

## Article 4 The Request

<p><i>content IA: request, description, one or more claims, drawings (where required) and abstract applicant</i></p> <p style="text-align: center;"><i>national requirements</i></p> <p style="text-align: center;"><i>seeking certain kinds of protection</i></p> <p style="text-align: center;"><i>seeking two kinds of protection</i></p> <p style="text-align: center;"><i>regional patent treaties</i></p> <p style="text-align: center;"><i>right to practice before international authorities</i></p> <p style="text-align: center;"><i>request for IA: form</i></p> <p style="text-align: center;"><i>request for IA: contents</i></p> <p style="text-align: center;"><i>designation of states; kinds of protection; national and regional patents</i></p> <p style="text-align: center;"><i>request for IA: signature</i></p> <p style="text-align: center;"><i>description</i></p> <p style="text-align: center;"><i>applicant</i></p> <p style="text-align: center;"><i>competent rO</i></p> <p style="text-align: center;"><i>IFD</i></p> <p><i>fees prescribed under Art.4(2): international filing fee (R.15.1) and, where required, late payment fee (R.16bis.2)</i></p> <p style="text-align: center;"><i>what are main effects of IA?</i></p> <p style="text-align: center;"><i>what is contents of request for IA?</i></p> <p style="text-align: center;"><i>when and how must inventor be identified?</i></p> <p style="text-align: center;"><i>how is agent to be appointed?</i></p> <p style="text-align: center;"><i>what is designation of States?</i></p> <p style="text-align: center;"><i>is it possible to choose kind of protection other than patent and if so how is it done?</i></p> <p style="text-align: center;"><i>when is office dO?</i></p> <p style="text-align: center;"><i>EPO as dO/eO</i></p>	<p>Art.3(2)</p> <p>Art.9</p> <p>Art.27</p> <p>Art.43</p> <p>Art.44</p> <p>Art.45</p> <p>Art.49</p> <p>R.3</p> <p>R.4</p> <p>R.4.9</p> <p>R.4.15</p> <p>R.5</p> <p>R.18</p> <p>R.19</p> <p>R.20</p> <p>R.27.1(b)</p> <p>AG-IP 5.003</p> <p>AG-IP 5.016-017</p> <p>AG-IP 5.035-036</p> <p>AG-IP 5.043</p> <p>AG-IP 5.052</p> <p>AG-IP 5.055-056</p> <p>AG-NP 2.002-003</p> <p>Art.153 EPC</p>
<p>(1) The <b>request</b> shall contain:</p> <p style="padding-left: 40px;">(i) a <b>petition</b> to the effect that the international application be processed according to this Treaty;</p> <p style="padding-left: 40px;">(ii) the <b>designation</b> of the Contracting State or States in which protection for the invention is desired on the basis of the international application ("<u>designated States</u>");</p> <p style="padding-left: 40px;">if for any designated State a <b>regional patent</b> is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate;</p> <p style="padding-left: 40px;">if, under a treaty concerning a regional patent, the <b>applicant cannot limit his application to certain of the States</b> party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty;</p> <p style="padding-left: 40px;">if, under the national law of the designated State, the <b>designation of that State has the effect of an application for a regional patent</b>, the designation of the said State shall be treated as an indication of the wish to obtain the regional patent;</p> <p style="padding-left: 40px;">(iii) the name of and other <b>prescribed data concerning the applicant</b></p>	<p>R.3</p> <p>R.4</p> <p>AG-IP 5.016</p> <p>-----</p> <p>Art.3(2)</p> <p>R.4.2</p> <p>R.4.9</p> <p>AG-IP 5.003</p> <p>AG-IP 5.052</p> <p>AG-IP 5.055-056</p> <p>-----</p> <p>Art.2(iv)</p> <p>Art.45(1)</p> <p>R.4.9</p> <p>Preamble EPC</p> <p>Art.153 EPC</p> <p>-----</p> <p>R.4.9</p> <p>[CH and LI]</p> <p>Art.45(2)</p> <p>R.4.9</p> <p>Art.9</p> <p>R.4.1(a)(iii)</p> <p>R.4.5, R.4.4</p> <p>R.20.1(b)</p> <p>R.26.2bis(a)</p> <p>R.18.3</p> <p>R.19.2</p> <p>-----</p>

and the **agent** (if any);

(iv) the **title** of the invention;

(v) the name of and other **prescribed data concerning the inventor**

where the **national law of at least one of the designated States requires that these indications be furnished at the time of filing** a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(2) Every designation shall be subject to the payment of the **prescribed fee**

within the **prescribed time limit**.

(3) Unless the applicant asks for any of the **other kinds of protection referred to in Article 43**, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State.

For the purposes of this paragraph, **Article 2(ii)** shall not apply.

(4) Failure to indicate in the request the **name and other prescribed data concerning the inventor**

shall have no consequence in any designated State whose national law requires the furnishing of the said indications but **allows that they be furnished at a time later** than that of the filing of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

## Article 5 The Description

*content IA: request, description, one or more claims, drawings (where required) and abstract*

*description*

*IFD*

*how must description be drafted?*

*EPC: disclosure of invention*

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

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Art.49

R.4.7, R.4.4

R.83

R.90

AG-IP 5.043

R.4.1.(a)(ii)

R.4.3

R.5.1(a)

R.37

R.49.5(k)

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Art.4(4)

R.4.1(a)(iv)

R.4.6

AG-IP 5.035

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Art.27(3)

R.4.1(c)(i)

Art.14(3)

R.4.9

R.27.1(b)

*[payment of designation fees has been abolished:*

*designation fee has been incorporated in the international*

*filing fee]*

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*[not applicable]*

Art.43

Art.44

R.4.9

AG-IP 5.055-056

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Art.2(ii)

Art.4(1)(v)

R.4.1(c)(i)

AG-IP 5.035-036

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Art.3(2)

R.5

R.20

AG-IP 5.094-095

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Art.83 EPC

Art.83 EPC

<b>Article 6 The Claims</b>	
<p><i>content IA: request, description, one or more claims, drawings (where required) and abstract</i></p> <p style="text-align: right;"><i>claims</i></p> <p style="text-align: right;"><i>IFD</i></p> <p style="text-align: center;"><i>how must claims be drafted?</i></p> <p style="text-align: right;"><i>EPC: claims</i></p>	<p>Art.3(2)</p> <p>R.6</p> <p>R.20</p> <p>AG-IP 5.112-113</p> <p>Art.84 EPC</p>
<p>The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.</p>	<p>AG-IP 5.112</p> <p>Art.84 EPC</p>
<b>Article 7 The Drawings</b>	
<p><i>content IA: request, description, one or more claims, drawings (where required) and abstract</i></p> <p style="text-align: right;"><i>missing drawings</i></p> <p style="text-align: right;"><i>drawings</i></p> <p style="text-align: right;"><i>IFD: missing parts</i></p> <p style="text-align: center;"><i>IFD: erroneously filed elements and parts</i></p> <p style="text-align: center;"><i>what are elements of IA?</i></p> <p style="text-align: center;"><i>when is inclusion of drawings required in IA?</i></p> <p style="text-align: right;"><i>EPO as rO: drawings</i></p>	<p>Art.3(2)</p> <p>Art.14(2)</p> <p>R.7</p> <p>R.20.5</p> <p>R.20.5bis</p> <p>AG-IP 5.010</p> <p>AG-IP 5.128-5.130</p> <p>GL/PCT-EPO A-V</p>
<p>(1) Subject to the <b>provisions of paragraph (2)(ii)</b>, drawings shall be required when they are necessary for the understanding of the invention.</p> <p>(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:</p> <p style="padding-left: 20px;">(i) the applicant may include such <b>drawings</b> in the international application when filed,</p> <p style="padding-left: 20px;">(ii) any designated Office may require that the applicant file such drawings with it within the <b>prescribed time limit</b>.</p>	<p>Art.7(2)(ii)</p> <p>AG-IP 5.010</p> <p>AG-IP 5.128</p> <p>R.20.5</p> <p>R.20.5bis</p> <p>R.7.2</p>

## Article 8 Claiming Priority

<p><i>“national application” can be national or regional application</i></p> <p><i>definition priority date</i></p> <p><i>time limits are calculated from earliest priority date</i></p> <p><i>interpretation of certain words: priority period</i></p> <p><i>request for IA: priority claim</i></p> <p><i>request for IA: priority claim: Paris Convention country + member WTO</i></p> <p><i>priority document</i></p> <p><i>correction/addition priority claim</i></p> <p><i>defects in priority claims</i></p> <p><i>restoration of right of priority by rO</i></p> <p><i>effect of restoration of right of priority</i></p> <p><i>withdrawal of priority claims</i></p> <p><i>notice of withdrawal must be signed by (all) applicant(s); deemed common representative not entitled to sign on behalf of other applicants</i></p> <p><i>IA with IFD is equivalent of “regular national filing” within meaning of PC and may be invoked as basis of priority claim in national, regional or other IA</i></p> <p><i>how may priority of earlier application be claimed?</i></p> <p><i>what does “priority date” mean?</i></p> <p><i>what does “priority period” mean?</i></p> <p><i>what are principles governing right of priority for IAs?</i></p> <p><i>Paris Convention: right of priority</i></p> <p><i>Paris Convention: priority period for patents and utility models = 12 months</i></p> <p><i>EPO as rO: examination of formal requirements: applicant’s entitlement to claim priority</i></p> <p><i>EPO as rO: how can applicant claim priority of earlier application?</i></p>	<p>Art.2(vi)</p> <p>Art.2(xi)</p> <p>Art.2(xi)(b)</p> <p>R.2.4</p> <p>R.4.1(b)(i)</p> <p>R.4.10</p> <p>R.17</p> <p>R.26bis.1</p> <p>R.26bis.2</p> <p>R.26bis.3</p> <p>R.49ter</p> <p>R.90bis.3</p> <p>R.90bis.5</p> <p>AG-IP 5.007</p> <p>AG-IP 5.057</p> <p>AG-IP 5.058</p> <p>AG-IP 5.059</p> <p>AG-IP 5.060</p> <p>Art.4 PC</p> <p>Art.4C(1) PC</p> <p>GL/PCT-EPO A-VI 1.6</p> <p>EPG/EPO 2.14</p>
<p>(1) The international application may contain a <b>declaration, as prescribed</b> in the Regulations, claiming the priority of one or more earlier applications</p> <p>filed <u>in or for any country party to the Paris Convention</u> for the Protection of Industrial Property.</p>	<p>R.4.1(b)(i)</p> <p>R.4.10</p> <p>AG-IP 5.057-060</p> <p>[also WTO members: see R.4.10]</p>
<p>(2) (a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any <b>priority claim</b> declared under paragraph (1) shall be as provided in <b>Article 4 of the Stockholm Act of the Paris Convention</b> for the Protection of Industrial Property.</p>	<p>R.4.10</p> <p>AG-IP 5.060</p> <p>Art.4 PC</p>
<p>(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State.</p> <p>Where, in the international application, the priority of one or more <b>national applications</b> filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.</p>	<p>[→ claiming internal priority allowed]</p> <p>Art.2(vi)</p>

<b>Article 9 The Applicant</b>	
<p><i>request for IA must contain: prescribed particulars of applicant and agent (if any)</i></p> <p><i>request for IA: applicant</i></p> <p><i>different applicants for different designated States</i></p> <p><i>right to file IA: residence and nationality of applicant</i></p> <p><i>right to file IA: two or more applicants</i></p> <p><i>recording of change applicant in request</i></p> <p><i>correspondence</i></p> <p><i>who may file IA?</i></p> <p><i>IA: different applicants may be indicated for various designated States</i></p> <p><i>why and how must nationality and residence of applicant be indicated in request?</i></p> <p><i>what is "common representative" of applicants?</i></p> <p><i>what should be done if inventor died before filing IA?</i></p> <p><i>EPO as rO: filing of IA and examination on filing</i></p>	<p>Art.4(1)(iii)</p> <p>R.4.5</p> <p>R.4.5(d)</p> <p>R.18.1</p> <p>R.18.3</p> <p>R.92bis.1(a)(i)</p> <p>R.92</p> <p>AG-IP 5.020</p> <p>AG-IP 5.022</p> <p>AG-IP 5.031</p> <p>AG-IP 11.005</p> <p>AG-IP 11.025</p> <p>GL/PCT-EPO A-II</p>
<p>(1) Any <b>resident or national of a Contracting State</b> may file an international application.</p>	<p>R.18.1</p> <p>R.18.3</p> <p>AG-IP 5.020</p> <p>AG-IP 5.031</p>
<p>(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.</p>	<p><i>no decision</i></p>
<p>(3) The <b>concepts of residence and nationality</b>, and the application of those concepts in cases where there are <b>several applicants</b></p>	<p>R.18.1</p> <p>R.18.3</p> <p>R.19.2</p> <p>AG-IP 5.020</p>
<p>or where the <b>applicants are not the same for all the designated States</b>, are defined in the Regulations.</p>	<p>R.4.5(d)</p> <p>AG-IP 5.022</p>
<b>Article 10 The Receiving Office</b>	
<p><i>requirements IA</i></p> <p><i>request for IA</i></p> <p><i>IFD and effects of IA</i></p> <p><i>competent rO</i></p> <p><i>IFD</i></p> <p><i>preparation of copies</i></p> <p><i>transmittal of record copy and translation</i></p> <p><i>transmittal of search copy; translation and sequence listing</i></p> <p><i>checking by and correction before rO of certain elements of IA</i></p> <p><i>correspondence</i></p> <p><i>keeping of records and files by rO, IB, ISA, IPEA</i></p> <p><i>access to file held by IB, rO, ISA, SISA, IPEA, dO, eO</i></p> <p><i>where should IA be filed?</i></p> <p><i>what are main procedural steps at rO?</i></p> <p><i>EPO as rO: filing of IA and examination on filing</i></p> <p><i>EPO as rO</i></p>	<p>Art.3</p> <p>Art.4</p> <p>Art.11</p> <p>R.19</p> <p>R.20</p> <p>R.21</p> <p>R.22</p> <p>R.23</p> <p>R.26</p> <p>R.92</p> <p>R.93</p> <p>R.94</p> <p>AG-IP 5.008</p> <p>AG-IP 6.001</p> <p>GL/PCT-EPO A-II</p> <p>EPG/EPO Ch.2</p>
<p>The international application shall be filed with the <b>prescribed receiving Office</b>, which will <b>check and process it as provided</b> in this Treaty and the Regulations.</p>	<p>R.19.1</p> <p>R.20-23</p>

## Article 11 Filing Date and Effects of the International Application

<i>requirements IA</i>	Art.3
<i>applicant</i>	Art.9
<i>rO</i>	Art.10
<i>prior art effect of IAs</i>	Art.64(4)
<i>languages accepted for filing IA</i>	R.12.1
<i>applicant</i>	R.18
<i>transmittal of IA to IB as rO</i>	R.19.4
<i>IFD</i>	R.20
<i>IFD: determination under Art.11(1)</i>	R.20.1
<i>IFD: positive determination under Art.11(1)</i>	R.20.2
<i>IFD: defects under Art.11(1)</i>	R.20.3
<i>IFD: negative determination under Art.11(1)</i>	R.20.4
<i>IFD: missing parts</i>	R.20.5
<i>IFD: erroneously filed elements and parts</i>	R.20.5bis
<i>IFD: confirmation of incorporation by reference of elements and parts</i>	R.20.6
<i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations</i>	R.20.7
<i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i>	R.82ter
<i>what are main effects of IA?</i>	AG-IP 5.003
<i>IA with IFD is equivalent of "regular national filing" within meaning of PC and may be invoked as basis of priority claim in national, regional or other IA</i>	AG-IP 5.007
<i>what are principles governing right of priority for IAs?</i>	AG-IP 5.060
<i>how must description be drafted?</i>	AG-IP 5.094-095
<i>how must claims be drafted?</i>	AG-IP 5.112
<i>what are main procedural steps at rO?</i>	AG-IP 6.001
<i>what conditions must IA fulfill to be entitled to IFD?</i>	AG-IP 6.005
<i>what date is accorded as IFD?</i>	AG-IP 6.008
<i>does non-payment, incomplete payment or late payment of fees influence IFD?</i>	AG-IP 6.009
<i>how does applicant know whether application has been accorded IFD or that his application is not treated as IA or is considered to have been withdrawn?</i>	AG-IP 6.011
<i>what defects influence IFD?</i>	AG-IP 6.024-025
<i>what happens if all sheets of IA are not received on same day?</i>	AG-IP 6.026
<i>may applicant correct indications of residence and nationality?</i>	AG-IP 6.036
<i>what is national phase?</i>	AG-NP 2.001
<i>Paris Convention: right of priority</i>	Art.4 PC
<i>EPO: right to priority: priority date as effective date</i>	GL/EPO F-VI 1.2
<i>EPO as rO: filing of IA and examination on filing: IFD</i>	GL/PCT-EPO A-II 4
<i>EPO as rO: criteria for accordance IFD</i>	EPG/EPO 2.6
(1) The receiving Office shall <b>accord as the international filing date the date of receipt of the international application</b> , provided that that Office has found that, at the time of receipt:	R.20.2 AG-IP 6.005 AG-IP 6.008
(i) the applicant does not obviously lack, for <b>reasons of residence or nationality</b> , the right to file an international application with the receiving Office,	Art.9 Art.10 R.18 R.19.1 AG-IP 6.025 AG-IP 6.036
(ii) the international application is in the <b>prescribed language</b> ,	Art.3(4)(i) R.12.1 R.19.4 R.20.1(c) AG-IP 6.006 AG-IP 6.025
(iii) the international application contains at least the following elements:	AG-IP 6.006
(a) an <b>indication that it is intended as an international application</b> ,	R.4.2 AG-IP 6.025

<p>(b) the <b>designation of at least one Contracting State</b>,</p>	<p>-----                  Art.4(1)(ii)                  R.4.9                  AG-IP 5.052                  AG-IP 6.025                  -----</p>
<p>(c) the <b>name of the applicant, as prescribed</b>,</p>	<p>Art.9                  R.4.5, R.4.4                  R.20.1(b)                  AG-IP 6.025                  -----</p>
<p>(d) a part which on the face of it appears to be a <b>description</b>,</p>	<p>Art.3(2)                  Art.5, R.5                  AG-IP 5.094                  AG-IP 6.025                  -----</p>
<p>(e) a part which on the face of it appears to be a <b>claim or claims</b>.</p>	<p>Art.3(2)                  Art.6, R.6                  AG-IP 5.112                  AG-IP 6.025</p>
<p>(2) (a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, <b>invite the applicant to file the required correction</b>.</p>	<p>R.20.3-R.20.7                  AG-IP 6.001                  AG-IP 6.026</p>
<p>(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall <b>accord as the international filing date the date of receipt of the required correction</b>.</p>	<p>R.20.3-R.20.6                  AG-IP 6.001                  AG-IP 6.008                  -----</p>
<p>(3) Subject to <b>Article 64(4)</b>,                  any international application fulfilling the <b>requirements listed in items (i) to (iii) of paragraph (1)</b> and accorded an international filing date                  shall have the <b>effect of a regular national application in each designated State</b> as of the international filing date, which date shall be considered to be the actual filing date in each designated State.</p>	<p>Art.64(4) -----                  Art.11(i)-(iii)                  AG-IP 5.003                  AG-IP 5.060                  AG-IP 6.009                  AG-NP 2.001                  -----</p>
<p>(4) Any international application fulfilling the <b>requirements listed in items (i) to (iii) of paragraph (1)</b>                  shall be <b>equivalent to a regular national filing within the meaning of the Paris Convention</b> for the Protection of Industrial Property.</p>	<p>Art.11(i)-(iii)                  Art.4A(2), (3) PC                  AG-IP 5.007                  AG-IP 5.060                  AG-IP 6.009</p>

## Article 12 Transmittal of the International Application to the International Bureau and the International Searching Authority

	<p><i>requirements IA</i></p> <p><i>rO</i></p> <p><i>IS</i></p> <p><i>ISA</i></p> <p><i>preparation of copies</i></p> <p><i>transmittal of record copy and translation</i></p> <p><i>transmittal of search copy; translation and sequence listing</i></p> <p><i>receipt of record copy by IB</i></p> <p><i>receipt of search copy by ISA</i></p> <p><i>competent ISA</i></p> <p><i>keeping of records and files by rO, IB, ISA, IPEA</i></p> <p><i>access to file held by IB, rO, ISA, SISA, IPEA, dO, eO</i></p> <p><i>in how many copies must IA be filed?</i></p> <p><i>what are main procedural steps at rO?</i></p> <p><i>how does record copy reach IB? what are consequences if record copy does not reach IB within prescribed time limit?</i></p> <p><i>how does search copy reach ISA?</i></p>	<p>Art.3</p> <p>Art.10</p> <p>Art.15</p> <p>Art.16</p> <p>R.21</p> <p>R.22</p> <p>R.23</p> <p>R.24</p> <p>R.25</p> <p>R.35</p> <p>R.93</p> <p>R.94</p> <p>AG-IP 5.179-180</p> <p>AG-IP 6.001</p> <p>AG-IP 6.057</p> <p>AG-IP 6.059</p>
<p>(1) One copy of the international application shall be kept by the receiving Office ("<u>home copy</u>"), one copy ("<b>record copy</b>") shall be transmitted to the International Bureau, and another copy ("<b>search copy</b>") shall be transmitted to</p> <p>to the competent <b>International Searching Authority referred to in Article 16</b>, as provided in the Regulations.</p>	<p>R.22.1</p> <p>R.24</p> <p>R.23.1</p> <p>R.25</p> <p>Art.16</p> <p>R.35</p>	
<p>(2) The record copy shall be considered the <u>true copy</u> of the international application.</p>	<p>AG-IP 6.057</p>	
<p>(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the <b>prescribed time limit</b>.</p>	<p>AG-IP 6.057</p> <p>R.22.3</p>	
	<p><i>communication to dOs</i></p> <p><i>request for copies</i></p> <p><i>preparation of copies: responsibility of IB</i></p> <p><i>keeping of records and files by rO, IB, ISA, IPEA</i></p> <p><i>access to file held by IB, rO, ISA, SISA, IPEA, dO, eO</i></p> <p><i>applicant may at any time transmit or ask IB to transmit copy IA to any dO</i></p> <p><i>must copy of IA be furnished by applicant to dO for entry into national phase?</i></p>	<p>Art.20</p> <p>R.31.1</p> <p>R.31.2</p> <p>R.93</p> <p>R.94</p> <p>AG-IP 9.029</p> <p>AG-NP 4.027-028</p>
<p>(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the <b>communication provided for in Article 20</b>, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.</p>	<p>Art.20</p> <p>AG-IP 9.029</p> <p>[no dO has requested this]</p>	
<p>(2) (a) The applicant may, at any time, transmit a copy of his international application to any designated Office.</p>		
<p>(b) The applicant may, at any time, <b>ask the International Bureau</b> to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.</p>	<p>R.31.1(b)</p> <p>AG-IP 9.029</p> <p>AG-NP 4.028</p>	

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

## Article 14 Certain Defects in the International Application

<i>request for IA must contain: title of invention</i>	Art.4(1)(iv)
<i>IFD and effects of IA</i>	Art.11
<i>IFD: missing parts</i>	R.20.5
<i>IFD: erroneously filed elements and parts</i>	R.20.5bis
<i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations</i>	R.20.7
<i>checking by and correcting before rO of certain elements of IA</i>	R.26
<i>checking requirements Art.14(1)(a)(i): if there is more than one applicant it is sufficient if request is signed by one of them</i>	R.26.2bis(a)
<i>checking requirements Art.14(1)(a)(ii): if there is more than one applicant it is sufficient if indications under R.4.5(a)(ii) and (iii) are provided in respect of one of them who is entitled under R.19.1 to file IA at rO</i>	R.26.2bis(b)
<i>correction of defects in IA under Art.14(1)(b): decision of rO</i>	R.26.5
<i>fees prescribed under Art.3(4)(iv): transmittal fee (R.14), international filing fee (R.15.1), search fee (R.16) and, where required, late payment fee (R.16bis.2)</i>	R.27.1(a)
<i>for purposes of Art.14(3)(a) and (b), "fee prescribed under Art.4(2)" means international filing fee (R.15.1) and, where required, late payment fee (R.16bis.2)</i>	R.27.1(b)
<i>defects noted by IB</i>	R.28
<i>procedure if IA is considered withdrawn</i>	R.29
<i>time limit under Art.14(4)</i>	R.30
<i>certain national requirements allowed under Art.27</i>	R.55bis
<i>must indications in respect of applicants be provided for all applicants?</i>	AG-IP 5.032
<i>who must sign IA and when?</i>	AG-IP 5.088
<i>what is use of abstract?</i>	AG-IP 5.164-169A
<i>what happens if abstract is missing or defective?</i>	AG-IP 5.173
<i>IA must comply with certain physical requirements and signs</i>	AG-IP 5.177
<i>what happens if fees are not paid or not paid in full?</i>	AG-IP 5.193-196
<i>what are main procedural steps at rO?</i>	AG-IP 6.001
<i>does non-payment, incomplete payment or late payment of fees influence IFD?</i>	AG-IP 6.009
<i>can IFD once accorded be "taken away"?</i>	AG-IP 6.012
<i>what defects influence IFD?</i>	AG-IP 6.024-025
<i>what happens if all sheets of IA are not received on same day?</i>	AG-IP 6.026
<i>what defects do not influence IFD?</i>	AG-IP 6.032
<i>may applicant correct indications of residence and nationality?</i>	AG-IP 6.036
<i>what must be done if applicant is temporarily unavailable to sign IA?</i>	AG-IP 11.027
<i>when is office dO?</i>	AG-NP 2.002-003
<i>EPO as dO or dO: applications under PCT: examination of formal requirements: drawings</i>	GL/EPO E-IX 2.3.9
(1) (a) The <b>receiving Office shall check</b> whether the international application contains any of the following defects, that is to say:	R.26.1
	AG-IP 6.001
(i) it is <b>not signed as provided</b> in the Regulations;	R.2.3
	R.4.1(d)
	R.4.15
	R.26.2bis(a)
	R.28.1
	R.51bis.1(a)(vi)
	AG-IP 5.088
	AG-IP 6.032
	AG-IP 11.027

(ii) it does not contain the <b>prescribed indications concerning the applicant;</b>	----- Art.4(1)(iii) R.4.5, R.4.4 R.26.2 <i>bis</i> (b) R.28.1 R.51 <i>bis</i> .1(a)(vii) AG-IP 5.032 AG-IP 6.032 AG-IP 6.036 -----
(iii) it does not contain a <b>title;</b>	Art.4(1)(iv) R.4.3 R.37 R.44.2 AG-IP 6.032 -----
(iv) it does not contain an <b>abstract;</b>	Art.3(2) R.8 R.38 R.44.2 AG-IP 5.164 AG-IP 5.173 AG-IP 6.032 -----
(v) it does not comply to the extent provided in the Regulations with the <b>prescribed physical requirements.</b>	Art.3(4)(ii) R.11 R.26.3 R.28.1 AG-IP 5.177 AG-IP 6.032 -----
(b) If the receiving Office finds any of the said defects, it shall <b>invite the applicant to correct</b> the international application	R.26.1 R.26.2 R.26.3 <i>bis</i> AG-IP 5.173 AG-IP 6.001 AG-IP 6.032 AG-IP 11.027 -----
within the <b>prescribed time limit,</b> failing which that application shall be considered withdrawn and the <b>receiving Office shall so declare.</b>	R.26.2 ----- R.26.5 R.29
(2) If the international application refers to <b>drawings which, in fact, are not included</b> in that application, the receiving Office shall notify the applicant accordingly and he may <b>furnish them within the prescribed time limit</b> and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.	Art.7, R.7 AG-IP 6.024-032 ----- R.20.5 R.20.5 <i>bis</i> R.20.7 GL/EPO E-IX 2.3.9
(3) (a) If the receiving Office finds that, within the prescribed time limits, the <b>fees prescribed under Article 3(4)(iv)</b> have not been paid,	R.27.1(a) R.14 R.15.1 R.16.1 R.16 <i>bis</i> .2 -----
or no <b>fee prescribed under Article 4(2)</b> has been paid in respect of any of the designated States,	→ R.27.1(b) R.15.1 R.15.3 R.16 <i>bis</i> .2 -----
the international application shall be considered withdrawn and the <b>receiving Office shall so declare.</b>	R.29.1 AG-IP 5.195 AG-IP 6.009 -----

(b) If the receiving Office finds that the **fee prescribed under Article 4(2)** has been paid in respect of one or more (but less than all) designated States within the prescribed time limit,

the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the **receiving Office shall so declare**.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the **prescribed time limit**,

that any of the **requirements listed in items (i) to (iii) of Article 11(1)** was not complied with at that date,

the said application shall be **considered withdrawn and the receiving Office shall so declare**.

→ R.27.1(b)

R.29.1

R.30.1

R.29.1

Art.11(1)(i)-(iii)

R.29.1

R.29.4

AG-IP 6.012

## Article 15 The International Search

<i>ISA</i>	Art.16
<i>procedure before ISA</i>	Art.17
<i>ISR</i>	Art.18
<i>translation of IA for purpose of IS</i>	R.12.3
<i>search fee: partial refund if search based on earlier IA</i>	R.16.3
<i>relevant prior art for IS</i>	R.33
<i>minimum documentation</i>	R.34
<i>competent ISA</i>	R.35
<i>IS: taking into account results of earlier search and classification</i>	R.41
<i>ISR</i>	R.43
<i>WO-ISA</i>	R.43bis
<i>what are main procedural steps before ISA?</i>	AG-IP 7.001
<i>what is purpose of IS?</i>	AG-IP 7.003
<i>what documents are searched by ISA?</i>	AG-IP 7.004
<i>Agreement between EPOrg and IB of WIPO: international-type search</i>	OJ EPO 2017 A115, Art.8 + Anx G
<i>EPO as ISA: objective of search</i>	GL/EPO B-II 2
<i>EPO as ISA: international-type searches</i>	GL/EPO B-II 4.5
<i>EPO as ISA: scope of search: completeness of search</i>	GL/EPO B-III 2.1
<i>EPO as ISA: guidelines for search</i>	GL/PCT-EPO Part B

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to **discover relevant prior art**.

R.33.1

GL/EPO B-II 2

(3) International search shall be made on the **basis of the claims, with due regard to the description and the drawings** (if any).

R.33.3

(4) The International Searching Authority referred to in Article 16 shall **endeavor to discover as much of the relevant prior art** as its facilities permit, and shall, in any case, consult the **documentation** specified in the Regulations.

R.33.2

AG-IP 7.003

R.34.1(b)

AG-IP 7.004

GL/EPO B-III 2.1

(5) (a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such law, request that a search similar to an international search ("**international-type search**") be carried out on such application.

GL/EPO B-II 4.5

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the **International Searching Authority referred to in Article 16** which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b).

Art.16  
R.35

If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a **translation prepared by the applicant** in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

R.12.3

## Article 16 The International Searching Authority

	<i>IS</i>	Art.15
	<i>procedure before ISA</i>	Art.17
	<i>ISR</i>	Art.18
	<i>similar provision before IPEA</i>	Art.32
	<i>provisions Art.16(3) apply mutatis mutandis to IPEAs</i>	Art.32(3)
	<i>Committee for Technical Cooperation</i>	Art.56
	<i>if two or more ISAs are competent: applicant must indicate choice of ISA in request for IA</i>	R.4.14bis
	<i>minimum documentation</i>	R.34
	<i>competent ISA</i>	R.35
	<i>minimum requirements for ISA's</i>	R.36
	<i>ISA checks title</i>	R.37
	<i>ISA checks abstract</i>	R.38
	<i>SIS</i>	R.45bis
	<i>keeping of records and files by rO, IB, ISA, IPEA</i>	R.93
	<i>access to file held by IB, rO, ISA, SISA, IPEA, dO, eO</i>	R.94
	<i>correspondence</i>	R.92
	<i>which ISA is competent?</i>	AG-IP 7.002
	<i>third party observations</i>	AG-IP 11.109-117
	<i>will third party observations be taken into account by ISA, IPEA and dOs?</i>	AG-IP 11.117
	<i>EPO as ISA or IPEA</i>	Art.152 EPC
	<i>Agreement between EPOrg and IB of WIPO: EPO as ISA</i>	OJ EPO 2017 A115, Art.3(1) + Anx A
	<i>EPO as ISA: scope of search: completeness of search</i>	GL/EPO B-III 2.1
	<i>EPO as ISA: PCT Direct service</i>	GL/PCT-EPO A-IV 1
	<i>EPO as ISA: guidelines for search</i>	GL/PCT-EPO Part B
	<i>EPO as ISA: what is PCT Direct service?</i>	EPG/EPO 2.19
	<i>EPO as ISA and SISA</i>	EPG/EPO Ch.3

(1) International search shall be carried out by an International Searching Authority, which may be either a **national Office or an intergovernmental organization**, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

AG-Anx D  
GL/EPO B-III 2.1

(2) If, pending the establishment of a single International Searching Authority, there are **several International Searching Authorities**,

R.4.14bis

each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), **specify the International Searching Authority or Authorities** competent for the searching of international applications filed with such Office.

R.35.2  
R.35.3

(3) (a) International Searching Authorities shall be **appointed by the Assembly**. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

Art.32(3)  
Art.53

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau.

R.34  
R.45bis.8(b)

The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the **minimum requirements**, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

R.36

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the **Committee for Technical Cooperation referred to in Article 56** once that Committee has been established.

Art.56