fee is refunded in full. However, if at a later stage the applicant decides to stop the prosecution of the application, 75% of the examination fee is refunded provided the examination has not yet commenced. The latter applies also to cases where no supplementary search report is drawn up.

Reduction of the examination fee

- 254** Applicants having their residence or principal place of business in an EPC contracting state having a language other than English, French or German as an official language, and nationals of that state who are resident abroad, are entitled to a **20% reduction in the examination fee** on condition that

Art. 14(4) EPC
R. 6(2) and (3) EPC
Art. 12(1) RFees

- they file the written request for examination (up to the date of payment of the examination fee) in one of the official languages of this state other than English, French or German, and
- within one month of so doing - at the earliest simultaneously with the written request for examination (Form 1200) - file a translation in the language of the proceedings (see point 175).

Reduction if IPER was issued by the EPO

- 255** The examination fee is reduced by 50% where the EPO acting as IPEA has already drawn up an international preliminary examination report in respect of the relevant Euro-PCT application, unless in the European phase the applicant is seeking a patent for an invention which is not the subject of that report or two-thirds of the fee for the international preliminary examination were reimbursed (see point 136).
- 256** If the conditions for both reductions (see points 254-255) are fulfilled, the examination fee is first reduced by 50%. The 20% reduction is applied to the resulting total and not to the full fee. Therefore, the total reduction in relation to the full fee is 60%.

R. 107(2) EPC

Non-observance of the time limit for filing the request for examination and for payment of the examination fee

- 257** If the request for examination is not filed or the examination fee is not paid in due time, the application is deemed to be withdrawn. The applicant is informed of this in a communication under Rule 108(3) EPC. The loss of rights is deemed not to have occurred if, within two months of notification of the above communication, the omitted act is performed and a surcharge paid.
- 258** Re-establishment of rights in respect of the time limit for filing the request for examination or paying the examination fee is excluded (see decision G 3/91).

Art. 94(3) EPC
R. 108(3) EPC
Art. 2(3b), (7) RFees

Art. 122(5) EPC
OJ 1993, 8

Renewal fees

- 259** The renewal fees for a pending Euro-PCT application must be paid to the EPO. These fees are due in respect of the third and each subsequent year, calculated from the date of filing. The date of filing of the Euro-PCT application is the filing date accorded to the international application by the receiving Office (see point 16). A renewal fee which became due within the 31-month time limit for entry into the European phase can be paid without surcharge up to expiry of the 31-month time limit. The renewal fee can still be validly paid within six months of the date, if applicable, of expiry of the 31-month time limit, subject to payment of a 10% surcharge.
- Art. 11(3) PCT
Art. 86(1) EPC
R. 37(1), 107(1)(g) EPC
Art. 2(5) RFees
GL/EPO A-VII, 2.4
OJ 1993, 229,
point II-3

III. Filing of other documents

Designation of inventor

- 260** If the inventor has not been designated upon entry into the European phase or within 31 months of the earliest priority date, the EPO will invite the applicant to file the designation of the inventor within such period as it specifies.
- Art. 4(1)(v), 22(1),
27(2), 39(1)(b) PCT
R. 51bis.1(a)(i) PCT
R. 111(1) EPC
GL/EPO A-VII, 3.4

Non-observance of the requirement to file the designation of inventor

- 261** If within the time limit set by the EPO the data concerning the inventor have not been filed, the application is deemed withdrawn. The withdrawal may be remedied by filing a request for further processing or by re-establishment of rights.
- Art. 91(5), 121, 122
EPC

Certificate of exhibition

- 262** If the certificate of exhibition has not yet been filed for the international application, this may still be done within 31 months of the earliest priority date.
- Art. 55(2) EPC
R. 23, 107(1)(h) EPC

Claims for priority and priority documents

- 263** Where the priority of an earlier application is claimed for the Euro-PCT application, the EPO is usually sent a copy of the priority document(s) by the IB, since the priority documents should be filed with the receiving Office or the IB during the international phase. The EPO does not recognise a priority claimed from an application filed in or for any member of the World Trade Organization (WTO) that is not party to the Paris Convention for the Protection of Industrial Property (see point 41 ff)
- R. 17 PCT
Art. 88(1) EPC,
R. 38(1- 4) EPC
GL/EPO A-VII, 3.5
- 264** Where the application number or the copy of the previous application (priority document) has not yet been submitted on entry into the European phase, the applicant will be invited to furnish the number or the copy within such time limit as the EPO specifies. This does not apply to priority documents from the Japan Patent Office, which are supplied to the EPO electronically. However, a translation must be filed by the applicant (see point 199).
- R. 111(2) EPC
OJ 1995, 9, 413, 414
OJ 1999, 80
- 265** If a priority document is missing, but the applicant has requested the receiving Office under Rule 17.1(b) PCT to issue the priority document and transmit it to the International Bureau, no loss of rights will occur.

Substantive examination may nevertheless begin, but the decision to grant will not be taken unless the priority document is furnished.

Filing of translation or declaration

- 266** Where the priority document is not in English, French or German, a translation in one of these languages must be submitted at the invitation of the EPO, or at the latest within the time limit under Rule 51(4) EPC. The translation need not necessarily be in the language of the proceedings as long as it is in English, French or German (see point 175).
- 267** Where the Euro-PCT application is a complete translation of the previous application, a declaration to that effect is sufficient (Form 1200, Section 7, box No. 3).

R. 38, 111(2) EPC
OJ 1999, 296

Non-observance of the requirement to file the translation or declaration

- 268** If the required translation or declaration is not filed, this will lead to the loss of the right to priority for the Euro-PCT application. The only legal remedy is re-establishment of rights.

Art. 122 EPC

IV. Review by the EPO as designated Office of Euro-PCT applications which fail in the international phase

- 269** At the request of the applicant, the EPO may review whether a refusal by the receiving Office to accord a filing date, or a declaration on the part of the receiving Office that a Euro-PCT application or the designation of a state is considered withdrawn, or a finding by the IB under Article 12(3) PCT, is the result of an error or omission on the part of the authority concerned, in which case the Euro-PCT application can proceed as a European application.

Art. 25 PCT
R. 51, 82bis PCT
Art. 153(2) EPC
GL/EPO E-IX, 4.6

To obtain such a review, applicants must take the following steps:

- The request to the IB under Article 25(1) PCT to send copies of documents in the files promptly to the EPO as designated Office must be made within the two-month time limit under Rule 51.1 PCT.
- The national fee must be paid and, where required, a translation of the Euro-PCT application furnished within the same two-month time limit (Rule 51.3 PCT). Applicants are recommended to undertake the remaining steps for entry into the European phase under Rule 107(1), and where appropriate Rule 110 EPC, at the same time (see point 172 ff, 199 ff).

- 270** Even where the effect referred to in Article 11(3) PCT is not required to be maintained by virtue of Article 25(2) PCT, the designated Office may maintain it. The filing of requests under Article 24(2) PCT is governed by the same requirements as requests for review under Article 25(2) PCT. Such requests may be combined with requests for re-establishment of rights or further processing in accordance with Article 48(2) PCT and Articles 122 or 121 EPC.

Art. 24(2), 48(2) PCT
R. 82bis PCT
Art. 122, 121 EPC
OJ 1984, 565
(Reasons, point 4)

- 271** If the applicant proves to the satisfaction of the EPO that the international filing date is incorrect owing to an error made by the receiving Office or that the priority claim has been erroneously

R. 82ter PCT

considered by the receiving Office or the International Bureau not to have been made, and if the error is an error such that, had it been made by the EPO itself, the EPO would rectify it under the EPC law or practice, the EPO must rectify the error and treat the international application as if it had been accorded the rectified international filing date or as if the priority claim had not been considered not to have been made.

V. Lack of unity

- 272** If the ISA has only searched part of the Euro-PCT application because it considered that the Euro-PCT application did not comply with the requirement of unity of invention, and the applicant did not pay all the additional fees according to Article 17(3)(a) PCT within the prescribed time limit, the EPO will consider whether the application complies with the requirement of unity of invention. R. 112 EPC
- 273** If the EPO considers that this is not the case, it will inform the applicant that a European search report can be obtained in respect of those parts of the international application which have not been searched, if a full search fee is paid for each invention involved within a period specified by the EPO which may not be shorter than two weeks and may not exceed six weeks. A European search report will then be drawn up for those parts of the international application which relate to inventions in respect of which search fees have been paid. Rule 46(2) EPC applies *mutatis mutandis*. For international applications filed on or after 1 July 2005, such search reports will only be accompanied by an opinion on patentability if the report is to be established in the context of a supplementary search (EPO was not ISA). R. 44a, 46(2) EPC
GL/EPO B-XII, 8(i)
- 274** If the ISA has carried out a **full search** (the application was not deemed to be lacking unity or the applicant has paid all additional search fees for those inventions which are being prosecuted in the European phase as well) and the EPO, while performing the supplementary search, is of the opinion that the application does not meet the requirement of unity of invention, **a full search fee must be paid for the search in respect of each further invention**. The applicant will be reimbursed the amount of the reduction in the search fee normally granted for each additional search fee paid (see point 238), provided the inventions concerned are actually covered by the international search report. Any reduction in the search fee for the supplementary search in respect of the first invention in the application remains unaffected.

VI. Publication of the Euro-PCT application by the EPO

- 275** In principle, the international publication of an international application takes the place of the publication of a European patent application. The EPO will, upon entry into the European phase, notify the applicant of the publication of the bibliographic data of the Euro-PCT application in the European Patent Bulletin, confirming that the application, subject to the provisions of Article 67(3) EPC, enjoys provisional protection. Art. 67, 158(1), (3) EPC
GL/EPO A-VII, 5.1

However, if the Euro-PCT application published by the IB was in a **language other than one of the three official languages** of the EPO, the EPO publishes the translation of the Euro-PCT application submitted by the applicant. The provisional protection is, subject to

Article 67(3) EPC, only effective as of the date of publication of the translation.

VII. Divisional applications

276 After entry into the European phase one or more European divisional applications may be filed in respect of subject-matter contained in a Euro-PCT application. The divisional application must be filed in the language of the earlier Euro-PCT application if that language is an official language of the EPO, otherwise it must be filed in the language of the translation of the earlier Euro-PCT application as furnished to the EPO (see point 199).

Art. 76 EPC
GL/EPO A-VII, 4.1

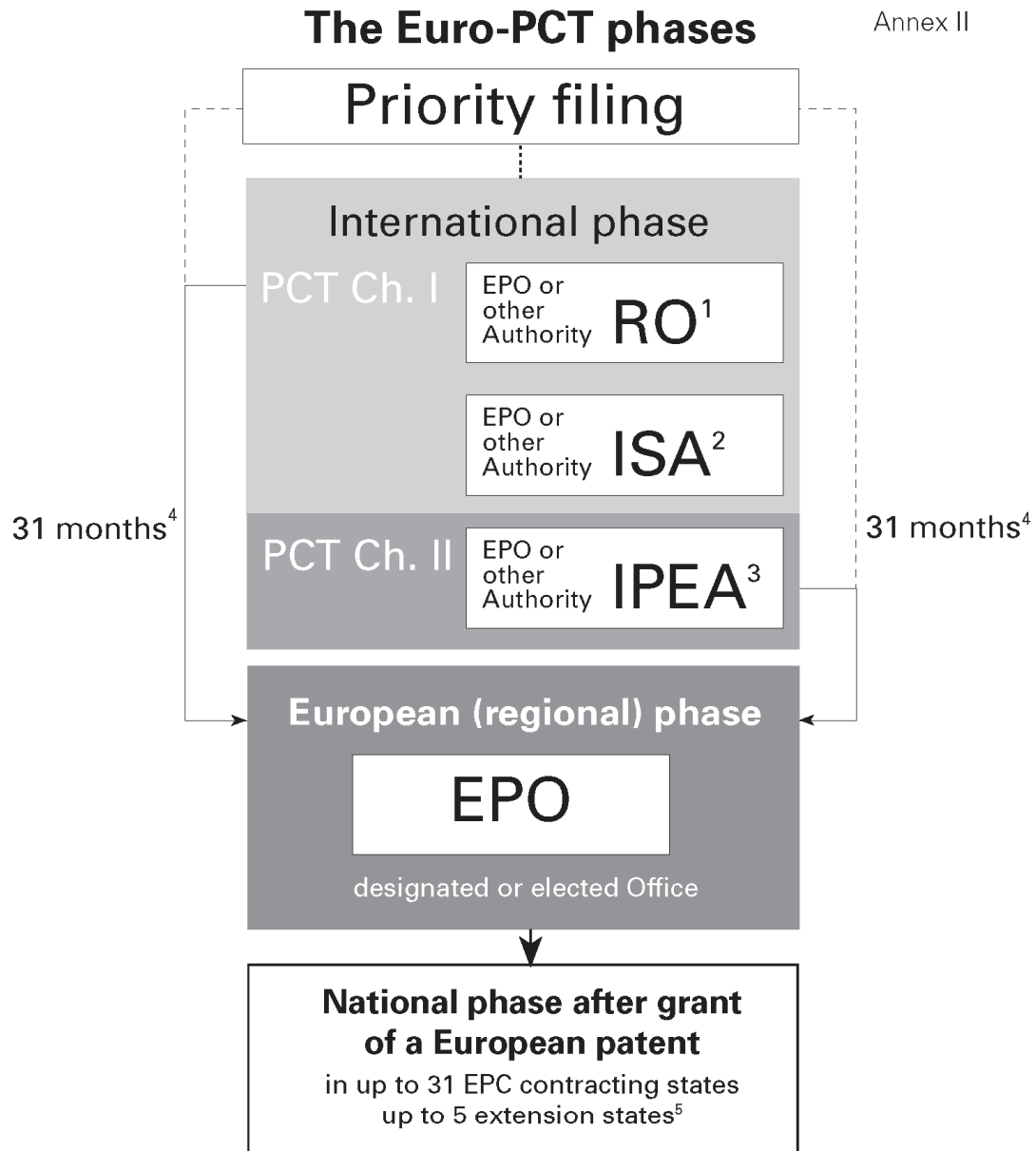
ANNEX I

Terms and abbreviations

AI	Administrative Instructions under the PCT
Art.	Article(s) (of the EPC or the PCT)
EPC	European Patent Convention
EPO	European Patent Office
GL/EPO	Guidelines for Examination in the European Patent Office (quoted as follows: GL/EPO C-III, 8.4 = Guidelines, Part C, Chapter III, section 8, point 4)
IB	International Bureau of WIPO
IPEA	International Preliminary Examining Authority
IPER	International Preliminary Examination Report
IPRP	International Preliminary Report on Patentability
ISA	International Searching Authority
GL/ISPE	PCT International Search and Preliminary Examination Guidelines
ISR	International Search Report
JPO	Japan Patent Office
OEPM	Spanish Patent and Trademark Office
OJ	Official Journal of the European Patent Office (quoted as follows: OJ 2001, 459 = Official Journal, year 2001, page 459)
PCT	Patent Cooperation Treaty
PRV	Swedish Patent and Registration Office
R.	Rule(s) of the Implementing Regulations (to the EPC or the PCT)
RFees	EPC Rules relating to Fees
RO	Receiving Office
GL/RO	PCT Receiving Office Guidelines
USPTO	United States Patent and Trademark Office
WIPO	World Intellectual Property Organization
WIPO PCT Guide	"PCT Applicant's Guide" published by the International Bureau of WIPO
WO-ISA	Written Opinion of the International Searching Authority

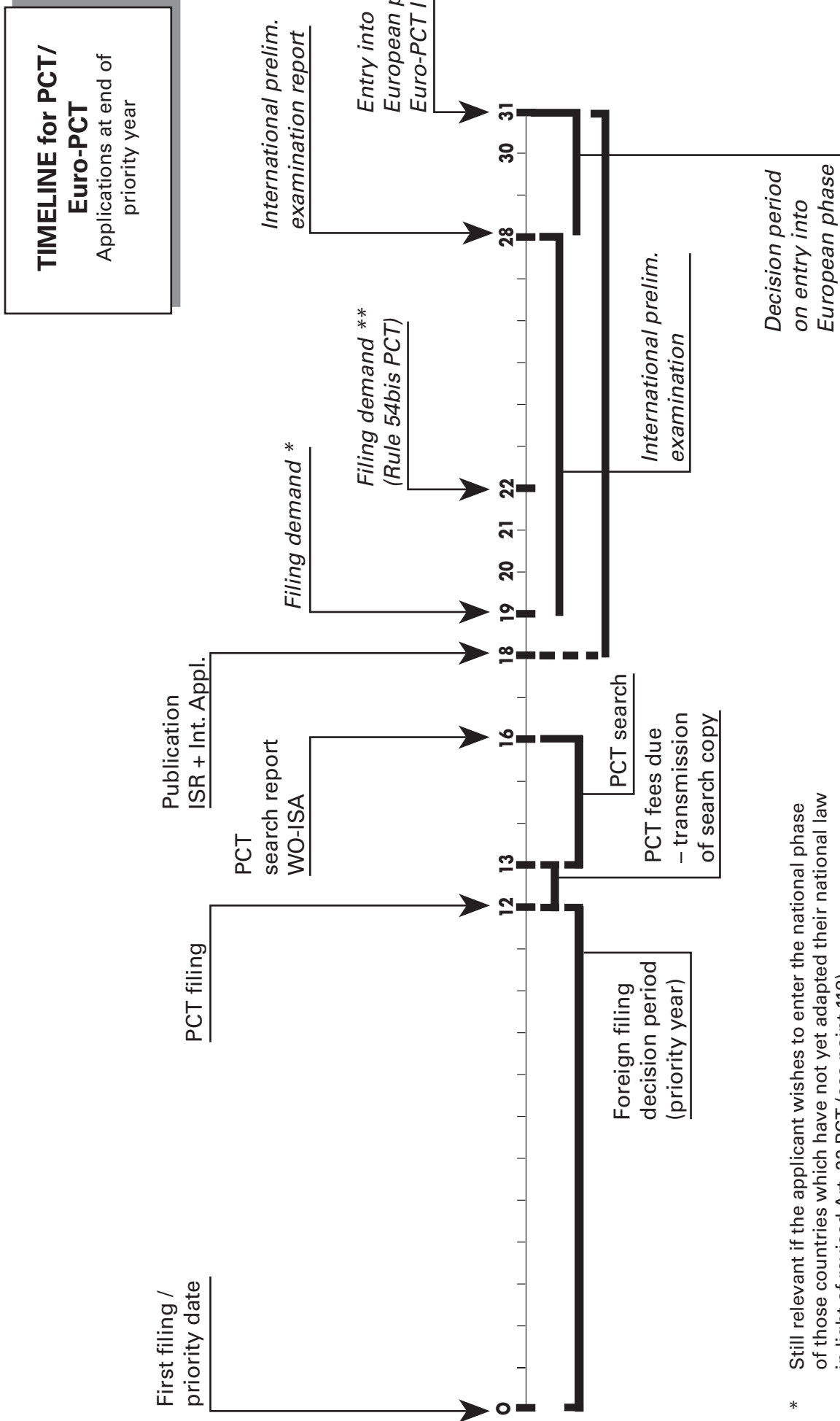
ANNEX II

The international and European phases of a PCT application



- 1 RO = Receiving Office
- 2 ISA = International Searching Authority
(to be specified by the RO and, where applicable, chosen by the applicant)
- 3 IPEA = International Preliminary Examining Authority
(as for ISA; EPO only IPEA when ISA = EPO or AT, ES, FI, SE patent office)
- 4 As from date of filing or earliest date of priority. The 31-month time limit applies for entry into the European phase (before the EPO as designated Office (Ch. I) and elected Office (Ch. II)).
- 5 Based on bilateral agreements with the EPO. Currently 5 extension states.

Situation: 1.12.2005



* Still relevant if the applicant wishes to enter the national phase of those countries which have not yet adapted their national law in light of revised Art. 22 PCT (see point 118).

** If the applicant wishes to enter the national phase of countries that apply the 30/31 month time limit under Article 22 PCT as amended, the demand must be filed prior to the expiration of whichever of the following periods expires later (see point 115):

- three months from the date of transmittal to the applicant of the ISR and WO-ISA by the ISA, or
- 22 months from the (earliest) priority date

*** As from 02.01.2002, the general deadline for entry into the European phase is 31 months – both according to Chapter I and Chapter II (see point 157).

ANNEX IV

Filing offices of the EPO (OJ 2005, 44 ff)

1. The filing offices of the EPO in Munich, The Hague and Berlin are open for the receipt of documents at the following times:

Munich

Filing offices in the main building and PschorrHöfe:

Monday to Thursday: 08.00 to 16.45 hrs

Friday: 08.00 to 15.30 hrs

Addresses:

Erhardtstrasse 27
80469 Munich

✉ D-80298 Munich

Bayerstrasse 34
80335 Munich

The Hague

Monday to Friday: 08.00 to 18.00 hrs

Address:

Patentlaan 2
2288 EE Rijswijk

✉ Postbus 5818
NL-2280 HV Rijswijk

Berlin

Monday to Thursday: 09.00 to 12.00

and 13.00 to 15.00 hrs

Friday: 09.00 to 12.00 hrs

Address:

Gitschiner Strasse 103
10969 Berlin

✉ D-10958 Berlin

2. The EPO filing offices in Berlin and Munich are equipped with automated mail-boxes, which may be used at any time.¹
3. **For filing documents by facsimile only, the following numbers are to be used:**
Munich: (+49 (0)89) 2399-4465
The Hague: (+31 (0)70) 340-3016
Berlin: (+49 (0)30) 25901-840

Attention is drawn to the fact that the EPO's sub-office in Vienna (see OJ 1992, 183, and 1999, 634) is **not** a filing office for the purposes of Article 75(1)(a) EPC (see point 15). Patent applications filed with the Vienna sub-office will be forwarded to one of the filing offices and will only be accorded a date of filing on receipt by the latter.

4. For information on filing documents online, see the **epoline**® website:
<http://www.epoline.org>

¹ The automated mail-box facility is not at present available at the filing office in The Hague. Outside office hours, documents may be handed in to the porter.

ANNEX V

Form PCT/RO/101 Request and Notes

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum)

Box No. I TITLE OF INVENTION	
Box No. II APPLICANT ☐ This person is also inventor	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	Telephone No.
	Facsimile No.
	Teleprinter No.
	Applicant's registration No. with the Office
State (that is, country) of nationality:	State (that is, country) of residence:
This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box	
Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	This person is: ☐ applicant only ☐ applicant and inventor ☐ inventor only (If this check-box is marked, do not fill in below.)
	Applicant's registration No. with the Office
State (that is, country) of nationality:	State (that is, country) of residence:
This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box	
☐ Further applicants and/or (further) inventors are indicated on a continuation sheet.	
Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: ☐ agent ☐ common representative	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	Telephone No.
	Facsimile No.
	Teleprinter No.
	Agent's registration No. with the Office
☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on another continuation sheet.

Supplemental Box

If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, **the space is insufficient** to furnish all the information: in such case, write "Continuation of Box No...." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
 - (i) **if more than two persons are to be indicated as applicants and/or inventors** and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
 - (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication **"the States indicated in the Supplemental Box"** is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
 - (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, **the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America**: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
 - (iv) if, in addition to the agent(s) indicated in Box No. IV, there are **further agents**: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
 - (v) if, in Box No. VI, there are **more than three earlier applications whose priority is claimed**: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.
2. If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such a case, write the name or two-letter code of each designated State concerned and the indication **"patent of addition," "certificate of addition," "inventor's certificate of addition"** or **"utility certificate of addition,"** the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other patent grant or the date of filing of the parent application (Rules 4.11(a)(iii) and 49bis.1(a) or (b)).
3. If the applicant intends to make an indication of the wish that the international application be treated, in the United States of America, as a continuation or continuation-in-part of an earlier application: in such a case, write "United States of America" or "US" and the indication **"continuation"** or **"continuation-in-part"** and the number and the filing date of the parent application (Rules 4.11(a)(iv) and 49bis.1(d)).

Box No. V DESIGNATIONS

The filing of this request **constitutes under Rule 4.9(a), the designation** of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents. However,

- ☐ DE Germany **is not designated** for any kind of national protection
☐ JP Japan **is not designated** for any kind of national protection
☐ KR Republic of Korea **is not designated** for any kind of national protection
☐ RU Russian Federation **is not designated** for any kind of national protection

(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application. See the Notes to Box No. V as to the consequences of such national law provisions in these States).

Box No. VI PRIORITY CLAIM

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application:* regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				

☐ Further priority claims are indicated in the Supplemental Box.

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) *(only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office)* identified above as:

☐ all items ☐ item (1) ☐ item (2) ☐ item (3) ☐ other, see Supplemental Box

** Where the earlier application is an ARIPO application, indicate at least one country party to the Paris Convention for the Protection of Industrial Property or one Member of the World Trade Organization for which that earlier application was filed (Rule 4.10(b)(ii)):*

.....

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) *(if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):*

ISA /

Request to use results of earlier search; reference to that search *(if an earlier search has been carried out by or requested from the International Searching Authority):*

Date (day/month/year) Number Country (or regional Office)

Box No. VIII DECLARATIONS

The following **declarations** are contained in Boxes Nos. VIII (i) to (v) *(mark the applicable check-boxes below and indicate in the right column the number of each type of declaration):*

Number of
declarations

- | | | |
|---|--|---|
| ☐ Box No. VIII (i) | Declaration as to the identity of the inventor | : |
| ☐ Box No. VIII (ii) | Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent | : |
| ☐ Box No. VIII (iii) | Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application | : |
| ☐ Box No. VIII (iv) | Declaration of inventorship (only for the purposes of the designation of the United States of America) | : |
| ☐ Box No. VIII (v) | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty | : |

Box No. VIII (i) DECLARATION: IDENTITY OF THE INVENTOR

The declaration must conform to the standardized wording provided for in Section 211; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (i). If this Box is not used, this sheet should not be included in the request.

Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (i)".

Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT

The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".

Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY

The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)

The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))
for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications:

.....

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name:

Residence:
(city and either US state, if applicable, or country)

Mailing Address:

.....

Citizenship:

Inventor's Signature: **Date:**
(The signature must be that of the inventor, not that of the agent)

Name:

Residence:
(city and either US state, if applicable, or country)

Mailing Address:

.....

Citizenship:

Inventor's Signature: **Date:**
(The signature must be that of the inventor, not that of the agent)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

Box No. VIII (v) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY

The declaration must conform to the standardized wording provided for in Section 215; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (v). If this Box is not used, this sheet should not be included in the request.

Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (v)".

Continuation of Box No. VIII (i) to (v) DECLARATION

*If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where **more than two inventors are to be named** in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

Box No. IX CHECK LIST; LANGUAGE OF FILING		
This international application contains: (a) on paper, the following number of sheets: request (including declaration sheets) : _____ description (excluding sequence listing and/or tables related thereto) : _____ claims : _____ abstract : _____ drawings : _____ Sub-total number of sheets : _____ sequence listing : _____ tables related thereto : _____ <i>(for both, actual number of sheets if filed on paper, whether or not also filed in electronic form; see (c) below)</i> Total number of sheets : _____ (b) ☐ only in electronic form (Section 801(a)(i)) (i) ☐ sequence listing (ii) ☐ tables related thereto (c) ☐ also in electronic form (Section 801(a)(ii)) (i) ☐ sequence listing (ii) ☐ tables related thereto Type and number of carriers (diskette, CD-ROM, CD-R or other) on which are contained the ☐ sequence listing: ☐ tables related thereto: <i>(additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)</i>	This international application is accompanied by the following item(s) <i>(mark the applicable check-boxes below and indicate in right column the number of each item)</i>: 1. ☐ fee calculation sheet : _____ 2. ☐ original separate power of attorney : _____ 3. ☐ original general power of attorney : _____ 4. ☐ copy of general power of attorney; reference number, if any: : _____ 5. ☐ statement explaining lack of signature : _____ 6. ☐ priority document(s) identified in Box No. VI as item(s): : _____ 7. ☐ translation of international application into <i>(language)</i>: : _____ 8. ☐ separate indications concerning deposited microorganism or other biological material : _____ 9. ☐ sequence listing in electronic form <i>(indicate type and number of carriers)</i> (i) ☐ copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application) : _____ (ii) ☐ <i>(only where check-box (b)(i) or (c)(i) is marked in left column)</i> additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter : _____ (iii) ☐ together with relevant statement as to the identity of the copy or copies with the sequence listing mentioned in left column : _____ 10. ☐ tables in electronic form related to sequence listing <i>(indicate type and number of carriers)</i> (i) ☐ copy submitted for the purposes of international search under Section 802(b-quater) only (and not as part of the international application) : _____ (ii) ☐ <i>(only where check-box (b)(ii) or (c)(ii) is marked in left column)</i> additional copies including, where applicable, the copy for the purposes of international search under Section 802(b-quater) : _____ (iii) ☐ together with relevant statement as to the identity of the copy or copies with the tables mentioned in left column : _____ 11. ☐ other <i>(specify)</i>: : _____	Number of items
Figure of the drawings which should accompany the abstract:	Language of filing of the international application:	
Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE <i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>		

For receiving Office use only		
1. Date of actual receipt of the purported international application:	2. Drawings: ☐ received:	
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	☐ not received:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):	6. ☐ Transmittal of search copy delayed until search fee is paid	
5. International Searching Authority (if two or more are competent): ISA /		

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's web site: www.wipo.int/pct/en/index.html. The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

Please use a typewriter; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

The request form and these Notes may be downloaded from WIPO's web site at the address given above.

WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i)) – that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii) or (b)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

APPLICANT'S OR AGENT'S FILE REFERENCE

A **file reference** may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded by the receiving Office or any International Authority (Rule 11.6(f) and Section 109).

BOX No. I

Title of Invention (Rules 4.3 and 5.1(a)): The title must be short (preferably two to seven words when in English or translated into English) and precise. It must be identical with the title heading the description.

BOXES Nos. II AND III

General: At least one of the applicants named must be a resident or national of a PCT Contracting State for which the receiving Office acts (Articles 9 and 11(1)(i) and Rules 18 and 19). If the international application is filed with the International Bureau under Rule 19.1(a)(iii), at least one of the applicants must be a resident or national of any PCT Contracting State.

Indication Whether a Person is Applicant and/or Inventor (Rules 4.5(a) and 4.6(a) and (b)):

All of the inventors must be named also as applicants for the purposes of the designation of the United States of America (see "Different Applicants for Different Designated States", below).

Check-box "This person is also inventor" (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

Check-box "applicant and inventor" (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

Check-box "applicant only" (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

Check-box "inventor only" (Box No. III): Mark this check-box if the person named is inventor but not also applicant. This would be the case in particular where the inventor is deceased or the particular inventor is not an inventor for the purposes of the designation of the United States of America. Do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

Different Applicants for Different Designated States (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named. *All of the inventors must be named also as applicants for the United States of America (except as indicated above) and the check-boxes "This person is also inventor" (in Box No. II) and/or "applicant and inventor" (in Box No. III) must be marked.*

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). The check-box "the States indicated in the Supplemental Box" must be marked where none of the other three check-boxes fits the circumstances; in such a case, the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

Naming of Inventor (Rule 4.1(a)(iv) and (c)(i)): The inventor's name and address must be indicated since the national law of the United States of America requires that the name of the inventor be furnished at the time of filing. It is strongly recommended to always name the inventor. For details, see the *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2.

Different Inventors for Different Designated States (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (for example, where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

Names and Addresses (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special “address for correspondence”, see the notes to Box No. IV.

Telephone, Facsimile and/or Teleprinter Numbers should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant. Any such number should include the applicable country and area codes.

Applicant’s Registration Number with the Office (Rule 4.5(e)): Where the applicant is registered with the national or regional Office acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

Nationality (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name or two-letter code of the State (that is, country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence (Rules 4.5(a) and (c) and 18.1): For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

Names of States (Section 115): For the indication of names of States, the two-letter codes appearing in WIPO Standard ST.3 and in the *PCT Applicant’s Guide*, Volume I/B, Annex K, may be used.

BOX No. IV

Who Can Act as Agent? (Article 49 and Rule 83.1bis): For each of the receiving Offices, information as to who can act as agent is given in the *PCT Applicant’s Guide*, Volume I/B, Annex C.

Agent or Common Representative (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as “agent” or “common representative” (the “common representative” must be one of the applicants). For the manner in which name(s) and address(es) (including names of States) must be indicated, see the notes to Boxes Nos. II and III. Where several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative.

Manner of Appointment of Agent or Common Representative (Rules 90.4 and 90.5 and Section 106): The appointment of an agent or a common representative may be effected by designating the agent or common representative in Box No. IV and by the applicant signing the request or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative must be effected by each applicant signing, at his choice, the request or a separate power of attorney. If the

separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney will be considered non-existent unless the defect is corrected. However, the receiving Office may waive the requirement that a separate power of attorney be submitted to it (for details about each receiving Office, see the *PCT Applicant’s Guide*, Volume I/B, Annex C).

Where a general power of attorney has been filed and is referred to in the request, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney, unless the receiving Office has waived the requirement that a separate power of attorney be submitted to it (for details, see the *PCT Applicant’s Guide*, Volume I/B, Annex C).

Agent’s Registration Number with the Office (Rule 4.7(b)): Where the agent is registered with the national or regional Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address must be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” has been marked).

BOX No. V

Designations (Regional and national patents) (Rule 4.9): Upon filing of the request, the applicant will obtain an automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and, where applicable, in respect of both regional and national patents. If the applicant wishes the international application to be treated, in a certain designated or elected State, as an application not for a patent but for another kind of protection available under the national law of the designated or elected State concerned, the applicant will have to indicate his choice directly to the designated or elected Office when performing the acts, referred to in Articles 22 or 39(1), for entry into the national phase. For details about various kinds of protection available in designated or elected States, see the *PCT Applicant’s Guide*, Volume I/A, Annexes B1 and B2.

However, for the reasons explained below, it is possible to indicate, by marking the applicable check-box(es), that DE Germany, JP Japan, KR Republic of Korea and/or RU Russian Federation are not designated for any kind of national protection. Each of those States has notified the International Bureau that Rule 4.9(b) applies to it since its national law provides that the filing of an international application which contains the designation of that State and claims the priority, **at the time of filing** or subsequently under Rule 26bis.1 of an earlier national application (for DE: for the same kind of protection) having effect in that State shall have the result that the earlier national application ceases, where applicable, after the expiration of certain time limits, to have effect with the same consequences as the withdrawal of the earlier national application. The

designation of DE Germany for the purposes of a EP European patent and of RU Russian Federation for the purposes of a EA Eurasian patent are not affected by what is said above. For details see the *PCT Applicant's Guide*, Volume I/A, in the relevant Annex B1.

Only the four States mentioned above may be excluded from the all-inclusive coverage of all designations in Box No. V. For any other PCT Contracting State which the applicant wishes to exclude from the all-inclusive coverage of all designations, the applicant should submit a separate notice of withdrawal of the designation concerned under Rule 90bis.2. **Important: Should a notice of withdrawal be filed, that notice will have to be signed by the applicant or, if there are two or more applicants, by all of them (Rule 90bis.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).**

BOX No. VI

Priority Claim(s) (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Note that that date must fall within the period of 12 months preceding the international filing date.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (other than an ARIPO application), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed (Rule 4.10(b)(i)); such an indication is not, however, mandatory. Where the earlier application is an ARIPO application, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated (Rule 4.10(b)(ii)).

As to the possibility of correcting or adding a priority claim, see Rule 26bis and the *PCT Applicant's Guide*, Volume I/A, General Part.

Certified Copy of Earlier Application (Rule 17.1): A certified copy of each earlier application the priority of which is claimed (priority document) must be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application. The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the (earliest) priority date or, where an early start of the national phase is requested, not later than at the time such request is made. Any priority document received by the International Bureau after the expiration of the 16-month time limit but before the date of international publication shall be considered to have been received on the last day of that time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office (not later than 16 months after the priority date) to prepare and transmit the priority document to the International Bureau (Rule 4.1(c)(ii)). Such request may be made by marking the applicable check-boxes which identify the respective documents. *Attention:* where

such a request is made, the applicant must, where applicable, pay to the receiving Office the *fee for priority document*, otherwise, the request will be considered not to have been made (see Rule 17.1(b)).

Dates (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and separated by periods, slants or hyphens, for example, “21 March 2005 (21.03.2005)”, “21 March 2005 (21/03/2005)” or “21 March 2005 (21-03-2005)”.

BOX No. VII

Choice of International Searching Authority (ISA) (Rules 4.1(b)(iv) and 4.14bis): If two or more International Searching Authorities are competent for carrying out the international search in relation to the international application – depending on the language in which that application is filed and the receiving Office with which it is filed – the name of the competent Authority chosen by the applicant must be indicated in the space provided, either by its full name or two-letter code.

Request to Use Results of Earlier Search; Reference to that Search (Rules 4.11(a)(i) and (ii) and 4.1): The earlier search, if any, must be identified in such a manner that the ISA can retrieve the results easily. Where those results can be used, the ISA may refund the international search fee or a portion thereof.

BOX No. VIII

Declarations Containing Standardized Wording (Rules 4.1(c)(iii) and 4.17): At the option of the applicant, the request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship (only for the purposes of the designation of the United States of America);
- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty;

which must conform to the standardized wording provided for in Sections 211 to 215, respectively, and which must be set forth in Boxes Nos. VIII (i) to (v), as detailed below. Where any such declarations are included, the appropriate check-boxes in Box No. VIII should be marked and the number of each type of declaration should be indicated in the right-hand column. As to the possibility of correcting or adding a declaration, see Rule 26ter, Section 216 and the *PCT Applicant's Guide*, Volume I/A, General Part.

If the circumstances of a particular case are such that the standardized wordings are not applicable, the applicant should not attempt to make use of the declarations provided for in Rule 4.17 but rather will have to comply with the national requirements concerned upon entry into the national phase.

The fact that a declaration is made under Rule 4.17 does not of itself establish the matters declared; the effect of those matters in the designated States concerned will be determined by the designated Offices in accordance with the applicable national law.

Even if the wording of a declaration does not conform to the standardized wording provided for in the Administrative Instructions pursuant to Rule 4.17, any designated Office may accept that declaration for the purposes of the applicable national law, but is not required to do so.

Details as to National Law Requirements: For information on the declarations required by each designated Office, see the *PCT Applicant's Guide*, Volume II, in the relevant National Chapter.

Effect in Designated Offices (Rule 51bis.2): Where the applicant submits any of the declarations provided for in Rule 4.17(i) to (iv) containing the required standardized wording (either with the international application, or to the International Bureau within the relevant time limit under Rule 26ter, or directly to the designated Office during the national phase), the designated Office may not, in the national phase, require further documents or evidence on the matter to which the declaration relates, unless that designated Office may reasonably doubt the veracity of the declaration concerned.

Incompatibility of Certain Items of Rule 51bis.2(a) with National Laws (Rule 51bis.2(c)): Certain designated Offices have informed the International Bureau that the applicable national law is not compatible in respect of certain declarations provided in Rule 4.17(i), (ii) and (iii). Those designated Offices are therefore entitled to require further documents or evidence on the matters to which those declarations relate. For regularly updated information on such Offices, see the WIPO web site:
http://www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

BOXES Nos. VIII (i) TO (v) (IN GENERAL)

Different Declaration Boxes: There are six different declaration boxes in the pre-printed request form – one box for each of the five different types of declarations provided for in Rule 4.17 (Box No. VIII (i) to Box No. VIII (v)) and a continuation sheet (Continuation of Box No. VIII (i) to (v)) to be used in case any single declaration does not fit in the corresponding box. The title of each type of declaration which is found in the standardized wording provided for in the Administrative Instructions is pre-printed on the appropriate sheet of the request.

Separate Sheet for Each Declaration: Each declaration must start on a separate sheet of the request form in the appropriate Declaration Box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. VIII (iv) which contains the pre-printed standardized wording, only those items which are applicable should be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person.

With respect to the declaration of inventorship set forth in Box No. VIII (iv), which is applicable only for the purposes of the designation of the United States of America, all inventors must be indicated in a single declaration (see Notes to Box No. VIII (iv), below). The wording of declarations to be set forth in Boxes Nos. VIII (i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. VIII (i)

Declaration as to the Identity of the Inventor (Rule 4.17(i) and Section 211): The declaration must be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

in relation to [this] international application [No. PCT/...],

... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application

Such a declaration is not necessary in respect of any inventor who is indicated as such (either as inventor only or applicant and inventor) in Box No. II or No. III in accordance with Rule 4.5 or 4.6. However, where the inventor is indicated as applicant in Box No. II or No. III in accordance with Rule 4.5, a declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) may be appropriate. Where indications regarding the inventor in accordance with Rule 4.5 or 4.6 are not included in Box No. II or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)). For details on such a combined declaration, see Notes to Box No. VIII (ii), below. For details as to the declaration of inventorship for the purposes of the designation of the United States of America, see Notes to Box No. VIII (iv), below.

BOX No. VIII (ii)

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent (Rule 4.17(ii) and Section 212): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

“Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (*name*) is entitled to apply for and be granted a patent by virtue of the following:

- (i) ... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application
- (ii) ... (*name*) [is] [was] entitled as employer of the inventor, ... (*inventor's name*)
- (iii) an agreement between ... (*name*) and ... (*name*), dated ...
- (iv) an assignment from ... (*name*) to ... (*name*), dated ...
- (v) consent from ... (*name*) in favor of ... (*name*), dated ...
- (vi) a court order issued by ... (*name of court*), effecting a transfer from ... (*name*) to ... (*name*), dated ...
- (vii) transfer of entitlement from ... (*name*) to ... (*name*) by way of ... (*specify kind of transfer*), dated ...
- (viii) the applicant's name changed from ... (*name*) to ... (*name*) on ... (*date*)

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. ***This declaration is only applicable to those events which have occurred prior to the international filing date.*** The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be as follows:

"Combined declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:"

The remainder of the combined declaration must be worded as indicated in the preceeding paragraphs.

For details as to the declaration as to the identity of the inventor, see the Notes to Box No. VIII (i), above.

BOX No. VIII (iii)

Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application (Rule 4.17(iii) and Section 213): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

"Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (name) is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor's name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order, issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant's name changed from ... (name) to ... (name) on ... (date)

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. ***This declaration is only applicable to those events which have occurred prior to the international filing date.*** In addition, this declaration is only applicable where the person or name of the applicant is different

from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of five is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

BOX No. VIII (iv)

Declaration of Inventorship (Rule 4.17(iv) and Section 214): The standardized wording for the declaration is pre-printed in Box No. VIII (iv).

The name, residence, address and citizenship must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration (Section 214(b)).

If there are more than two inventors, those other inventors must be indicated on the "Continuation of Box No. VIII (i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. VIII (iv)," must indicate the name, residence, address and citizenship for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. VIII (iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted (Section 214(b)).

Where the declaration was not included in the request, but **is furnished later**, the PCT application number **MUST** be indicated within the text of Box No. VIII (iv).

BOX No. VIII (v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty (Rule 4.17(v) and Section 215): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

"Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (name) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition
 - (b) publication
 - (c) abuse
 - (d) other: ... (*specify*)
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ...

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. IX

Items Constituting the International Application: The number of sheets of the various parts of the international application must be given in the check list in Arabic numerals. Sheets containing any of Boxes Nos. VIII (i) to (v) must be counted as part of the request.

Where the application contains disclosure of one or more *nucleotide and/or amino acid sequences*, the applicant has the following three options.

First, the applicant may choose to file the sequence listing and/or tables related thereto *on paper only* ("option (a)"), in which case the number of sheets of the listing and/or tables, respectively, must be indicated under item (a) in the left column of Box No. IX (and therefore included in the total number of sheets), noting that a copy of the sequence listing and/or a copy of the tables, in electronic form, may accompany the international application but only for the purposes of international search under Rule 13*ter* and/or Section 802(b-*quater*); in such a case, check-boxes Nos. 9, 9(i) and/or 10(i) and, where applicable, 9(iii) and/or 10(iii) must be marked in the right column of Box No. IX.

Second, the applicant may choose to file the sequence listing and/or tables related thereto *in electronic form only*, under Section 801(a)(i) ("option (b)"), in which case check-boxes b(i) and/or b(ii) must be marked but the spaces for the number of sheets of the sequence listing and/or tables, respectively, under item (a) must be left blank; the type and number of carriers must also be indicated on the dotted lines at the bottom of the left column; in addition, check-boxes Nos. 9, 9(ii) and/or 10(ii) and, where applicable, 9(iii) and/or 10(iii) must be marked if additional copies of the sequence listing and/or tables in electronic form are furnished.

Third, the applicant may choose to file the sequence listing and/or tables related thereto *both in electronic form and on paper*, under Section 801(a)(ii) ("option (c)"), in which case the number of sheets (on paper) of the sequence listing and/or tables, respectively, must be indicated under item (a) in the left column of Box No. IX (although those numbers of sheets will not be taken into account for calculation of the international filing fee) and check-boxes c(i) and/or c(ii), respectively, must be marked; the type and number of carriers must also be indicated on the dotted lines at the bottom of the left column; in addition, check-boxes Nos. 9, 9(ii) and/or 10(ii) and, where applicable, 9(iii) and/or 10(iii) must be marked if additional copies of the sequence listing and/or tables in electronic form are furnished.

Under all three options described above, the sequence listing must be presented as a separate part of the description ("sequence listing part of description") in accordance with the standard contained in Annex C of the Administrative Instructions. Also, tables related to a sequence listing must be presented in accordance with the standard contained in Annex C-*bis* of the Administrative Instructions.

Items Accompanying the International Application: Where the international application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

Check-box No. 4: Mark this check-box where a copy of a general power of attorney is filed with the international application; where the general power of attorney has been deposited with the receiving Office, and that Office has accorded to it a reference number, that number may be indicated.

Check-box No. 5: Mark this check-box where a statement explaining the lack of signature of an inventor/applicant for the purposes of the United States of America is furnished together with the international application (see also Notes to Box No. X).

Check-box No. 7: Mark this check-box where a translation of the international application for the purposes of international search (Rule 12.3) is filed together with the international application and indicate the language of that translation.

Check-box No. 8: Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the international application. If Form PCT/RO/134 or any sheet containing the said indications is included as one of the sheets of the description (as required by certain designated States (see the *PCT Applicant's Guide*, Volume I/B, Annex L)), do not mark this check-box (for further information, see Rule 13*bis* and Section 209).

Check-box No. 9: Where the international application contains a sequence listing and a copy thereof in electronic form is required by the ISA under Rule 13*ter*, the applicant may furnish the listing in electronic form (together with the required statement) to the receiving Office with the international application, in which case check-boxes Nos. 9, 9(i) and, where applicable, 9(iii) must be marked. Where the applicant has chosen option (b) or option (c) mentioned above, and an additional copy or copies of the sequence listing in electronic form are required under Section 804, the applicant may furnish such additional copies together with the international application, in which case check-boxes Nos. 9, 9(ii) and, where applicable, 9(iii) must be marked. In all cases mentioned above, the applicant should indicate at the end of each applicable entry the type and number of diskettes, CD-ROMs, CD-Rs, or other data carriers furnished.

Check-box No. 10: Where the international application contains tables related to a sequence listing and a copy thereof in electronic form is required by the ISA under Section 802(b-*quater*), the applicant may furnish the tables in electronic form (together with the required statement) to the receiving Office with the international application, in which case check-boxes Nos. 10, 10(i) and, where applicable, 10(iii) must be marked. Where the applicant has chosen option (b) or option (c) mentioned above, and an additional copy or copies of the tables in electronic form are required under Section 804, the applicant may furnish such additional copies together with the international application, in which case check-boxes Nos. 10, 10(ii) and, where applicable, 10(iii) must be marked. In all cases mentioned above, the applicant should indicate at the end of each applicable entry the type and number of diskettes, CD-ROMs, CD-Rs, or other data carriers furnished.

Language of Filing of the International Application (Rules 12.1(a) and 20.4(c) and (d)): With regard to the language in which the international application is filed, for the purposes of according an international filing date, it is, subject to the following sentence, sufficient that the description and the claims are in the language, or one of the languages, accepted by the receiving Office for the filing of international applications; that language should be indicated in that check-box (as regards the language of the abstract and any text matter in the drawings, see Rule 26.3*ter*(a) and (b); as regards the language of the request, see Rules 12.1(c) and 26.3*ter*(c) and (d)). Note that where the international application is filed with the United States Patent and Trademark Office as receiving Office, all elements of the international application (request, description, claims, abstract, text matter of drawings) must, for the purposes of according an international filing date, be in English except that the free text in any sequence listing part of the description, complying with the standard set out in Annex C of the Administrative Instructions, may be in a language other than English.

BOX No. X

Signature (Rules 4.1(d), 4.15, 26.2bis(a), 51bis.1(a)(vi), 90 and 90bis.5): The signature must be that of the applicant; if there are several applicants, all must sign. However, if the signature of one or more of the applicants is missing, the receiving Office will not invite the applicant to furnish the missing signature(s) provided that at least one of the applicants signed the request.

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90bis.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).

Furthermore, for the purposes of the national phase processing, each designated Office will be entitled to require the applicant to furnish the confirmation of the international application by the signature of any applicant for the designated State concerned, who has not signed the request.

Where the signature on the request is not that of the applicant but that of the agent, or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney already in the possession of the receiving Office, must be furnished. If the power is not filed with the request, the receiving Office will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each receiving Office, see the *PCT Applicant's Guide*, Volume I/B, Annex C).

If an inventor/applicant for the designation of the United States of America refused to sign the request or could not be found or reached after diligent effort, a statement explaining the lack of signature may be furnished. It should be noted that this applies only where there are two or more applicants and the international application has been signed by at least one other applicant. The statement must satisfy the receiving Office. If such a statement is furnished with the international application, check-box No. 5 in Box No. IX should be marked.

SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained in the left column of that Box.

Items 2 and 3: Even if an indication is made in respect of items 2 and 3 under Rule 49bis.1(a), (b) or (d), the applicant will be required to make an indication to this effect upon entry into the national phase before the designated offices concerned.

If the applicant wishes to specify that the international application be treated in any designated State as an application for a utility model, see Notes to Box No. V.

GENERAL REMARKS

Language of Correspondence (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the language of filing of the international application provided that, where the international application is to be published in the language of a translation required under Rule 12.3, such letter should be in the language of that translation; however, the receiving Office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA must be in the same language as the international application, provided that, where a translation of the international application for the purposes of international search has been transmitted under Rule 23.1(b), such letter is in the language of that translation. However, the ISA may authorize the use of another language.

Arrangement of Elements and Numbering of Sheets of the International Application (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description (excluding the sequence listing part, if any), the claim(s), the abstract, the drawings (if any), the sequence listing part of the description (if any).

All sheets of the description (excluding the sequence listing part), claims and abstract must be numbered in consecutive Arabic numerals, which must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3). For numbering of the sheets of the sequence listing part of the description, see Section 207.

Indication of the Applicant's or Agent's File Reference on the sheets of the description (excluding the sequence listing part, if any), claim(s), abstract, drawings and sequence listing part of the description (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

This sheet is not part of and does not count as a sheet of the international application.

PCT

FEE CALCULATION SHEET

Annex to the Request

For receiving Office use only

International Application No. _____

Date stamp of the receiving Office _____

Applicant's or agent's
file reference

Applicant

CALCULATION OF PRESCRIBED FEES

1. TRANSMITTAL FEE T

2. SEARCH FEE S

International search to be carried out by _____

(If two or more International Searching Authorities are competent to carry out the international search, indicate the name of the Authority which is chosen to carry out the international search.)

3. INTERNATIONAL FILING FEE

Where items (b) and/or (c) of Box No. IX apply, enter **Sub-total number of sheets** } _____
Where items (b) and (c) of Box No. IX do not apply, enter **Total number of sheets** }

i1 first 30 sheets i1

i2 _____ x _____ = i2
number of sheets fee per sheet
in excess of 30

i3 additional component (only if a sequence listing and/or tables
related thereto are filed in electronic form under Section 801(a)(i),
or both in that form and on paper, under Section 801(a)(ii):

400 x _____ = i3
fee per sheet

Add amounts entered at i1, i2 and i3 and enter total at I I

(Applicants from certain States are entitled to a reduction of 75% of the international filing fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 25% of the international filing fee.)

4. FEE FOR PRIORITY DOCUMENT (if applicable) P

5. TOTAL FEES PAYABLE
Add amounts entered at T, S, I and P, and enter total in the TOTAL box

TOTAL

MODE OF PAYMENT (Not all modes of payment may be available at all receiving Offices)

☐ authorization to charge
deposit account (see below)

☐ postal money order

☐ cash

☐ coupons

☐ cheque

☐ bank draft

☐ revenue stamps

☐ other (specify): _____

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

(This mode of payment may not be available at all receiving Offices)

☐ Authorization to charge the total fees indicated above.

☐ (This check-box may be marked only if the conditions for deposit accounts
of the receiving Office so permit) Authorization to charge any deficiency
or credit any overpayment in the total fees indicated above.

☐ Authorization to charge the fee for priority document.

Receiving Office: RO/ _____

Deposit Account No.: _____

Date: _____

Name: _____

Signature: _____

NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/RO/101)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete the sheet by entering the appropriate amounts in the boxes provided and submit the fee calculation sheet at the time of filing the international application. This will help the receiving Office to verify the calculations and to identify any error in them.

Information about the applicable fees payable can be obtained from the receiving Office. The amounts of the international filing and search fees may change due to currency fluctuations. Applicants are advised to check what are the latest applicable amounts. All fees, must be paid within one month from the date of receipt of the international application.

CALCULATION OF PRESCRIBED FEES

Box T: Transmittal Fee for the benefit of the receiving Office (Rule 14.1): The amount of the transmittal fee, if any, is fixed by the receiving Office. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Volume I/B, Annex C.

Box S: Search Fee for the benefit of the International Searching Authority (ISA) (Rule 16.1): The amount of the search fee is fixed by the ISA. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Volume I/B, Annex D.

Where two or more ISAs are competent, the applicant must indicate his choice in the space provided for this purpose and pay the amount of the international search fee fixed by the ISA chosen. Information on the competent ISA and whether the applicant has a choice between two or more ISAs is contained in the *PCT Applicant's Guide*, Volume I/B, Annex C.

Box I: International Filing Fee for the benefit of the International Bureau (Rule 15): The amount of the international filing fee is as set out in Swiss francs in the Schedule of Fees and the applicable amount of this fee in other currencies is as published in the *PCT Gazette* (Rule 15.2). Information about this fee is also contained in the *PCT Applicant's Guide*, Volume I/B, Annex C.

Reduction of the International Filing Fee Where PCT-EASY Software Is Used: A fee reduction of 100 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) is available in certain cases where the PCT-EASY software is used to prepare the request, provided that the necessary conditions are met. For further details, see the *PCT Applicant's Guide*, Volume I/A, General Part, and Volume I/B, Annex C, as well as information published in the *PCT Gazette* and the *PCT Newsletter*. Since applicants using the PCT-EASY software will file the Request Form and Fee Calculation Sheet in the form of a printout prepared using that software, no provision is made for this fee reduction in the Fee Calculation Sheet annexed to Form PCT/RO/101.

Reduction of the International Filing Fee Where the International Application Is Filed in Electronic Form: The international filing fee is reduced by 200 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) if the international application is, in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, filed in electronic form where the text of the description, claims and abstract **is not** in character coded format, or by 300 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) where the international application is filed in electronic form where the text of the description, claims and abstract **is** in character coded format. For further details, see the *PCT Applicant's*

Guide, Volume I/A, General Part, and Volume I/B, Annex C, as well as information published in the *PCT Gazette* and the *PCT Newsletter*. Since international applications filed in electronic form will contain the Request Form and Fee Calculation Sheet in such electronic form, no provision is made for this fee reduction in the Fee Calculation Sheet annexed to Form PCT/RO/101.

Reduction of the International Filing Fee for Applicants from Certain States: An applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997) or an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations, is entitled, to a reduction of 75% of certain PCT fees including the international filing fee. If there are several applicants, each must satisfy the above-mentioned criteria. The reduction of the international filing fee is automatically available to any applicant (or applicants) who is (or are) so entitled on the basis of the indications of name, nationality and residence given in Boxes Nos. II and III of the request.

The fee reduction is available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 75% of certain PCT fees, including the international filing fee, is contained in the *PCT Applicant's Guide*, Volume I/B, Annex C and on the WIPO web site (see www.wipo.int/pct/en/index.html), and is also published and regularly updated in the *PCT Gazette* and the *PCT Newsletter*.

Calculation of the International Filing Fee in Case of Fee Reduction: Where the applicant is (or all applicants are) entitled to a reduction of the international filing fee, the total to be entered in box I is 25% of the international filing fee (see below).

Box I: International Filing Fee: The amount of the international filing fee depends on the number of sheets of the international application indicated under item (a) of Box No. IX of the request as explained below.

That number is the **Total number of sheets** where items (b) and (c) of Box No. IX of the request do not apply (that is, where the international application either does not contain a sequence listing and/or tables related thereto or where it contains such listing and/or tables but not filed in electronic form under Section 801(a)(i) or (ii)); in such a case, item "i3" must not be filled in.

Otherwise, where items (b) and/or (c) of Box No. IX of the request apply (that is, where the international application contains a sequence listing and/or tables related thereto which are filed in electronic form only, under Section 801(a)(i), or both in that form and on paper under Section 801(a)(ii)), the number of sheets to be used for the purpose of calculating the amount of the international filing fee is the **Sub-total number of sheets**. In such a case, item “i3” must be filled in on the basis that the sequence listing and/or tables related thereto in electronic form are considered to be equal to 400 sheets (see Section 803).

The international filing fee must be paid within one month from the date of receipt of the international application by the receiving Office.

Box P: Fee for Priority Document (Rule 17.1(b)): Where the applicant has requested, by marking the applicable check-box in Box No. VI of the request, that the receiving Office prepare and transmit to the International Bureau a certified copy of the earlier application the priority of which is claimed, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Volume I/B, Annex C).

If that fee is not paid at the latest before the expiration of 16 months from the priority date, the receiving Office may consider the request under Rule 17.1(b) as not having been made.

Total Box: The total of the amounts entered in boxes T, S, I and P should be entered in this box. If the applicant so wishes, the currency in which the fees are paid may be indicated next to or in the total box.

MODE OF PAYMENT

In order to help the receiving Office identify the mode of payment of the prescribed fees, it is recommended that the applicable check-box(es) be marked.

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

The receiving Office will not charge (or credit) fees to deposit accounts unless the deposit account authorization is signed and indicates the deposit account number.

ANNEX VI

Form PCT/RO/101 Fee Calculation Sheet and Notes

This sheet is not part of and does not count as a sheet of the international application.

PCT

FEE CALCULATION SHEET

Annex to the Request

For receiving Office use only

International Application No. _____

Date stamp of the receiving Office _____

Applicant's or agent's
file reference

Applicant

CALCULATION OF PRESCRIBED FEES

1. TRANSMITTAL FEE T

2. SEARCH FEE S

International search to be carried out by _____

(If two or more International Searching Authorities are competent to carry out the international search, indicate the name of the Authority which is chosen to carry out the international search.)

3. INTERNATIONAL FILING FEE

Where items (b) and/or (c) of Box No. IX apply, enter **Sub-total number of sheets** } _____
Where items (b) and (c) of Box No. IX do not apply, enter **Total number of sheets** }

i1 first 30 sheets i1

i2 _____ x _____ = i2
number of sheets fee per sheet
in excess of 30

i3 additional component (only if a sequence listing and/or tables
related thereto are filed in electronic form under Section 801(a)(i),
or both in that form and on paper, under Section 801(a)(ii):

400 x _____ = i3
fee per sheet

Add amounts entered at i1, i2 and i3 and enter total at I I

(Applicants from certain States are entitled to a reduction of 75% of the international filing fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 25% of the international filing fee.)

4. FEE FOR PRIORITY DOCUMENT (if applicable) P

5. TOTAL FEES PAYABLE
Add amounts entered at T, S, I and P, and enter total in the TOTAL box

TOTAL

MODE OF PAYMENT (Not all modes of payment may be available at all receiving Offices)

☐ authorization to charge
deposit account (see below)

☐ postal money order

☐ cash

☐ coupons

☐ cheque

☐ bank draft

☐ revenue stamps

☐ other (specify): _____

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

(This mode of payment may not be available at all receiving Offices)

☐ Authorization to charge the total fees indicated above.

☐ (This check-box may be marked only if the conditions for deposit accounts
of the receiving Office so permit) Authorization to charge any deficiency
or credit any overpayment in the total fees indicated above.

☐ Authorization to charge the fee for priority document.

Receiving Office: RO/ _____

Deposit Account No.: _____

Date: _____

Name: _____

Signature: _____

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CALCULATION OF PRESCRIBED FEES

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The fee reduction is available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

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Box I: International Filing Fee: The amount of the international filing fee depends on the number of sheets of the international application indicated under item (a) of Box No. IX of the request as explained below.

That number is the **Total number of sheets** where items (b) and (c) of Box No. IX of the request do not apply (that is, where the international application either does not contain a sequence listing and/or tables related thereto or where it contains such listing and/or tables but not filed in electronic form under Section 801(a)(i) or (ii)); in such a case, item "i3" must not be filled in.

Otherwise, where items (b) and/or (c) of Box No. IX of the request apply (that is, where the international application contains a sequence listing and/or tables related thereto which are filed in electronic form only, under Section 801(a)(i), or both in that form and on paper under Section 801(a)(ii)), the number of sheets to be used for the purpose of calculating the amount of the international filing fee is the **Sub-total number of sheets**. In such a case, item “i3” must be filled in on the basis that the sequence listing and/or tables related thereto in electronic form are considered to be equal to 400 sheets (see Section 803).

The international filing fee must be paid within one month from the date of receipt of the international application by the receiving Office.

Box P: Fee for Priority Document (Rule 17.1(b)): Where the applicant has requested, by marking the applicable check-box in Box No. VI of the request, that the receiving Office prepare and transmit to the International Bureau a certified copy of the earlier application the priority of which is claimed, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Volume I/B, Annex C).

If that fee is not paid at the latest before the expiration of 16 months from the priority date, the receiving Office may consider the request under Rule 17.1(b) as not having been made.

Total Box: The total of the amounts entered in boxes T, S, I and P should be entered in this box. If the applicant so wishes, the currency in which the fees are paid may be indicated next to or in the total box.

MODE OF PAYMENT

In order to help the receiving Office identify the mode of payment of the prescribed fees, it is recommended that the applicable check-box(es) be marked.

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

The receiving Office will not charge (or credit) fees to deposit accounts unless the deposit account authorization is signed and indicates the deposit account number.

ANNEX VII

EPO Form 1003 Authorisation



Vollmacht¹ Authorisation¹ Pouvoir¹

Bitte vor dem Ausfüllen des Formblatts Rückseite beachten. /
Please read the notes overleaf before completing the form. /
Veuillez lire les remarques au verso avant de remplir le
formulaire.

Zeichen des Vertreters (der Vertreter) / Representative's reference /
Référence du (des) mandataire(s)
(max. 15 Positionen / max. 15 spaces / 15 caractères au maximum)

Nr. der Anmeldung (des Patents) / Application/Patent No. /
N° de la demande (du brevet)

Ich (Wir) / I (We) / Je (Nous)²

bevollmächtigte(n) hiermit / do hereby authorise / autorise (autorisons) par la présente³

☐ Weitere Vertreter sind auf einem gesonderten Blatt angegeben. / Additional representatives indicated on supplementary sheet. /
D'autres mandataires sont mentionnés sur une feuille supplémentaire.

mich (uns) zu vertreten als / to represent me (us) as / à me (nous) représenter en tant que

☐ Anmelder oder Patentinhaber, / applicant(s) or patent proprietor(s), / demandeur(s) ou titulaire(s) du brevet,

☐ Einsprechenden (Einsprechende), / opponent(s), / opposant(s),

für mich (uns) zu handeln in den durch das Europäische Patentübereinkommen geschaffenen Verfahren in der (den) folgenden europäischen
Patentanmeldung(en) oder dem (den) folgenden europäischen Patent(en)⁴ und Zahlungen für mich (uns) in Empfang zu nehmen: /
to act for me (us) in all proceedings established by the European Patent Convention concerning the following European patent application(s) or
patent(s)⁴ and to receive payments on my (our) behalf: /

à agir en mon (notre) nom dans toute procédure instituée par la Convention sur le brevet européen et concernant la (les) demande(s) de brevet
ou le (les) brevet(s) européen(s)⁴ suivant(s) et à recevoir des paiements en mon (notre) nom:

☐ Weitere Anmeldungen oder Patente sind auf einem gesonderten Blatt angegeben. / Additional applications or patents indicated on
supplementary sheet. / D'autres demandes ou brevets sont mentionnés sur une feuille supplémentaire.

☐ Die Vollmacht gilt auch für Verfahren nach dem Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens. /
This authorisation shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty. /
Ce pouvoir s'applique également à toute procédure instituée par le Traité de coopération en matière de brevets.

☒ Diese Vollmacht gilt auch für eventuelle europäische Teilanmeldungen. / This authorisation also covers any European divisional applications. /
Le présent pouvoir vaut également pour les demandes divisionnaires européennes qui pourraient être déposées.

☐ Untervollmacht kann erteilt werden. / Sub-authorisation may be given. / Le pouvoir pourra être délégué.

☐ Ich (Wir) widerrufe(n) hiermit frühere Vollmachten in Sachen der obenbezeichneten Anmeldung(en) oder des obenbezeichneten Patents
(der obenbezeichneten Patente)⁵. / I (We) hereby revoke all previous authorisations in respect of the above application(s) or patent(s)⁵. /
Je révoque (Nous révoquons) par la présente tout pouvoir antérieur, donné pour la (les) demande(s) ou le (les) brevet(s) mentionné(e)(s) ci-dessus⁵.

Ort/Place/Lieu :

Datum/Date :

Unterschrift(en) / Signature(s)⁶ :

Das Formblatt muß vom (von den) Vollmachtgeber(n) (bei juristischen Personen vom Unterschriftsberechtigten) eigenhändig unterzeichnet sein. Nach der Unterschrift bitte den
(die) Namen des (der) Unterzeichneten in Druckschrift wiederholen (bei juristischen Personen die Stellung des Unterschriftsberechtigten innerhalb der Gesellschaft angeben). /
The form must bear the personal signature(s) of the authorisator(s) (in the case of legal persons, that of the officer empowered to sign). After the signature please print the name(s)
of the signatory(ies) adding, in the case of legal persons, his (their) position within the company. /
Le formulaire doit être signé de la propre main du (des) mandant(s) (dans le cas de personnes morales, de la personne ayant qualité pour signer). Veuillez ajouter en caractères
d'imprimerie, après la signature, le (les) nom(s) du (des) signataire(s) en mentionnant, dans le cas de personnes morales, ses (leurs) fonctions au sein de la société.

I. Fußnoten zur Vorderseite

- 1 a) Die Benutzung dieses Formblatts wird empfohlen für die Bevollmächtigung von Vertretern vor dem Europäischen Patentamt – zugelassene Vertreter und Rechtsanwälte im Sinne des Artikels 134(7) – sowie für die Bevollmächtigung von Angestellten im Sinne des Artikels 133(3) Satz 1; zu Satz 2 sind bisher keine Ausführungsbestimmungen ergangen.
Zugelassene Vertreter, die sich als solche zu erkennen geben, müssen nach Regel 101(1) in Verbindung mit dem Beschluß des Präsidenten des EPA vom 19. Juli 1991 nur in bestimmten Fällen eine unterzeichnete Vollmacht einreichen (Amtsblatt EPA 1991, 421 und 489). Hingegen müssen nach Artikel 134(7) vertretungsberechtigte Rechtsanwälte sowie Angestellte, die für einen Anmelder gemäß Artikel 133(3) Satz 1 handeln und keine zugelassenen Vertreter sind, eine unterzeichnete Vollmacht einreichen.
- b) Die Kästchen sind zutreffendenfalls anzu-kreuzen.
- 2 Name(n) und Anschrift(en) sowie Staat des Sitzes oder Wohnsitzes des Vollmachtgebers (der Vollmachtgeber) nach Maßgabe der nachstehenden Regel 26(2) c): „Bei natürlichen Personen sind Familienname und Vorname anzugeben, wobei der Familienname vor dem Vornamen zu stehen hat. Bei juristischen Personen und juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellten Gesellschaften ist die amtliche Bezeichnung anzugeben. Anschriften sind in der Weise anzugeben, daß die üblichen Anforderungen für eine schnelle Postzustellung an die angegebene Anschrift erfüllt sind. Sie müssen in jedem Fall alle maßgeblichen Verwaltungseinheiten, gegebenenfalls bis zur Hausnummer einschließlich, enthalten.“
- 3 Name(n) und Geschäftsanschrift des Vertreters (der Vertreter) nach Maßgabe der in Ziff. 2 wiedergegebenen Regel 26(2) c).
- 4 Nummer der Anmeldung(en) (falls bekannt) oder des Patents (der Patente) und Bezeichnung(en) der Erfindung(en).
- 5 Der Widerruf erfaßt nicht eine gegebenenfalls erteilte allgemeine Vollmacht.
- 6 Übliche Unterschrift des (der) Vollmachtgeber(s). Wird die Vollmacht für eine juristische Person unterzeichnet, so dürfen nur solche Personen unterzeichnen, die nach Gesetz und/oder Satzung der juristischen Person dazu berechtigt sind (Artikel 58, Regel 101 (1)). Es ist ein Hinweis auf die Unterschriftsberechtigung des Unterzeichneten zu geben, zum Beispiel Geschäftsführer, Prokurist, Handlungsbevollmächtigter; president, director, company secretary; président, directeur, fondé de pouvoir. Unterzeichnet ein sonstiger Angestellter einer juristischen Person aufgrund einer speziellen Vollmacht der juristischen Person, so ist dies anzugeben; von der speziellen Vollmacht ist eine Kopie, die nicht beglaubigt zu sein braucht, beizufügen. Eine Vollmacht mit der Unterschrift einer nicht zeichnungsberechtigten Person wird als nicht unterzeichnete Vollmacht behandelt.

II. Hinweise

- a) Erstreckt sich die Vollmacht auf mehrere Anmeldungen oder Patente, so ist sie in der entsprechenden Stückzahl einzureichen (vgl. Regel 101(1)).
- b) Alle Entscheidungen, Ladungen, Bescheide und Mitteilungen werden an den Vertreter übersandt (vgl. Regel 81). Im Fall der Bevollmächtigung von Angestellten im Sinne des Artikels 133(3) werden die genannten Schriftstücke dem Anmelder übersandt.
- c) Regel 101(7) bestimmt: „Sofern die Vollmacht nichts anderes bestimmt, erlischt sie gegenüber dem Europäischen Patentamt nicht mit dem Tod des Vollmachtgebers.“
- d) Im übrigen vgl. die Mitteilung zu Fragen der Vertretung vor dem EPA im Amtsblatt EPA 4/1978, S. 281 ff.

I. Footnotes to text overleaf

- 1 (a) The use of this form is recommended when authorising representatives before the European Patent Office – professional representatives and legal practitioners under Article 134(7) – and when authorising employees under Article 133(3), first sentence; as regards the second sentence, no implementing regulation has been issued up to the present time.
Professional representatives who identify themselves as such are required under Rule 101(1), in conjunction with the Decision of the President of the EPO of 19 July 1991, to file a signed authorisation only in particular cases (Official Journal EPO 1991, 421 and 489). However, a legal practitioner entitled to act as professional representative in accordance with Article 134(7), or an employee acting for an applicant in accordance with Article 133(3), first sentence, but who is not a professional representative, must file a signed authorisation.
- (b) Where applicable place a cross in the box.
- 2 Name(s) and address(es) of the party or parties giving the authorisation and the State in which his (their) residence or principal place of business is located, in accordance with Rule 26(2)(c): "Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before given name(s). Names of legal entities, as well as companies considered to be legal entities by reason of the legislation to which they are subject, shall be indicated by their official designations. Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address. They shall in any case comprise all the relevant administrative units, including the house number, if any."
- 3 Name(s) and address of place of business of the representative(s) in accordance with Rule 26(2)(c) (cf. note 2 above).
- 4 Application No(s). or patent No(s). (if known) and title(s) of the invention(s).
- 5 The revocation does not extend to any general authorisation which may have been given.
- 6 Usual signature(s) of person(s) giving the authorisation. Where the authorisation is signed on behalf of a legal person, only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so (Article 58, Rule 101(1)). An indication is to be given of the signatory's entitlement to sign, eg president, director, company secretary; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir. If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied.
An authorisation bearing the signature of a person not entitled so to sign will be treated as an unsigned authorisation.

II. Notices

- (a) Authorisations covering more than one application or patent are to be filed in the corresponding number of copies (cf. Rule 101(1)).
- (b) All decisions, summonses and communications will be sent to the representative (cf. Rule 81). In cases where employees are authorised under Article 133(3), these documents will be sent to the applicant.
- (c) Rule 101(7) states: "Subject to any provisions to the contrary contained therein, an authorisation shall not terminate vis-à-vis the European Patent Office upon the death of the person who gave it".
- (d) See also Communication on matters concerning representation before the EPO in Official Journal EPO 4/1978, p. 281 ff.

I. Renvois concernant le texte figurant au recto

- 1 (a) Il est recommandé d'utiliser ce formulaire pour mandater des représentants devant l'Office européen des brevets – mandataires agréés et avocats au sens de l'article 134(7) – ainsi que pour mandater des employés au sens de l'article 133(3), première phrase; il n'a pas encore été arrêté de dispositions d'application relatives à la deuxième phrase. En vertu de la règle 101(1) en liaison avec la décision du Président de l'OEB en date du 19 juillet 1991, les mandataires agréés qui se font connaître comme tels ne sont tenus que dans certains cas de déposer un pouvoir signé (cf. Journal officiel de l'OEB 1991, 421 et 489). En revanche, les avocats habilités à agir en qualité de mandataires en vertu de l'article 134(7), ainsi que les employés qui agissent pour le compte d'un demandeur conformément à l'article 133(3), 1^{re} phrase, et qui ne sont pas des mandataires agréés, doivent déposer un pouvoir signé.
- (b) Faire une croix dans la case si nécessaire.
- 2 Nom(s) et adresse(s), Etat du siège ou du domicile du (des) mandant(s), dans les conditions prévues à la règle 26(2) c) et reproduites ci-dessous: «Les personnes physiques doivent être désignées par leurs noms et prénoms, les noms précédant les prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu de la législation qui les régit doivent figurer sous leur désignation officielle. Les adresses doivent être indiquées selon les exigences usuelles en vue d'une distribution postale rapide à l'adresse indiquée. Elles doivent en tout état de cause comporter toutes les indications administratives pertinentes, y compris, le cas échéant, le numéro de la maison.»
- 3 Nom(s) et adresse professionnelle du (des) mandataire(s), dans les conditions prévues à la règle 26(2) c) et mentionnées à la remarque 2.
- 4 Numéro de la (des) demande(s) (s'il est connu) ou du (des) brevet(s) et titre(s) de l'invention (des inventions).
- 5 La révocation ne s'étend pas à un pouvoir général éventuellement donné.
- 6 Signature(s) habituelle(s) du (des) mandant(s). Lorsque le pouvoir est signé au nom d'une personne morale, seules sont habilitées à signer les personnes auxquelles cette qualité est reconnue en vertu de la loi et/ou du statut de la personne morale concernée (article 58, règle 101 (1)). Il convient d'indiquer la qualité du signataire, par exemple: président, directeur, fondé de pouvoir; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir. Il y a lieu de signaler les cas où un autre employé d'une personne morale signe en vertu d'un pouvoir spécial conféré par la personne morale et de fournir alors une copie, qui peut ne pas être certifiée conforme, de ce pouvoir spécial. Un pouvoir portant la signature d'une personne non habilitée à signer sera considéré comme non signé.

II. Notes

- a) Si le pouvoir est donné pour plusieurs demandes ou plusieurs brevets, il doit être fourni un nombre correspondant d'exemplaires (cf. règle 101(1)).
- b) Toutes les décisions, citations, notifications seront adressées au mandataire (voir règle 81). Dans le cas où des employés au sens de l'article 133(3) sont mandatés, les pièces mentionnées sont envoyées au demandeur.
- c) La règle 101(7) stipule: «Sauf disposition contraire du pouvoir, celui-ci ne prend pas fin, à l'égard de l'Office européen des brevets, au décès du mandant.»
- d) Pour le reste, se reporter à la Communication concernant les questions relatives à la représentation près l'OEB, parue au Journal officiel de l'OEB, 4/1978, 281 s.

ANNEX VIII

Form PCT/IPEA/401 Demand and Notes

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ _____

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only	
Identification of IPEA	Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International application No.	Applicant's or agent's file reference
International filing date (day/month/year)	(Earliest) Priority date (day/month/year)
Title of invention	
Box No. II APPLICANT(S)	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	Telephone No.
	Facsimile No.
	Teleprinter No.
	Applicant's registration No. with the Office
State (that is, country) of nationality:	State (that is, country) of residence:
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
State (that is, country) of nationality:	
State (that is, country) of residence:	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
State (that is, country) of nationality:	
State (that is, country) of residence:	
☐ Further applicants are indicated on a continuation sheet.	

Sheet No. . . .

International application No.

Continuation of Box No. II APPLICANT(S)*If none of the following sub-boxes is used, this sheet should not be included in the demand.*Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*State *(that is, country)* of nationality:State *(that is, country)* of residence:Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*State *(that is, country)* of nationality:State *(that is, country)* of residence:Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*State *(that is, country)* of nationality:State *(that is, country)* of residence:Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*State *(that is, country)* of nationality:State *(that is, country)* of residence:☐

Further applicants are indicated on another continuation sheet.

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is ☐ agent ☐ common representative

and ☐ has been appointed earlier and represents the applicant(s) also for international preliminary examination

☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked

☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier

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

Telephone No.

Facsimile No.

Teleprinter No.

Agent's registration No. with the Office

☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination **to start on the basis of:**

☐ the international application as originally filed

the description ☐ as originally filed

☐ as amended under Article 34

the claims ☐ as originally filed

☐ as amended under Article 19 (together with any accompanying statement)

☐ as amended under Article 34

the drawings ☐ as originally filed

☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).

4. ☐ The applicant expressly wishes the international preliminary examination **to start earlier** than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination:

☐ which is the language in which the international application was filed

☐ which is the language of a translation furnished for the purposes of international search

☐ which is the language of publication of the international application

☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|--------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | sheets |
| 6. other (<i>specify</i>) | : | sheets |

For International Preliminary Examining Authority use only

received not received

☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. ☐ fee calculation sheet | 5. ☐ statement explaining lack of signature |
| 2. ☐ original separate power of attorney | 6. ☐ sequence listing in electronic form |
| 3. ☐ original general power of attorney | 7. ☐ tables in electronic form related to a sequence listing |
| 4. ☐ copy of general power of attorney; reference number, if any: | 8. ☐ other (<i>specify</i>): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

For International Preliminary Examining Authority use only	
1. Date of actual receipt of DEMAND:	
2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):	
3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. ☐ The applicant has been informed accordingly.	6. ☐ The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.
4. ☐ The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.	7. ☐ The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.
5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.	8. ☐ Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

NOTES TO THE DEMAND FORM (PCT/IPEA/401)

These Notes are intended to facilitate the filling in of the demand form and to give some information concerning international preliminary examination under Chapter II of the Patent Cooperation Treaty (PCT). For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's web site: www.wipo.int/pct/en/index.html. The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the demand form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

Please use a typewriter; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

The demand form and these Notes may be downloaded from WIPO's web site at the address given above.

IMPORTANT GENERAL INFORMATION

Who May File a Demand? (Article 31(2)(a) and Rule 54): A demand (for international preliminary examination) may only be filed by an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II of the PCT; furthermore, the international application must have been filed with a receiving Office of, or acting for, a State bound by Chapter II. Where there are two or more applicants (for the same or different elected States) at least one of them must qualify.

Where Must the Demand Be Filed? (Article 31(6)(a)): The demand must be filed with a competent International Preliminary Examining Authority (IPEA). The receiving Office with which the international application was filed will, upon request, give information about the competent IPEA (or see the *PCT Applicant's Guide*, Volume I/B, Annex C). If several IPEAs are competent, the applicant has the choice and the demand must be filed with (and the fees must be paid to) the IPEA chosen by the applicant. The IPEA chosen by the applicant may be identified, preferably by an indication of the name or two-letter code of the IPEA, at the top of the first sheet of the demand in the space provided for that purpose.

When Must the Demand Be Filed? (Article 39(1) and Rule 54bis.1): As long as certain designated Offices are still not bound by the 30-month time limit under Article 22 for entry into the national phase, the demand – because it contains the required election of designated States – must be filed within 19 months from the priority date if the applicant wishes to postpone entry into the national phase from 20 to 30 months from the priority date in respect of those designated Offices. For updated information about those Offices, see the *PCT Applicant's Guide*, Volume II, National Chapters, Summaries, available on the WIPO web site at the address indicated above. It is recalled that the time limit of 30 months from the priority date applies to all other designated Offices regardless of whether or not a demand is filed.

If the applicant wishes to file a demand, but not because of the reason explained above, the applicable time limit for filing such demand is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority or 22 months from the priority date, whichever expires later (see Rule 54bis.1(a)).

Any demand made after the expiration of the applicable time limit will be considered as if it had not been submitted and the IPEA shall so declare.

In Which Language Must the Demand Be Filed? (Rule 55.1): The demand must be filed in the language in which international preliminary examination will be carried out (see Notes to Box No. IV).

What is the Language of Correspondence? (Rules 66.9 and 92.2 and Section 104): Any letter from the applicant to the IPEA must be in the same language as the international application to which it relates. However, where the international preliminary examination will be carried out on the basis of a translation (see Notes to Box No. IV), any letter from the applicant to the IPEA must be in the language of the translation. The IPEA may authorize the use of other languages for letters which do not contain or relate to amendments of the international application. Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

BOX No. I

Applicant's or Agent's File Reference: A file reference may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded (Section 109).

Identification of the International Application (Rule 53.6): The international application number must be indicated in Box No. I. Where the demand is filed at a time when the international application number has not yet been notified by the receiving Office, the name of that Office must be indicated instead of the international application number.

International Filing Date and (Earliest) Priority Date (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order, and separated by periods, slants or hyphens, for example, "21 March 2005 (21.03.2005)", "21 March 2005 (21/03/2005)" or "21 March 2005 (21-03-2005)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

Title of the Invention: If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

BOX No. II

Applicant(s) (Rule 53.4): All the applicants for the elected States must be indicated in the demand. It should be noted that the persons named as “inventor only” in the request need not be named in the demand.

Make in Box No. II of the demand the required indications as appearing in Boxes Nos. II and III of the request. The Notes to the request apply *mutatis mutandis*. If there are two or more applicants for the States elected in the demand, give the required indications for each of them; if there are more than three applicants, make the required indications on the “Continuation Sheet”.

If different applicants were indicated in the request for different designated States, there is no need to again indicate in the demand the States for which a person is applicant, because those indications have been made in the request.

Applicant’s registration number with the Office (Rule 53.4): Where the applicant is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the applicant is so registered.

BOX No. III

Agent or Common Representative (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person.

A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4). However, the receiving Office, the International Bureau or the IPEA may waive the requirement that a separate power of attorney be filed. For details, see the *PCT Applicant’s Guide*, Volume I/A, Annex B2(1B), and Volume I/B, Annexes C and E.

Agent’s registration number with the Office (Rule 53.5): Where the agent is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the agent is so registered.

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked).

BOX No. IV

Statement Concerning Amendments (Rules 53.2(a)(v), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

Mark the corresponding check-box(es) under No. 1 where the international preliminary examination should start on the basis of the international application as originally filed or where amendments are to be taken into account, as the case may be. Where amendments are to be taken into account, the applicant must submit *with the demand* a copy of amendments to the claims under Article 19 (Rule 53.9(a)(i)) and/or the amendments of the international application under Article 34 (Rule 53.9(c)), as the case may be. If a check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

Mark check-box No. 2 if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant wishes those amendments to be considered reversed by an amendment under Article 34 (Rule 53.9(a)(ii)).

Mark check-box No. 3 where the applicant wants to keep the option for the filing of amendments of the claims under Article 19 open and where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b). The applicant may request the IPEA **to postpone** the start of international preliminary examination until the expiration of the applicable time limit (Rules 46.1, 53.9(b) and 69.1(d)).

Mark check-box No. 4 if the applicant wishes that the international preliminary examination start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

Where the ISA and IPEA are not the same Authority, examination will not commence until the IPEA is in possession of the international search report, or a notice of the declaration under Article 17(2)(a) and the written opinion established by the ISA.

The applicable time limit under Rule 54bis.1(a) is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority, or 22 months from the priority date, whichever expires later.

If no check-box is marked, refer to the footnote at the bottom of the Box.

Language for the Purposes of International Preliminary Examination (Rule 55.2): Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority and a language of publication.

Where such translation has already been furnished to the International Searching Authority for the purposes of carrying out international search and the IPEA is part of the same Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish another translation. In such a case the international preliminary examination is carried out on the basis of the translation furnished for the purposes of international search.

The language for the purposes of international preliminary examination should be indicated in Box No. IV, on the dotted line, and the corresponding check-box should be marked.

Language of Amendments (Rules 55.3 and 66.9): Amendments and letters relating thereto must be in the same language as that in which the international preliminary examination is carried out, as explained in the preceding paragraphs.

Time Limit for Furnishing Translation of the International Application (Rule 55.2): Any required translation of the international application should be furnished (by the applicant) together with the demand. If it is not so furnished, the IPEA will invite the applicant to furnish it within a time limit which shall not be less than one month from the date of the invitation. That time limit may be extended by the IPEA.

BOX No. V

Election of States (Rule 53.7): The making of a demand shall constitute the election of all States which have been designated and which are bound by Chapter II of the PCT.

BOX No. VI

Check List: It is recommended that this Box be filled in carefully in order for the IPEA to determine as soon as possible whether it is in possession of the documents on the basis of which the applicant wishes international preliminary examination to start.

Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, and a copy of the sequence listing in electronic form complying with the standard provided for in the Administrative Instructions is required by the IPEA, the applicant may furnish the listing in electronic form to the IPEA with the demand. If this is the case, check-box No. 6 must be marked.

Similarly, where such an application contains tables related to the sequence listing, and a copy of the tables in electronic form complying with the standard provided for in the Administrative Instructions is required by the IPEA, the applicant may furnish the tables in electronic form to the IPEA with the demand. If this is the case, check-box No. 7 must be marked.

BOX No. VII

Signature (Rules 53.8, 60.1(a-ter), 90.3(a) and 90.4(a) and (d): The demand must be signed by the applicant or by his agent; if there are several applicants, the demand must be signed by all of them, or by the common agent or the common representative of all of them. However, if the signature(s) of one or more applicants is missing, the IPEA will not invite the applicants to furnish the missing signature(s) provided that at least one of the applicants has signed the demand.

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90bis.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. Applicant's or agent's file reference	For International Preliminary Examining Authority use only Date stamp of the IPEA
Applicant	
CALCULATION OF PRESCRIBED FEES	
1. Preliminary examination fee	P
2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i>)	H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	
MODE OF PAYMENT <i>(Not all modes of payment may be available at all IPEAs)</i>	
☐ authorization to charge deposit account with the IPEA (see below)	☐ cash
☐ cheque	☐ revenue stamps
☐ postal money order	☐ coupons
☐ bank draft	☐ other (<i>specify</i>):
AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i>	
☐ Authorization to charge the total fees indicated above.	IPEA/ _____
☐ (<i>This check-box may be marked only if the conditions for deposit accounts of the IPEAs so permit</i>) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	Deposit Account No.: _____
	Date: _____
	Name: _____
	Signature: _____

NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/IPEA/401)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the demand. This will help the International Preliminary Examining Authority (IPEA) to verify the calculations and to identify any error in them.

CALCULATION OF PRESCRIBED FEES

Two fees must be paid for international preliminary examination:

- (i) the preliminary examination fee for the benefit of the IPEA (Rule 58.1);
- (ii) the handling fee for the benefit of the International Bureau (Rule 57).

Both fees must be paid to the IPEA within one month from the date on which the demand is submitted or 22 months from the priority date, whichever expires later. The amount payable is the amount applicable on the date of payment (Rules 57.3 and 58.1(b)). The fees must be paid in a currency acceptable to the IPEA.

Information about the amount of those fees or about equivalent amounts in other currencies can be obtained from the IPEA or the receiving Office. This information is also published in the *PCT Applicant's Guide*, Volume I/B, Annex E, and from time to time in Section IV of the *PCT Gazette*.

Box P: The amount of the preliminary examination fee must be entered in Box P.

Box H: The amount of the handling fee must be entered in Box H.

Reduction of the Handling Fee for Applicants from Certain States: An applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997) or an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations, is entitled, in accordance with the Schedule of Fees, to a reduction of 75% of certain PCT fees including the handling fee. If there are several applicants, each must satisfy the above-mentioned criteria. The reduction of the handling fee will be automatically available to any applicant (or applicants) who is (or are) so entitled on the basis of the indications of name, nationality and residence given in Box No. II of the demand.

The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 75% of certain PCT fees, including the handling fee, is contained in the *PCT Applicant's Guide*, Volume I/B, Annex C and on the WIPO web site (see <http://www.wipo.int/pct/en/index.html>), and is also published and regularly updated in the *PCT Gazette* and the *PCT Newsletter*.

Calculation of the Handling Fee in Case of Fee Reduction: Where the applicant is (or all applicants are) entitled to a reduction of the handling fee, the total to be entered at Box H is 25% of the handling fee.

Total Box: The total of the amounts inserted in Boxes P and H is the amount which must be paid to the IPEA.

MODE OF PAYMENT

In order to help the IPEA identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es).

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

The applicant should check whether the IPEA allows the use of deposit accounts for payment of PCT fees. In addition, it is recommended that the applicant check what are the specific conditions applicable to the use of deposit accounts with the IPEA since not all IPEAs provide the same services.

Finally, if the IPEA is not the same national Office or intergovernmental organization as that with which the international application was filed, the deposit account with the receiving Office cannot be charged for the purpose of paying the preliminary examination and handling fees due to the IPEA.

The IPEA will not charge fees to deposit accounts unless the deposit account authorization is signed and indicates the deposit account number.

ANNEX IX

Form PCT/IPEA/401 Fee Calculation Sheet and Notes

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. Applicant's or agent's file reference	For International Preliminary Examining Authority use only Date stamp of the IPEA
Applicant	
CALCULATION OF PRESCRIBED FEES	
1. Preliminary examination fee	P
2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i>)	H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	
MODE OF PAYMENT <i>(Not all modes of payment may be available at all IPEAs)</i>	
☐ authorization to charge deposit account with the IPEA (see below)	☐ cash
☐ cheque	☐ revenue stamps
☐ postal money order	☐ coupons
☐ bank draft	☐ other (<i>specify</i>):
AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i>	
☐ Authorization to charge the total fees indicated above.	IPEA/ _____
☐ (<i>This check-box may be marked only if the conditions for deposit accounts of the IPEAs so permit</i>) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	Deposit Account No.: _____
	Date: _____
	Name: _____
	Signature: _____

NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/IPEA/401)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the demand. This will help the International Preliminary Examining Authority (IPEA) to verify the calculations and to identify any error in them.

CALCULATION OF PRESCRIBED FEES

Two fees must be paid for international preliminary examination:

- (i) the preliminary examination fee for the benefit of the IPEA (Rule 58.1);
- (ii) the handling fee for the benefit of the International Bureau (Rule 57).

Both fees must be paid to the IPEA within one month from the date on which the demand is submitted or 22 months from the priority date, whichever expires later. The amount payable is the amount applicable on the date of payment (Rules 57.3 and 58.1(b)). The fees must be paid in a currency acceptable to the IPEA.

Information about the amount of those fees or about equivalent amounts in other currencies can be obtained from the IPEA or the receiving Office. This information is also published in the *PCT Applicant's Guide*, Volume I/B, Annex E, and from time to time in Section IV of the *PCT Gazette*.

Box P: The amount of the preliminary examination fee must be entered in Box P.

Box H: The amount of the handling fee must be entered in Box H.

Reduction of the Handling Fee for Applicants from Certain States: An applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997) or an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations, is entitled, in accordance with the Schedule of Fees, to a reduction of 75% of certain PCT fees including the handling fee. If there are several applicants, each must satisfy the above-mentioned criteria. The reduction of the handling fee will be automatically available to any applicant (or applicants) who is (or are) so entitled on the basis of the indications of name, nationality and residence given in Box No. II of the demand.

The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 75% of certain PCT fees, including the handling fee, is contained in the *PCT Applicant's Guide*, Volume I/B, Annex C and on the WIPO web site (see <http://www.wipo.int/pct/en/index.html>), and is also published and regularly updated in the *PCT Gazette* and the *PCT Newsletter*.

Calculation of the Handling Fee in Case of Fee Reduction: Where the applicant is (or all applicants are) entitled to a reduction of the handling fee, the total to be entered at Box H is 25% of the handling fee.

Total Box: The total of the amounts inserted in Boxes P and H is the amount which must be paid to the IPEA.

MODE OF PAYMENT

In order to help the IPEA identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es).

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT

The applicant should check whether the IPEA allows the use of deposit accounts for payment of PCT fees. In addition, it is recommended that the applicant check what are the specific conditions applicable to the use of deposit accounts with the IPEA since not all IPEAs provide the same services.

Finally, if the IPEA is not the same national Office or intergovernmental organization as that with which the international application was filed, the deposit account with the receiving Office cannot be charged for the purpose of paying the preliminary examination and handling fees due to the IPEA.

The IPEA will not charge fees to deposit accounts unless the deposit account authorization is signed and indicates the deposit account number.

ANNEX X

**Form for entry into the European phase (EPO Form 1200)
and Notes**

**Eintritt in die
europäische Phase
(EPA als Bestimmungsamt
oder ausgewähltes Amt)****Entry into the
European phase
(EPO as designated or
elected Office)****Entrée dans la
phase européenne
(l'OEB agissant en qualité
d'office désigné ou élu)**

Europäische Anmeldenummer oder, falls nicht bekannt, PCT-Aktenzeichen oder PCT-Veröffentlichungsnummer	European application number, or, if not known, PCT application or publication number	Numéro de dépôt de la demande de brevet européen ou, à défaut, numéro de dépôt PCT ou de publication PCT
Zeichen des Anmelders oder Vertreters (max. 15 Positionen)	Applicant's or representative's reference (max. 15 spaces)	Référence du demandeur ou du mandataire (15 caractères ou espaces au maximum)
☒ 1. Anmelder Die Angaben über den (die) Anmelder sind in der internationalen Veröffentlichung enthalten oder vom Internationalen Büro nach der internationalen Veröffentlichung vermerkt worden. ☐ Änderungen, die das Internationale Büro noch nicht vermerkt hat, sind auf einem Zusatzblatt angegeben. Zustellanschrift (siehe Merkblatt II, 1)	1. Applicant Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication. Changes which have not yet been recorded by the International Bureau are set out on an additional sheet. Address for correspondence (see Notes II, 1)	1. Demandeur Les indications concernant le(s) demandeur(s) figurent dans la publication internationale ou ont été enregistrées par le Bureau international après la publication internationale. Les changements qui n'ont pas encore été enregistrés par le Bureau international sont indiqués sur une feuille additionnelle. Adresse pour la correspondance (voir notice II, 1)
2. Vertreter Name (Nur einen Vertreter angeben, der in das europäische Patentregister eingetragen und an den zugestellt wird) Geschäftsanschrift Telefon Telefax Telex ☐ Weitere(r) Vertreter auf Zusatzblatt	2. Representative Name (Name only one representative who will be listed in the Register of European Patents and to whom notification will be made) Address of place of business Telephone Fax Telex ☐ Additional representative(s) on additional sheet	2. Mandataire Nom (N'indiquer qu' un seul mandataire, qui sera inscrit au Registre européen des brevets et auquel signification sera faite) Adresse professionnelle Téléphone Téléfax Télex ☐ Autre(s) mandataire(s) sur une feuille additionnelle
3. Vollmacht ☐ Einzelvollmacht ist beigelegt. ☐ Allgemeine Vollmacht ist registriert unter Nummer: ☐ Allgemeine Vollmacht ist eingereicht, aber noch nicht registriert. ☐ Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.	3. Authorisation Individual authorisation is attached. General authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	3. Pouvoir Un pouvoir spécial est joint. Un pouvoir général a été enregistré sous le n° : Un pouvoir général a été déposé, mais n'est pas encore enregistré. Le pouvoir général déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT s'applique expressément à la phase européenne.

☒ 4. Prüfungsantrag Hiermit wird die Prüfung der Anmeldung gemäß Art. 94 EPU beantragt. Die Prüfungsgebühr wird (wurde) entrichtet. Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt III, 5.2) :	4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. Request for examination in an admissible non-EPO language (see Notes III, 5.2) :	4. Requête en examen Il est demandé que soit examinée la demande de brevet conformément à l'art. 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen. Requête en examen dans une langue non officielle autorisée (voir notice III, 5.2) :
☐ 5. Abschriften Zusätzliche Abschrift(en) der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke wird (werden) beantragt. Anzahl der zusätzlichen Sätze von Abschriften	5. Copies Additional copy (copies) of the documents cited in the supplementary European search report is (are) requested. Number of additional sets of copies	5. Copies Prière de fournir une ou plusieurs copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne. Nombre de jeux supplémentaires de copies
6. Für das Verfahren vor dem EPA bestimmte Unterlagen 6.1 Dem Verfahren vor dem EPA als Bestimmungsamt (PCT I) sind folgende Unterlagen zugrunde zu legen: ☒ die vom Internationalen Büro veröffentlichten Anmeldungsunterlagen (mit allen Ansprüchen, Beschreibung und Zeichnungen), gegebenenfalls mit den geänderten Ansprüchen nach Art. 19 PCT ☐ soweit sie nicht ersetzt werden durch die beigefügten Änderungen. <i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i> 6.2 Dem Verfahren vor dem EPA als ausgewähltem Amt (PCT II) sind folgende Unterlagen zugrunde zu legen: ☒ die dem internationalen vorläufigen Prüfungsbericht zugrunde gelegten Unterlagen, einschließlich seiner eventuellen Anlagen (Solche Anlagen müssen immer beigefügt werden) ☐ soweit sie nicht ersetzt werden durch die beigefügten Änderungen. <i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i> ☒ Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragten Behörde Versuchsberichte zugeworfen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.	6. Documents intended for proceedings before the EPO 6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents: the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments enclosed. <i>Where necessary, clarifications must be submitted on a separate sheet!</i> 6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents: the documents on which the international preliminary examination report is based, including its possible annexes (Such annexes must always be filed) unless replaced by the amendments enclosed. <i>Where necessary, clarifications must be submitted on a separate sheet!</i> If the EPO as International Preliminary Examining Authority has received test reports, these may be used as the basis of proceedings before the EPO.	6. Pièces destinées à la procédure devant l'OEB 6.1 La procédure devant l'OEB agissant en qualité d'office désigné (PCT I) doit se fonder sur les pièces suivantes : les pièces de la demande publiée par le Bureau international (avec toutes les revendications, la description et les dessins), éventuellement avec les revendications modifiées conformément à l'article 19 du PCT dans la mesure où elles ne sont pas remplacées par les modifications jointes. <i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i> 6.2 La procédure devant l'OEB agissant en qualité d'office élu (PCT II) doit se fonder sur les pièces suivantes : les pièces sur lesquelles se fonde le rapport d'examen préliminaire international, y compris ses annexes éventuelles (De telles annexes sont toujours à joindre) dans la mesure où elles ne sont pas remplacées par les modifications jointes. <i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i> Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des rapports d'essais, ceux-ci peuvent constituer la base de la procédure devant l'OEB.

7. Übersetzungen

Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):

- *Im Verfahren vor dem EPA als **Bestimmungsamt oder ausgewähltem Amt** (PCT I + II):*

☐

Übersetzung der **ursprünglich eingereichten internationalen Anmeldung** (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung, und etwaiger Angaben über biologisches Material nach Regel 13^{bis}.3 und 13^{bis}.4 PCT

☐

Übersetzung der **prioritätsbegründenden Anmeldung(en)**

☐

Es wird hiermit erklärt, daß die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 38(5) EPÜ)

- **Zusätzlich** im Verfahren vor dem EPA als **Bestimmungsamt** (PCT I):

☐

Übersetzung der nach Art. 19 PCT **geänderten Ansprüche** nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6)

- **Zusätzlich** im Verfahren vor dem EPA als **ausgewähltem Amt** (PCT II):

☐

Übersetzung der **Anlagen zum internationalen vorläufigen Prüfungsbericht**

7. Translations

Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:

- *In proceedings before the EPO as **designated or elected Office** (PCT I + II):*

Translation of the **international application** (description, claims, any text in the drawings) as **originally filed**, of the abstract as published and of any indication under Rule 13^{bis}.3 and 13^{bis}.4 PCT regarding biological material

Translation of **the priority application(s)**

It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)

- **In addition**, in proceedings before the EPO as **designated Office** (PCT I):

Translation of **amended claims** and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6)

- **In addition**, in proceedings before the EPO as **elected Office** (PCT II):

Translation of any **annexes to the international preliminary examination report**

7. Traductions

Vous trouverez, ci-joint, les traductions cochées ci-après dans l'une des langues officielles de l'OEB (allemand, anglais, français) :

- *Dans la procédure devant l'OEB agissant en qualité d'**office désigné ou élu** (PCT I + II):*

Traduction de la **demande internationale telle que déposée initialement** (description, revendications, textes figurant éventuellement dans les dessins), de l'abrégé publié, et de toutes indications visées aux règles 13^{bis}.3 et 13^{bis}.4 du PCT concernant le matériel biologique

Traduction de la (des) **demande(s) ouvrant le droit de priorité**

Il est déclaré par la présente que la demande internationale telle que déposée initialement est une traduction intégrale de la demande antérieure (règle 38(5) CBE)

- **De plus**, dans la procédure devant l'OEB agissant en qualité d'**office désigné** (PCT I) :

Traduction des **revendications modifiées** et de la déclaration faite conformément à l'article 19 du PCT, si la procédure devant l'OEB doit être fondée sur les revendications modifiées (voir la rubrique 6)

- **De plus**, dans la procédure devant l'OEB agissant en qualité d'**office élu** (PCT II) :

Traduction des **annexes du rapport d'examen préliminaire international**

8. Biologisches Material

Die Erfindung bezieht sich auf bzw. verwendet biologisches Material, das nach Regel 28 EPÜ hinterlegt worden ist.

☐

Die **Angaben nach Regel 28(1)c) EPÜ** (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) Bezugszeichen [Nummer, Symbole usw.] des Hinterlegers) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf:

Seite(n) / Zeile(n)

Die **Empfangsbescheinigung(en)** der Hinterlegungsstelle

☐

ist (sind) beigefügt

☐

wird (werden) nachgereicht

☐

Verzicht auf die Verpflichtung des Antragstellers nach Regel 28(3) EPÜ auf gesondertem Schriftstück

8. Biological material

The invention relates to and/or uses biological material deposited under Rule 28 EPC.

The **particulars referred to in Rule 28(1)(c) EPC** (if not yet known, the depository institution and the identification reference(s) [number, symbols etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on:

page(s) / line(s)

The **receipt(s) of deposit** issued by the depository institution

is (are) enclosed

will be filed at a later date

Waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC attached.

8. Matière biologique

L'invention concerne et/ou utilise de la matière biologique, déposée conformément à la règle 28 CBE.

Les **indications visées à la règle 28(1)c) CBE** (si non encore connues, l'autorité de dépôt et la (les) référence(s) d'identification [numéro ou symboles etc.] du déposant) figurent dans la publication internationale ou dans une traduction produite conformément à la rubrique 7 à la / aux:

page(s) / ligne(s)

Le(s) **récépissé(s) de dépôt** délivré(s) par l'autorité de dépôt

est (sont) joint(s)

sera (seront) produit(s) ultérieurement

Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 28(3) CBE.

9. Nucleotid- und Aminosäuresequenzen ☐ Die nach Regeln 5.2 und 13^{ter} PCT sowie Regel 111(3) EPÜ erforderlichen Unterlagen liegen dem EPA bereits vor. ☐ Das schriftliche Sequenzprotokoll wird anliegend nachgereicht. ☐ Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Fassung hinaus. ☐ Der vorgeschriebene Datenträger ist beigelegt. ☐ Die auf dem Datenträger gespeicherte Information stimmt mit dem schriftlichen Sequenzprotokoll überein.	9. Nucleotide and amino acid sequences The items necessary in accordance with Rules 5.2 and 13^{ter} PCT and Rule 111(3) EPC have already been furnished to the EPO. The written sequence listing is furnished herewith. The sequence listing does not include matter which goes beyond the content of the application as filed. The prescribed data carrier is enclosed. The information recorded on the data carrier is identical to the written sequence listing.	9. Séquences de nucléotides et d'acides aminés Les pièces requises selon les règles 5.2 et 13^{ter} PCT et la règle 111(3) CBE ont déjà été déposées auprès de l'OEB. La liste de séquences écrite est produite ci-joint. La liste de séquences ne contient pas d'éléments s'étendant au-delà du contenu de la demande telle qu'elle a été déposée. Le support de données prescrit est joint. L'information figurant sur le support de données est identique à celle que contient la liste de séquences écrite.
10. Benennungsgebühren ☒ 10.1 Es ist derzeit beabsichtigt, den siebenfachen Betrag einer Benennungsgebühr zu entrichten. Damit gelten die Benennungsgebühren für alle Vertragsstaaten des EPÜ¹ als entrichtet (Art. 2 Nr. 3 GebO), soweit sie in der internationalen Anmeldung bestimmt sind². ☐ 10.2 Abweichend von der Erklärung in Nr. 10.1 ist derzeit beabsichtigt, weniger als sieben Benennungsgebühren für folgende in der internationalen Anmeldung bestimmte Vertragsstaaten des EPÜ² zu entrichten: (1) _____ (2) _____ (3) _____ Soweit unter Nr. 10.2 Vertragsstaaten aufgeführt sind, wird beantrag, für die dort nicht aufgeführten Vertragsstaaten von der Zustellung einer Mitteilung nach Regel 108(3) EPÜ abzusehen. ☒ 10.3 Wird ein automatischer Abbuchungsauftrag erteilt (Feld 12), so wird das EPA beauftrag, bei Ablauf der Grundfrist nach Regel 107 (1)d) EPÜ den siebenfachen Betrag einer Benennungsgebühr abzubuchen. Ist eine Erklärung nach Nr. 10.2 abgegeben worden, so sollen die Benennungsgebühren nur für die dort angegebenen Vertragsstaaten abgebucht werden, sofern dem EPA nicht bis zum Ablauf der Grundfrist ein anderslautender Auftrag zugeht.	10. Designation fees 10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states² designated in the international application² are thereby deemed to have been paid (Art. 2 No. 3 RFees). 10.2 The declaration in No. 10.1 does not apply. Instead, it is currently intended to pay fewer than seven designation fees for the following EPC contracting states² designated in the international application²: (4) _____ (5) _____ (6) _____ If contracting states are indicated under No. 10.2, it is requested that no communication under Rule 108(3) EPC be issued for contracting states not thus indicated. 10.3 If an automatic debit order has been issued (Section 12), the EPO is authorised, on expiry of the basic period under Rule 107(1)(d) EPC, to debit seven times the amount of the designation fee. If states are indicated under No. 10.2, the EPO will debit designation fees only for those states, unless instructed otherwise before the basic period expires.	10. Taxes de désignation 10.1 Il est actuellement envisagé de payer un montant correspondant à sept fois la taxe de désignation. Les taxes de désignation sont ainsi réputées payées pour tous les Etats contractants de la CBE¹ désignés dans la demande internationale² (art. 2, point 3 du RRT). 10.2 Contrairement à ce qui est indiqué au n° 10.1, il est actuellement envisagé de payer moins de sept taxes de désignation pour les Etats contractants de la CBE² suivants désignés dans la demande internationale²: (4) _____ (5) _____ (6) _____ Si des Etats contractants sont mentionnés au n° 10.2, prière de ne pas procéder à la signification d'une notification prévue par la règle 108(3) CBE pour les Etats contractants n'y étant pas mentionnés. 10.3 Si un ordre de prélèvement automatique est donné (rubrique 12), il est demandé à l'OEB de prélever, à l'expiration du délai normal visé à la règle 107(1)d) CBE, un montant correspondant à sept fois la taxe de désignation. Si une déclaration a été faite au n° 10.2, les taxes de désignation ne sont à prélever que pour les Etats contractants qui y sont indiqués, sauf instruction contraire reçue par l'OEB avant l'expiration du délai normal.

1 Stand bei Drucklegung: 27 Vertragsstaaten, und zwar: / Status when this form was printed: 27 contracting states, namely / Situation à la date d'impression : 27 Etats contractants, à savoir : **AT** Österreich / Austria / Autriche, **BE** Belgien / Belgium / Belgique, **BG** Bulgarien / Bulgaria / Bulgarie, **CH / LI** Schweiz und Liechtenstein / Switzerland and Liechtenstein / Suisse et Liechtenstein, **CY** Zypern / Cyprus / Chypre, **CZ** Tschechische Republik / Czech Republic / République tchèque, **DE** Deutschland / Germany / Allemagne, **DK** Dänemark / Denmark / Danemark, **EE** Estland / Estonia / Estonie, **ES** Spanien / Spain / Espagne, **FI** Finnland / Finland / Finlande, **FR** Frankreich / France / France, **GB** Vereinigtes Königreich / United Kingdom / Royaume-Uni, **GR** Griechenland / Greece / Grèce, **HU** Ungarn / Hungary / Hongrie, **IE** Irland / Ireland / Irlande, **IT** Italien / Italy / Italie, **LU** Luxemburg / Luxembourg / Luxembourg, **MC** Monaco / Monaco / Monaco, **NL** Niederlande / Netherlands / Pays-Bas, **PT** Portugal / Portugal / Portugal, **RO** Rumänien / Romania / Roumanie, **SE** Schweden / Sweden / Suède, **SI** Slowenien / Slovenia / Slovénie, **SK** Slowakische Republik / Slovak Republic / République slovaque, **TR** Türkei / Turkey / Turquie

2 Für folgende Staaten nur möglich, falls in der internationalen Anmeldung am oder nach folgendem Tag bestimmt: Slowakische Republik, Bulgarien, Tschechische Republik und Estland: 1. Juli 2002, Slowenien: 1. Dezember 2002, Ungarn: 1. Januar 2003 und Rumänien: 1. März 2003. / For the following states this is possible only if they are designated in the international application on or after the stated date: Slovak Republic, Bulgaria, Czech Republic and Estonia: 1 July 2002, Slovenia: 1 December 2002, Hungary: 1 January 2003 and Romania: 1 March 2003. / En ce qui concerne les Etats suivants seulement si la désignation a été effectuée dans la demande internationale à la date suivante ou à une date ultérieure: République slovaque, Bulgarie, République tchèque et Estonie: 1^{er} juillet 2002, Slovénie: 1^{er} décembre 2002, Hongrie: 1^{er} janvier 2003 et Roumanie: 1^{er} mars 2003.

☒ 11. Erstreckung des europäischen Patents Bei Zahlung der Erstreckungsgebühr(en) gilt diese Anmeldung auch als wirksamer Erstreckungsantrag für die in der internationalen Anmeldung bestimmten »Erstreckungsstaaten«. Es ist beabsichtigt, diese Gebühr(en) für folgende Staaten zu entrichten: <table border="0"> <tr><td>☐</td><td>SI</td><td>Slowenien ¹⁾</td></tr> <tr><td>☐</td><td>LT</td><td>Litauen</td></tr> <tr><td>☐</td><td>LV</td><td>Lettland</td></tr> <tr><td>☐</td><td>AL</td><td>Albanien</td></tr> <tr><td>☐</td><td>RO</td><td>Rumänien ¹⁾</td></tr> <tr><td>☐</td><td>MK</td><td>Ehemalige jugoslawische Republik Mazedonien</td></tr> <tr><td>☐</td><td>_____</td><td>_____ ²⁾</td></tr> </table>	☐	SI	Slowenien ¹⁾	☐	LT	Litauen	☐	LV	Lettland	☐	AL	Albanien	☐	RO	Rumänien ¹⁾	☐	MK	Ehemalige jugoslawische Republik Mazedonien	☐	_____	_____ ²⁾	11. Extension of the European patent On payment of the extension fee(s) this application is also deemed to be a request for extension to all the "extension states" designated in the international application. It is intended to pay the fee(s) for the following states: <table border="0"> <tr><td>_____</td><td>Slovenia ¹⁾</td></tr> <tr><td>_____</td><td>Lithuania</td></tr> <tr><td>_____</td><td>Latvia</td></tr> <tr><td>_____</td><td>Albania</td></tr> <tr><td>_____</td><td>Romania ¹⁾</td></tr> <tr><td>_____</td><td>Former Yugoslav Republic of Macedonia</td></tr> <tr><td>_____</td><td>_____ ²⁾</td></tr> </table>	_____	Slovenia ¹⁾	_____	Lithuania	_____	Latvia	_____	Albania	_____	Romania ¹⁾	_____	Former Yugoslav Republic of Macedonia	_____	_____ ²⁾	11. Extension des effets du brevet européen La taxe (Les taxes) d'extension payée(s), la présente demande est également réputée être une demande d'extension à tous les «Etats autorisant l'extension» désignés dans la demande internationale. Il est envisagé de payer la taxe (les taxes) d'extension pour les Etats suivants: <table border="0"> <tr><td>_____</td><td>Slovénie ¹⁾</td></tr> <tr><td>_____</td><td>Lituanie</td></tr> <tr><td>_____</td><td>Lettonie</td></tr> <tr><td>_____</td><td>Albanie</td></tr> <tr><td>_____</td><td>Roumanie ¹⁾</td></tr> <tr><td>_____</td><td>Ex-République yougoslave de Macédoine</td></tr> <tr><td>_____</td><td>_____ ²⁾</td></tr> </table>	_____	Slovénie ¹⁾	_____	Lituanie	_____	Lettonie	_____	Albanie	_____	Roumanie ¹⁾	_____	Ex-République yougoslave de Macédoine	_____	_____ ²⁾
☐	SI	Slowenien ¹⁾																																																	
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_____	_____ ²⁾																																																		
1) Für Slowenien und Rumänien nur möglich, falls in der internationalen Anmeldung bis 30. November 2002 (Slowenien) oder bis 28. Februar 2003 (Rumänien) bestimmt. / For Slovenia and Romania this is possible only if they are designated in the international application up to 30 November 2002 (Slovenia) or 28 February 2003 (Romania). / En ce qui concerne la Slovénie et la Roumanie, seulement si la désignation a été effectuée dans la demande internationale jusqu'au 30 novembre 2002 (Slovénie) ou jusqu'au 28 février 2003 (Roumanie). 2) Platz für Staaten, mit denen »Erstreckungsabkommen« nach Drucklegung dieses Formblatts in Kraft treten und die in der internationalen Anmeldung bestimmt waren. / Space for States with which "extension agreements" enter into force after this form has been printed and which were designated in the international application. / Prévu pour des Etats à l'égard desquels des «accords d'extension» entreraient en vigueur après l'impression du présent formulaire et qui ont été désignés dans la demande internationale.																																																			
☐ 12. Automatischer Abbuchungsauftrag (Nur möglich für Inhaber von beim EPA geführten laufenden Konten) Das EPA wird beauftragt, nach Maßgabe der Vorschriften über das automatische Abbuchungsverfahren fällige Gebühren und Auslagen vom untenstehenden laufenden Konto abzubuchen. In Bezug auf die Benennungsgebühren wird auf Feld 10.3 verwiesen. Das EPA wird ferner beauftragt, die Erstreckungsgebühren für jeden in Feld 11 angekreuzten »Erstreckungsstaat« bei Ablauf der Grundfrist zu ihrer Zahlung abzubuchen, sofern ihm nicht bis dahin ein anderslautender Auftrag zugeht. Nummer und Kontoinhaber _____	12. Automatic debit order (for EPO deposit account holders only) The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account below any fees and costs falling due. For designation fees , see Section 10.3. The EPO is also authorised, on expiry of the basic period for paying the extension fees , to debit those fees for each of the "extension states" marked with a cross in Section 11, unless instructed otherwise before the said period expires. Number and account holder _____	12. Ordre de prélèvement automatique (uniquement possible pour les titulaires de comptes courants ouverts auprès de l'OEB) Par la présente, il est demandé à l'OEB de prélever du compte courant ci-dessous les taxes et frais venant à échéance, conformément à la réglementation relative au prélèvement automatique. Pour les taxes de désignation , se reporter à la rubrique 10.3. Il est en outre demandé à l'OEB de prélever, à l'expiration du délai normal prévu pour leur paiement, les taxes d'extension pour chaque «Etat autorisant l'extension» coché à la rubrique 11, sauf instruction contraire reçue avant l'expiration de ce délai. Numéro et titulaire du compte _____																																																	
☐ 13. Eventuelle Rückzahlungen auf das beim EPA geführte laufende Konto Nummer und Kontoinhaber _____	13. Any reimbursement to EPO deposit account Number and account holder _____	13. Remboursements éventuels à effectuer sur le compte courant ouvert auprès de l'OEB Numéro et titulaire du compte _____																																																	
14. Unterschrift(en) des (der) Anmelders(s) oder Vertreters Ort / Datum Für Angestellte (Art. 133(3) EPÜ) mit allgemeiner Vollmacht: Nr. _____ Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben.	14. Signature(s) of applicant(s) or representative Place / Date For employees (Art. 133(3) EPC) having a general authorisation: No. _____ Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed.	14. Signature(s) du (des) demandeur(s) ou du mandataire Lieu / Date Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général : N° _____ Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.																																																	



Notes

on EPA/EPO/OEB Form 1200 (12.03), for entry into the European phase (EPO as designated or elected Office)

These notes explain how to complete EPA/EPO/OEB Form 1200. Please use a typewriter. Editable versions in pdf and Word format are also available on the EPO website at <http://www.european-patent-office.org>. Use of the form is recommended, but not compulsory. It must be filed **direct with the EPO**. If there is not enough space for a particular item of information, a separate sheet should be used and then signed. Each section continued on the separate sheet must be indicated by means of its number and heading (eg "2 Additional representative(s)", "6 Documents intended for proceedings before the EPO"). For further details about entry into the European phase before the EPO as designated or elected Office, see Part 2 of the brochure "How to get a European patent – Guide for applicants", available free of charge from the EPO and referred to below as the "Euro-PCT guide".

I. General information

Under Rule 107(1) EPC in the form in force as from 2 January 2002, on entry into the European phase before the EPO – **both as designated Office and as elected Office** – the applicant must perform the acts referred to in Rule 107(1)(a)-(h) EPC within **31 months** of the filing date or, if priority has been claimed, the (earliest) priority date. The new arrangement applies to all international applications for which, on 2 January 2002, the acts prescribed under Rule 107(1) EPC have not yet been validly performed and the time limit for doing so under Rule 107(1) EPC in its present form has not yet expired.

For applicants wanting rapid examination of Euro-PCT applications, the programme for accelerated prosecution of European patent applications – "PACE" – (OJ EPO 2001, 459) offers effective options for shortening the processing time.

II. Instructions for completing the form

The numbering below corresponds to the sections of the form.

1. Address for correspondence

An address for correspondence may be given only by applicants with **no representative** and having several different business addresses. The address must be the applicant's own and will not appear in either the Register of European Patents or EPO publications (cf. OJ EPO 1980, 397).

2. Appointment of representative (Articles 133, 134 EPC)

Applicants having neither their residence nor principal place of business within the territory of one of the contracting states to the EPC must be represented by a professional representative and act through him in all proceedings established by the EPC (Article 133(2) EPC).

3. Authorisations (Rule 101 EPC)

Under Rule 101(1) EPC, in conjunction with the decision of the President of the EPO of 19 July 1991, professional representatives who identify themselves as such are required to file a signed authorisation only in certain cases (see OJ EPO 1991, 421 and 489). However, a legal practitioner entitled to act as professional representative in accordance with Article 134(7) EPC, or an employee acting for an applicant in accordance with Article 133(3), first sentence, EPC but who is not a professional representative, must file a signed authorisation unless an authorisation which expressly empowers him to act in proceedings established by the EPC has previously been filed with the EPO as receiving Office.

If the filing of an authorisation is necessary, the use of EPA/EPO/OEB Form 1003 (OJ EPO 2000, 374) is recommended for individual authorisations and of EPA/EPO/OEB Form 1004 (OJ EPO 1989, 230; 1985, 42) for general authorisations. Both forms are available free of charge from the EPO (preferably in Vienna, but also in Munich, The Hague and Berlin) or the central industrial property offices of the contracting states. Editable versions in pdf and Word format are also available on the EPO website at <http://www.european-patent-office.org>.

4. Request for examination (Articles 150(2), 94 EPC)

4.1 The request for examination consists of a written request (cross already placed in Section 4 of Form 1200) which is not deemed to be filed until the examination fee has been paid (Article 94(1) and (2) EPC). As regards filing the written request for examination under Article 14(4) EPC, and the corresponding fee reduction, see III, 5.2.

4.2 The request for examination may be filed up to six months from the date on which the international search report or the declaration pursuant to Article 17(2)(a) PCT was published (Article 157(1) EPC). However, the time limit within which the written request for examination must be filed and the examination fee paid will under no circumstances expire before the time limit prescribed by Article 22 or 39 PCT (Article 150(2) EPC). In practice this means that the written request for examination has to be filed and the examination fee paid no later than 31 months from the filing date or, where applicable, the (earliest) priority date (Rule 107(1)(f) EPC).

4.3 An applicant who files the request for examination before receiving the supplementary European search report will be invited by the EPO, after the search report has been sent, to indicate within a set period whether he desires to proceed further with the application (Article 96(1) EPC).

5. Additional copy(ies) of documents cited in the supplementary European search report

One or more sets of additional copies of the documents cited in the supplementary European search report can be ordered (cf. Article 92(2) EPC) on payment of the flat-rate fee (cf. III, 7).

6. Documents for EPO proceedings

See "Euro-PCT Guide", 304-305 and 356-357.

When an application enters the European phase the applicant must specify the application documents, as originally filed or in amended form, on which the European grant procedure is to be based (Rule 107(1)(b) EPC). Section 6 covers normal cases, and makes clear that the applicant is pursuing either

- under Section 6.1, in proceedings before the EPO as **designated Office** (without PCT Chapter II), the **published documents** (including any amended claims filed with the International Bureau under Article 19 PCT), or
- under Section 6.2, in proceedings before the EPO as **elected Office** (under PCT Chapter II), the documents on which the **international preliminary examination report is based**.

The applicant may however indicate that amended documents are to form the basis for the grant procedure. He can also amend the application once more, within a non-extendable period of one month as from notification of a communication informing him accordingly (Rule 109 EPC). If this reduces the number of claims, any claims fees overpaid are refunded (Rule 110(3) EPC).

If, **exceptionally**, the applicant does not wish to proceed with the amendments submitted during the international preliminary examination procedure, but would rather revert to the published documents (including any amendments made before the International Bureau under Article 19 PCT) he must request this on a signed **separate sheet**.

In any case Section 6 cannot deal with all possible circumstances. Clarification in these exceptional cases will be necessary on a signed **separate sheet**.

Documents which replace published application documents must be filed.

If the applicant has supplied **test reports** in proceedings before the EPO as International Preliminary Examining Authority, the EPO assumes that it may also use them in the European grant proceedings.

7. Translation(s)

7.1 Translation of the application

See "Euro-PCT Guide", 306-307 and 358-360.

If the international application was **not** published in an EPO official language, the applicant **must** furnish the EPO with a translation in such a language within 31 months of the filing date or, where applicable, the (earliest) priority date.

The language of the translation is that of the proceedings before the EPO. Even if the International Bureau has published an English translation of the international application under Rule 48.3(b) PCT, the applicant can still choose the language of proceedings before the EPO:

he can opt for French or German by filing a translation in either language, or keep English and file an English translation of his own. If he does not file a translation, the EPO will assume that he has opted for English, and the European proceedings will then be based on the published English text.

The translation must include the description, claims as originally filed, any text in the drawings, and the abstract. It must also include the claims as amended under Article 19 PCT if the applicant wishes subsequent proceedings to be based on them, together with any explanatory statement, as well as all indications under Rule 13bis.3 and 13bis.4 PCT and all published requests for rectification (Rule 91.1(f) PCT).

If the translation of the international application is not filed in due time, the international application is deemed to be withdrawn (Rule 108(1) EPC). If the EPO notes that the application is for that reason deemed to be withdrawn, it communicates this to the applicant. With Rule 69(2) EPC applying *mutatis mutandis*, the applicant may, within two months of notification of this communication, apply for a decision on the matter by the EPO. The loss of rights is deemed not to have occurred if, within two months of notification of this communication, the translation of the international application is filed and a surcharge of EUR 500 is paid (Rule 108(3) EPC, Article 2 item 3c RFees).

7.2 Translation of the priority document

Under Rule 38(5) EPC, a translation of the priority document (or a declaration that the European patent application is a complete translation of the previous application) must be filed only if requested by the EPO, but then at the latest upon expiry of the period under Rule 51(6) EPC (Article 88(1), Rule 38(5) EPC). The applicant is free, however, to file them earlier. He can make the declaration under Rule 38(5) EPC by crossing the relevant box in Section 7, in which case he will not have to file a translation of the previous application (priority document) later on (see Legal Advice No. 19/99, OJ EPO 1999, 296).

7.3 Translation of annexes

Where **PCT Chapter II** applies, any annexes to the international preliminary examination report must also be translated (Article 36(2)(b), (3)(b), Rule 74.1 PCT) and filed if the applicant is seeking patent protection for the same version of the application documents as was the subject of that report.

8. Biological material

To enable the EPO to check compliance with Rule 28(1) and (2) EPC, the receipt issued by the depositary institution is to be submitted to the EPO (see the Notice of the EPO in OJ EPO 1986, 269). Applicants are strongly recommended to submit the receipt when filing this form or at the latest within 31 months of the filing date or, where applicable, the (earliest) priority date.

Waiver under Rule 28(3) EPC

The applicant may waive his right under Rule 28(3) EPC to an undertaking from the requester to issue a sample of the biological material provided that he is the depositor of the biological material concerned. This waiver must be expressly

declared to the EPO in the form of a separate, signed statement. The waiver must specify the biological material concerned (depository institution and accession number or applicant's/representative's reference number as shown in the application documents). The waiver may be submitted at any time.

9. Nucleotide and amino acid sequences

If nucleotide or amino acid sequences are disclosed in the international application the description must contain a sequence listing in accordance with Rule 5.2 PCT. The EPO as International Searching Authority additionally requires the sequence listing to be furnished in machine-readable form, together with a statement that the information recorded on the prescribed data carrier is identical to the written sequence listing (Rule 13ter.1 PCT and Article 4 of the decision dated 2 October 1992, Supplement 2 to OJ EPO 11/1998).

If the EPO was International Searching Authority, it will generally already have received all the necessary items. If the sequence listing has not been supplied to the EPO, or does not conform to the prescribed standard, or has not been filed on the prescribed data carrier, the missing item(s) must be filed subsequently **on entry into the European phase** (Rule 111(3) EPC and Article 5 of the decision of the President of the EPO dated 2 October 1998, Supplement 2 to OJ EPO 11/1998), together with a declaration that the written sequence listing does not include matter which goes beyond the content of the application as filed and that the information recorded on the data carrier is identical to the written sequence listing.

10. Designation fees

10.1 Which EPC contracting states are designated on entry into the European phase is already determined in the international phase (Rule 4.9(a), (b) and (c) PCT). As a rule, all EPC contracting states are designated in the international application. For the European phase, an applicant who pays an amount equal to **seven times** the designation fee is regarded as having paid the fees for all EPC contracting states designated. If he designated all the EPC contracting states in his international application, and intends to pay to the EPO seven times the amount of the designation fee, the EPO requires no more information about this matter, either on entry into the European phase or when the designation fees are paid.

10.2 Applicants intending to pay **fewer than seven** designation fees should indicate, in Section 10.2, the EPC contracting states involved. This makes things easier for both applicants and the EPO, because the ensuing declaration in Section 10.2 enables the EPO to confine communications under Rule 108(3) EPC to cases where an applicant fails to pay a designation fee for a state originally indicated in Section 10.2. Applicants who make this declaration can however still pay designation fees for contracting states not indicated, provided the state(s) in question were designated in the international application and payment is made within the time limit under Rule 107(1)(d) EPC. See also III, 8.1 below.

10.3 The precrossed box in Section 10.3 means that applicants taking part in the **automatic debiting procedure** (Section 12) authorise the EPO to debit seven times the amount of the designation fee, unless they have indicated states in Section 10.2, in which case the automatic debit order covers only those states.

11. Extension of European patents

The European application and the patent granted in respect of it are extended, at the applicant's request, to states **designated in the international application** which are not contracting states to the EPC and with which "extension agreements" existed at the time of filing of the international application (Lithuania, Latvia, Albania and the former Yugoslav Republic of Macedonia). They are also extended to Slovenia and Romania if these states are designated in the international application up to 30 November 2002 (Slovenia) or 28 February 2003 (Romania).

Subject to this condition, extension is deemed requested for any application entering the European phase. However, the extension only takes effect if the prescribed extension fee is paid. The request is deemed withdrawn if the extension fee is not paid to the EPO within the time limit laid down in the EPC for the payment of designation fees (Rule 107(1)(d) EPC; Rule 85a(2) EPC). No communication equivalent to Rule 108(3) EPC is issued.

For more details about the extension system, see OJ EPO 1994, 75, and 1997, 538.

12. Automatic debit orders

See Arrangements for the automatic debiting procedure and Information from the EPO concerning the automatic debiting procedure (Supplement to OJ EPO 2/1999, and point 10.3 above).

13. Refunds

Any refunds due to an applicant who has a deposit account with the EPO (Supplement to OJ EPO 2/1999) may be credited to that account. If the applicant wishes this to be done he must indicate the account number and the account holder's name. Regarding **representatives'** deposit accounts, see point 5 of Legal Advice No. 6/91 rev., OJ EPO 1991, 573.

III. Notes on fees

It is recommended that EPA/EPO/OEB Form 1010 (OJ EPO 1998, 597) be used when paying fees.

1. PCT Chapter I (Article 22 PCT) and PCT Chapter II (Article 39(1) PCT)

Fees payable within **31 months of the filing date or, where applicable, the (earliest) priority date** (Rules 107, 110 EPC):

- (a) national fee under Article 158(2) and Rule 106 EPC, comprising
 - (i) a basic national fee corresponding to a filing fee, and
 - (ii) the designation fees (see 3.1 below)

(b) supplementary European search fee, if any (see 2 below)

(c) claims fees, if any (see 4 below)

(d) examination fee (see 5 below)

(e) renewal fee for the third year, unless this fee is due earlier under Rule 37(1) EPC (cf. Rule 107(1)(g) EPC)

2. Search fee

2.1 No search fee payable

If the international search report has been drawn up by the EPO, the Swedish Patent Office, the Austrian Patent Office or the Spanish Patent and Trademark Office, no supplementary European search report will be drawn up and no search fee charged.

2.2 Reduction of search fee

The search fee is reduced by 20% if an international search report has been drawn up in respect of the application by the United States Patent and Trademark Office, the Japanese Patent Office, the Russian Patent Office, the Australian Patent Office, the Chinese Patent Office, or the Korean Patent Office.

3.1 Designation fees

A designation fee is payable for each designated state. A single designation fee is charged for the joint designation of Switzerland and Liechtenstein. Payment of an amount equal to seven times the designation fee is regarded as covering the fees for all EPC contracting states designated in the international application.

3.2 Extension fees

An extension fee is payable for each state requested.

When extension fees are paid, the states for which they are intended must be specified.

4. Claims fees

On entry into the European phase, applicants are entitled to file amended claims with the EPO (Rules 86(1) and 107(1)(b) EPC, Articles 28 and 41 PCT). Thereafter, they may amend the application once more, within a non-extendable period of one month triggered by an EPO communication (Rule 109 EPC). This is without prejudice to possible later amendments under Rule 86(2) to (4) EPC. If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable for the eleventh and each subsequent claim. If amended claims are filed during the one-month period under Rule 109 EPC, the claims fees due are computed on the basis of such amended claims (Rule 110(2) EPC), and any overpaid are refunded under Rule 110(3) EPC.

5. Reduction of examination fee

5.1 International preliminary examination by the EPO
The examination fee is reduced by 50% if the EPO, acting as International Preliminary Examining Authority, has already drawn up the international preliminary examination report in respect of the application in question (Rule 107(2) EPC and Article 12(2) RFees). However, this reduction shall not be granted if the EPO has refunded

the fee paid for preliminary examination under Article 10d RFees (Article 12(2) RFees). If, under Article 34(3)(c) PCT, the report was established on certain parts of the international application, the reduction will be allowed only if the examination is to be performed on the subject-matter covered by the report.

5.2 Languages

Persons having their residence or principal place of business within the territory of an EPC contracting state with an official language other than English, French or German, and nationals of that state who are resident abroad, may file the request for examination in an official language of that state (admissible non-EPO language; Article 14(4) EPC). The examination fee is reduced by 20% if the written request for examination is filed in an admissible non-EPO language and, within one month of such filing (i.e. at the earliest simultaneously with the request for examination), a translation in the language of proceedings is also filed (Rule 6(3) EPC, Article 12(1) RFees). If EPO Form 1200 is used, it is advisable to enter the written request for examination in the admissible non-EPO language in the right-hand column of Section 4, as the left-hand column already contains a pre-printed request for examination in the EPO's official languages. The request for examination in the admissible non-EPO language may however also be filed later until such time as the examination fee is paid. The request for examination may be worded as follows:

- (a) in Italian: "Si richiede di esaminare la domanda ai sensi dell'art. 94."
- (b) in Swedish: "Härmed begärs prövning av patentansökan enligt art. 94."
- (c) in Dutch: "Verzocht wordt om onderzoek van de aanvraag als bedoeld in Art. 94."
- (d) in Luxemburgish: "Et gët heimat Préifung vun der Umeldung nom Art. 94 ugefrot."
- (e) in Spanish: "Se solicita el examen de la solicitud según el artículo 94."
- (f) in Danish: "Hermed begæres prøvning af ansøgningen i henhold til Art. 94."
- (g) in Greek: "Simfona me tis diataxis tou arthrou 94 zitite i exetasis tis etiseos."
- (h) in Irish: "Iarrtar leis seo scrúdú an iarratais de bhun Airteagal 94."
- (i) in Portuguese: "Solicita-se o exame de pedido segundo o artigo 94°."
- (j) in Finnish: "Täten pyydetään hakemuksen tutkimista artiklan 94 mukaisesti."
- (k) in Turkish: "Başvurunun 94. Madde'ye göre incelenmesi istenmektedir."
- (l) in Slovak: "Podľa článku 94 sa žiada o prieskum prihlášky."
- (m) in Bulgarian: "Ла се извърши експертиза на заявката съгласно чл.94."
- (n) in Czech: "Žádá se o průzkum přihlášky podle článku 94."
- (o) in Estonian: "Taotlusele palutakse teha artikli 94 kohane ekspertiis."
- (p) in Slovenian: "Zahteva se preizkus prijave po 94. členu EPC."
- (q) in Hungarian: "Kérem az európai szabadalom megadását és a bejelentés 94. cikk szerinti vizsgálatát."
- (r) in Romanian: "Se solicită examinarea cererii în sensul art. 94."

- 5.3 If the requirements for both reductions are satisfied, the examination fee is reduced first by 50%. The 20% reduction is applied to the resulting total, not to the full fee.
- 6. Amounts of fees**
Current fees are set out in “Guidance for the payment of fees, costs and prices” which is published regularly in the Official Journal of the EPO.
- 7. 10-day safety rule**
In EPC contracting states, it is recommended that payment be made no later than 10 days before expiry of the period for payment under Article 8(3) and (4) RFees. If in such cases fees are considered under Article 8(1) and (2) RFees not to have been paid until after the period for payment has expired, that period is nonetheless considered to have been observed if appropriate evidence is produced. If payment is made later than 10 days before expiry of the period for payment, but still within the period for payment, a surcharge must be paid and appropriate evidence of the original payment supplied.
- 8. Legal consequences of non-payment of fees**
- 8.1 National basic fee, search fee, designation fees, examination fee, extension fees
If the national basic fee, the search fee or the examination fee is not paid in due time, or if no designation fee is paid in due time, the European application is deemed to be withdrawn (Rule 108(1) EPC). The designation of any contracting state in respect of which the designation fee has not been paid in due time is deemed to be withdrawn (Rule 108(2) EPC). If the EPO notes that the application or the designation of a contracting state is deemed to be withdrawn, it communicates this to the applicant. With Rule 69(2) applying *mutatis mutandis*, the applicant may, within two months of notification of this communication, apply for a decision on the matter by the EPO. The loss of rights is deemed not to have occurred if, within two months of notification of this communication, the omitted payment is made and a surcharge is paid (Rule 108(3) EPC, Article 2 item 3c RFees).
- If an extension fee is not paid in due time, the request for extension concerned is deemed to be withdrawn.
- 8.2 Claims fees
If a claims fee is not paid in due time it may still be validly paid within a non-extendable period of grace of one month as from notification of a communication pointing out the failure to pay (Rule 110(2) EPC). If a claims fee is not paid in due time, the claim concerned will be deemed to be abandoned (Rule 110(4) EPC).
- 8.3 Renewal fees
When a renewal fee has not been paid on or before the due date, it may still be validly paid within six months of the said date, provided that the additional fee is paid at the same time (Article 86(2) EPC). If the renewal fee and any additional fee have not been paid in due time, the European patent application will be deemed to be withdrawn (Article 86(3) EPC).

ANNEX XI

EPO Form 1010 Payment of fees and costs



Payment of fees and costs

European Patent Office
Treasury and Accounts
D-80298 München
Fax: (+49-89) 2399-2528
(only for matters relating
to accounts)

Please complete in typescript only

01	Name of payer	Payer's reference	
	Address	Mode of payment	Bank/giro office
		☐ Bank/giro transfer ¹	
		☐ Enclosed cheque No.	
02		☐ Debit from deposit account with the EPO is requested ²	Deposit account No.

Patent application / patent No. (please use a separate form for each application)			
03	EP	PCT	03

	Code		Currency	Amount
04	001	Filing fee	EUR	
05	002	Search fee	EUR	
06	005	Designation fee(s) ³	EUR	
07	015	Claims fee(s) (Rule 31(1) EPC)	EUR	
08	055	Additional copy	EUR	
09	006	Examination fee	EUR	
10	007	Fee for grant including fee for printing (up to 35 pages)	EUR	
11	008	Additional fee for printing (more than 35 pages)	EUR	
12	033	Renewal fee for the 3rd year	EUR	
13	034	Renewal fee for the 4th year	EUR	
14	035	Renewal fee for the 5th year	EUR	
15		Extension fee(s) for ⁴ :	EUR	
16			EUR	
17			EUR	
18			EUR	
19			EUR	
20			EUR	
21			EUR	
22		Total	EUR	

Signature	Place, date
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Fee codes

001 = Filing fee	047 = Renewal fee for the 17th year
002 = Search fee in respect of a European or supplementary European search	048 = Renewal fee for the 18th year
003 = Search fee in respect of an international search	049 = Renewal fee for the 19th year
005 = Designation fee for each Contracting State designated	050 = Renewal fee for the 20th year
006 = Examination fee	053 = Surcharge for late filing of the request for examination
007 = Fee for grant including fee for printing the European patent specification (not more than 35 pages)	055 = Additional copy of the documents cited in the European search report
008 = Additional fee for printing the European patent specification (more than 35 pages)	056 = Surcharge payable under Rule 58(6) EPC
009 = Fee for printing a new specification of the European patent – flat-rate fee	059 = Postage and sundry communication expenses
010 = Opposition fee	060 = Fee for a technical opinion
011 = Fee for appeal	061 = Surcharge under Article 8(3) RFees
012 = Fee for further processing	062 = Protest fee
013 = Fee for re-establishment of rights	063 = Late payment fee (Rule 16bis PCT)
015 = Claims fee for the eleventh and each subsequent claim (Rule 31(1) EPC)	064 = Late payment fee (Rule 58bis.2 PCT)
016 = Claims fee according to Rule 51(7) EPC	065 = Surcharge under Rule 108(3) EPC
017 = Fee for the awarding of costs	080 = Certification of other documents
018 = Fee for the conservation of evidence	093 = Additional fee for the renewal fee / 3rd year
019 = Transmittal fee for an international application	094 = Additional fee for the renewal fee / 4th year
020 = National basic fee for an international application	095 = Additional fee for the renewal fee / 5th year
021 = Fee for the preliminary examination of an international application	096 = Additional fee for the renewal fee / 6th year
022 = Registering of transfer	097 = Additional fee for the renewal fee / 7th year
023 = Registering of licences and other rights	098 = Additional fee for the renewal fee / 8th year
024 = Cancellation of entry in respect of licences and other rights	099 = Additional fee for the renewal fee / 9th year
025 = Duplicate of the European patent certificate	100 = Additional fee for the renewal fee / 10th year
026 = Extract from the Register of European Patents	101 = Additional fee for the renewal fee / 11th year
027 = Inspection of the files of a European patent application	102 = Additional fee for the renewal fee / 12th year
028 = Administrative fee for deposit account	103 = Additional fee for the renewal fee / 13th year
029 = Issue of a certified copy of a European patent application or an international application; priority documents	104 = Additional fee for the renewal fee / 14th year
030 = Communication of information contained in the files of a European patent application	105 = Additional fee for the renewal fee / 15th year
031 = Additional charge for transmission by telefax	106 = Additional fee for the renewal fee / 16th year
032 = Surcharge on filing fee, search fee or a designation fee	107 = Additional fee for the renewal fee / 17th year
	108 = Additional fee for the renewal fee / 18th year
	109 = Additional fee for the renewal fee / 19th year
	110 = Additional fee for the renewal fee / 20th year
033 = Renewal fee for the 3rd year	Extension fees for:
034 = Renewal fee for the 4th year	402 = Lithuania (LT)
035 = Renewal fee for the 5th year	403 = Latvia (LV)
036 = Renewal fee for the 6th year	404 = Albania (AL)
037 = Renewal fee for the 7th year	406 = Former Yugoslav Republic of Macedonia (MK)
038 = Renewal fee for the 8th year	407 = Croatia (HR)
039 = Renewal fee for the 9th year	408 = Bosnia and Herzegovina (BA)
040 = Renewal fee for the 10th year	409 = Serbia and Montenegro (YU)
041 = Renewal fee for the 11th year	
042 = Renewal fee for the 12th year	PCT Fees in EUR fixed by WIPO:
043 = Renewal fee for the 13th year	222 = Surcharge on filing fee
044 = Renewal fee for the 14th year	224 = Handling fee
045 = Renewal fee for the 15th year	225 = International filing fee
046 = Renewal fee for the 16th year	317 = PCT-EASY fee reduction
	318 = PCT-PDF reduction
	319 = PCT-XML reduction

The list of European Patent Organisation bank and giro accounts for payment is published in every edition of the Official Journal of the EPO and on the internet at <http://www.european-patent-office.org> ("Toolbox for applicants" in the index).

Online fee payment

Pay fees and view your deposit account online? See www.epoline.org for more information.

Explanations

- | | | | |
|---|--|---|---|
| 1 Payment must be made without charge to the payee. | 2 Debits from deposit accounts with the EPO may only be made in EUR. | 3 Contracting states should only be specified if they differ from those indicated in box 32.2 of EPO Form 1001 (Request for Grant) or in box 10.2 of EPO Form 1200. | 4 When extension fees are paid, the states for which they are intended must be specified. |
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European Patent Office
Directorate 5.2.5
D-80298 Munich

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