

Rule 20 International Filing Date

<p style="text-align: right;"><i>rO</i> <i>conditions for according IFD</i></p> <p style="text-align: center;"><i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i> <i>keeping of records and files by rO, IB, ISA, IPEA</i></p> <p style="text-align: center;"><i>what are main procedural steps at rO</i> <i>how and at what stages may claims, description and drawings in IA be amended?</i></p>	<p>Art.10 Art.11(1) R.82ter R.93 AG-IP 6.001 AG-IP 11.045</p>
<p>20.1 Determination under Article 11(1)</p>	
<p style="text-align: right;"><i>IA in prescribed language</i> <i>elements of IA: name of applicant</i></p> <p style="text-align: center;"><i>languages accepted for filing IA</i> <i>request for IA: name of applicant</i></p> <p style="text-align: center;"><i>what are main procedural steps at rO</i> <i>what conditions must IA fulfill to be entitled to IFD?</i> <i>what date is accorded as IFD?</i></p>	<p>Art.11(1)(ii) Art.11(1)(iii)(c) R.12.1 R.4.5, R.4.4 AG-IP 6.001 AG-IP 6.005-006 AG-IP 6.008</p>
<p>(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers fulfill the requirements of Article 11(1).</p>	<p>Art.11(1) AG-IP 6.001 AG-IP 6.008</p>
<p>(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows the identity of the applicant to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.</p>	<p>Art.11(1)(iii)(c)</p>
<p>(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).</p>	<p>Art.11(1)(ii) AG-IP 6.006 R.12.1(a)</p>
<p>(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997.</p> <p>The information received shall be promptly published by the International Bureau in the Gazette.</p>	<p>AG-IP 6.006 [see Annex 5]</p>
<p>20.2 Positive Determination under Article 11(1)</p>	
<p style="text-align: right;"><i>conditions for according IFD</i> <i>rO: transmittal of IA to IB and ISA</i></p> <p style="text-align: center;"><i>transmittal of record copy by rO to IB</i> <i>what are main procedural steps at rO</i> <i>what conditions must IA fulfill to be entitled to IFD?</i> <i>what date is accorded as IFD?</i></p> <p style="text-align: center;"><i>how does applicant know whether his application has been accorded IFD or that his application is not treated as IA or is considered to have been withdrawn?</i> <i>how does IB monitor receipt of record copy?</i></p>	<p>Art.11(1) Art.12 R.22.1(a) AG-IP 6.001 AG-IP 6.005 AG-IP 6.008 AG-IP 6.011 AG-IP 6.058</p>
<p>(a) If the receiving Office determines that, at the time of receipt of the papers purporting to be an international application, the requirements of Article 11(1) were fulfilled, the receiving Office shall accord as the international filing date the date of receipt of the international application.</p>	<p>Art.11(1) AG-IP 6.001 AG-IP 6.005</p>

(b) The receiving Office shall stamp the request of the international application which it has accorded an international filing date as prescribed by the Administrative Instructions.

The copy whose request has been so stamped shall be the **record copy** of the international application.

Art.12(1)

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date.

AG-IP 6.011
AG-IP 6.058

At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the **record copy to the International Bureau under Rule 22.1(a)**.

Art.12(1)
R.22.1(a)

20.3 Defects under Article 11(1)

<i>conditions for according IFD</i>	Art.11(1)
<i>elements of IA: description</i>	Art.11(1)(iii)(d)
<i>elements of IA: claim or claims</i>	Art.11(1)(iii)(e)
<i>rO invites applicant to correct within prescribed time limit</i>	Art.11(2)
<i>request for IA: statement of incorporation by reference</i>	R.4.18
<i>language of elements and parts furnished under R.20.3, 20.5, 20.5bis or 20.6</i>	R.12.1bis
<i>IFD: positive determination under Art.11(1)</i>	R.20.2
<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 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>can missing or correct pages be added to IA without affecting IFD?</i>	AG-IP 6.027
<i>what are consequences if requirements for incorporation by reference are not complied with?</i>	AG-IP 6.030
<i>EPO as rO: filing of IA and examination on filing: incorporation by reference of missing elements or parts</i>	GL/PCT-EPO A-II 5

(a) Where, in determining whether the papers purporting to be an international application fulfill the **requirements of Article 11(1)**, the receiving Office finds that any of the **requirements of Article 11(1)** are not, or appear not to be fulfilled, it shall promptly invite the applicant, at the applicant's option:

Art.11(1)

(i) to furnish the required **correction under Article 11(2)**; or

Art.11(2)

(ii) where the requirements concerned are those relating to an **element referred to in Article 11(1)(iii)(d) or (e)**, to confirm in accordance with **Rule 20.6(a)** that the element is **incorporated by reference under Rule 4.18**;

Art.11(1)(iii)(d)
Art.11(1)(iii)(e)
R.20.6(a)
R.4.18

and to make observations, if any, within the applicable **time limit under Rule 20.7**. If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.

R.20.7

<p>(b) Where, following an invitation under paragraph (a) or <u>otherwise</u>:</p> <p>(i) the applicant furnishes to the receiving Office the required correction under Article 11(2) after the date of receipt of the purported international application but on a later date falling within the applicable time limit under Rule 20.7, the receiving Office shall accord that <u>later date as the international filing date</u> and proceed as provided in Rule 20.2(b) and (c);</p> <p>(ii) an element referred to in Article 11(1)(iii)(d) or (e) is, under Rule 20.6(b), considered to have been contained in the international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).</p> <p>(c) If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation under paragraph (a) since the requirements of Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.2.</p>	<p>AG-IP 6.026 'otherwise': initiative of applicant Art.11(2)</p> <p>R.20.7 ----- AG-IP 6.030</p> <p>R.20.2</p> <p>Art.11(1)(iii)(d) Art.11(1)(iii)(e) R.12.1bis ----- R.20.6(b)</p> <p>Art.11(1)(iii) R.4.18</p> <p>Art.11(1) ----- R.20.2</p> <p>Art.11(1) ----- R.20.2 R.82ter.1</p>
<p>20.4 Negative Determination under Article 11(1)</p> <p style="text-align: right;"><i>conditions for according IFD review by dOs</i></p> <p style="text-align: right;"><i>IFD: defects under Art.11(1)</i></p> <p><i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations review by dOs</i></p> <p style="text-align: right;"><i>keeping of records and files by rO, IB, ISA, IPEA</i></p> <p><i>how does applicant know whether his application has been accorded IFD or that his application is not treated as IA or is considered to have been withdrawn? what are consequences if requirements for incorporation by reference are not complied with? when and how is IA published by IB?</i></p>	<p>Art.11(1) Art.25(1)</p> <p>R.20.3 R.20.7</p> <p>R.51 R.93</p> <p>AG-IP 6.011</p> <p>AG-IP 6.030 AG-IP 9.012</p>
<p>If the receiving Office does not receive, within the applicable time limit under Rule 20.7, a correction or confirmation referred to in Rule 20.3(a), or if a correction or confirmation has been received but the application still does not fulfill the requirements of Article 11(1), the receiving Office shall:</p> <p>(i) promptly notify the applicant that the application is not and will not be treated as an international application and shall indicate the reasons therefor;</p> <p>(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number;</p> <p>(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1; and</p> <p>(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.</p>	<p>R.20.7</p> <p>R.20.3(a)</p> <p>Art.11(1)</p> <p>AG-IP 6.011 R.51.1 R.51.2</p> <p>R.93.1</p> <p>Art.25(1)</p>

20.5 Missing Parts

<p style="text-align: center;"><i>“element” = all of description or all of claims</i> <i>“part” = part of description, part of claims or all or parts of drawings</i></p> <p style="text-align: center;"><i>conditions for according IFD</i> <i>elements of IA: description</i> <i>elements of IA: claim or claims</i> <i>missing drawings</i></p> <p style="text-align: center;"><i>request for IA: statement of incorporation by reference</i> <i>language of elements and parts furnished under R.20.3, 20.5, 20.5bis or 20.6</i> <i>IFD: positive determination under Art.11(1)</i> <i>IFD: erroneously filed elements and parts</i> <i>IFD: confirmation of incorporation by reference of elements and parts</i> <i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations</i></p> <p style="text-align: center;"><i>ISA may ask for additional fee if missing part or correct element or part is included in IA or considered to have been contained in IA if ISA is notified after it has begun to draw up ISR</i> <i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i></p> <p style="text-align: center;"><i>what defects influence IFD?</i> <i>what happens if all sheets of IA are not received on same day?</i> <i>can missing or correct pages be added to IA without affecting IFD?</i> <i>what are consequences if requirements for incorporation by reference are not complied with?</i> <i>what if IA contains later submitted missing parts or correct elements or parts?</i> <i>similar provision in EPC: missing parts of the description or missing drawing</i></p> <p style="text-align: center;"><i>EPO as rO: filing of IA and examination on filing: incorporation by reference of missing elements or parts</i></p> <p style="text-align: center;"><i>EPO as ISA: incorporating missing parts or elements, or correct parts or elements, completely contained in priority document</i></p> <p style="text-align: center;"><i>EPO as IPEA: allowability of amendments: incorporating missing or correct parts or elements completely contained in priority document</i></p> <p style="text-align: center;"><i>EPO as rO: how can missing parts or elements be incorporated by reference into IA?</i> <i>EPO as ISA: incorporation by reference of missing parts or elements</i></p>	<p>Art.11(1) Art.11(1)(iii)(d) Art.11(1)(iii)(e) Art.14(2)</p> <p>R.4.18 R.12.1bis R.20.2 R.20.5bis R.20.6 R.20.7</p> <p>R.40bis</p> <p>R.82ter</p> <p>AG-IP 6.024-025 AG-IP 6.026 AG-IP 6.027 AG-IP 6.030 AG-IP 7.004A-B</p> <p>R.56 EPC</p> <p>GL/PCT-EPO A-II 5</p> <p>GL/PCT-EPO B-III 2.3.3 GL/PCT-EPO H-II 2.2</p> <p>EPG/EPO 2.4 EPG/EPO 3.2.017</p>
<p>(a) Where, in determining whether the papers purporting to be an international application fulfill the requirements of Article 11(1),</p> <p style="padding-left: 40px;">the receiving Office finds that a <u>part</u> of the description, claims or drawings is or appears to be missing,</p> <p style="padding-left: 40px;">including the case where <u>all</u> of the drawings are or appear to be missing (“<u>missing part</u>”)</p> <p style="padding-left: 40px;">but <u>not</u> including the case where an entire element referred to in Article 11(1)(iii)(d) or (e) is or appears to be missing</p> <p style="padding-left: 40px;">and <u>not</u> including the case referred to in Rule 20.5bis(a),</p> <p style="padding-left: 40px;">it shall promptly invite the applicant, at the applicant’s option:</p> <p style="padding-left: 80px;">(i) to complete the purported international application by furnishing the missing part; or</p> <p style="padding-left: 80px;">(ii) to confirm, in accordance with Rule 20.6(a),</p> <p style="padding-left: 80px;">that the part was incorporated by reference under Rule 4.18;</p> <p>and to make observations, if any, within the applicable time limit under Rule 20.7.</p> <p>If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.</p>	<p>Art.11(1) AG-IP 6.026</p> <p>Art.14(2)</p> <p>Art.11(1)(iii)(d) Art.11(1)(iii)(e) R.20.5bis(a)</p> <p>R.20.6(a) R.4.18</p> <p>R.20.7</p>

<p>(b) Where, following an invitation under paragraph (a) or <u>otherwise</u>, the applicant furnishes to the receiving Office,</p> <p style="padding-left: 40px;"><u>on or before the date</u> on which all of the requirements of Article 11(1) are fulfilled</p> <p style="padding-left: 40px;">but within the applicable time limit under Rule 20.7, a missing part referred to in paragraph (a) so as to complete the purported international application, that part shall be included in the application, and the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).</p> <p>(c) Where, following an invitation under paragraph (a) or <u>otherwise</u>, the applicant furnishes to the receiving Office,</p> <p style="padding-left: 40px;"><u>after the date</u> on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, a missing part referred to in paragraph (a) so as to complete the international application, that part shall be included in the application, and the receiving Office shall correct the international filing date to the date on which the receiving Office received that part,</p> <p style="padding-left: 40px;">notify the applicant accordingly and proceed as provided for in the Administrative Instructions.</p> <p>(d) Where, following an invitation under paragraph (a) or <u>otherwise</u>, a part referred to in paragraph (a) is,</p> <p style="padding-left: 40px;">under Rule 20.6(b), considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).</p> <p>(e) Where the international filing date has been corrected under paragraph (c), the applicant may, in a notice submitted to the receiving Office within one month from the date of the notification under paragraph (c), request that the missing part concerned be disregarded, in which case the missing part shall be considered not to have been furnished and the correction of the international filing date under that paragraph shall be considered not to have been made, and the receiving Office shall proceed as provided for in the Administrative Instructions.</p>	<p><i>'otherwise': initiative of applicant</i> ----- Art.11(1)</p> <p>R.20.7</p> <p>Art.11(1) AG-IP 6.026 ----- R.20.2</p> <p><i>'otherwise': initiative of applicant</i> ----- Art.11(1) ----- R.20.7</p> <p>AG-IP 6.026 AG-IP 6.030 AG-IP 7.004B</p> <p><i>'otherwise': initiative of applicant</i> ----- R.20.6 ----- Art.11(1)(iii) R.4.18 AG-IP 6.026 ----- Art.11(1) AG-IP 7.004B ----- R.20.2</p> <p>R.20.5(c) AG-IP 6.025 AG-IP 6.030</p>
--	---

20.5bis Erroneously Filed Elements and Parts

<p><i>“element” = all of description or all of claims</i> <i>“part” = part of description, part of claims or all or parts of drawings</i></p> <p><i>conditions for according IFD</i> <i>elements of IA</i> <i>missing drawings</i></p> <p><i>request for IA: statement of incorporation by reference</i> <i>language of elements and parts furnished under R.20.3, 20.5, 20.5bis or 20.6</i> <i>translation of IA for purpose of IS</i> <i>translation of IA for purpose of international publication</i> <i>obligation to submit copy of earlier national or international application</i> <i>IFD: defects under Art.11(1)</i> <i>IFD: missing parts</i> <i>IFD: confirmation of incorporation by reference of elements and parts</i> <i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations</i></p> <p><i>ISA may ask for additional fee if missing part or correct element or part is included in IA or considered to have been contained in IA if ISA is notified after it has begun to draw up ISR</i> <i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i> <i>what happens if all sheets of IA are not received on same day?</i> <i>can missing or correct pages be added to IA without affecting IFD?</i> <i>what happens to erroneously filed element or part if incorporation by reference of correct element or part is confirmed?</i> <i>what are consequences if requirements for incorporation by reference are not complied with?</i> <i>what if IA contains later submitted missing parts or correct elements or parts?</i> <i>similar provision in EPC: erroneously filed application documents or parts</i> <i>EPO as ISA charges additional fee where inclusion of erroneously filed element/part is notified to ISA only after it has begun to draw up ISR (PCT Rule 40bis → Rule 20.5bis)</i> <i>EPO as dO/eO: Euro-PCT applications – erroneously filed elements under PCT Rule 20.5bis</i> <i>EPO as rO: filing of IA and examination on filing: correction of erroneously filed elements or parts</i> <i>EPO as ISA: incorporating missing parts or elements, or correct parts or elements, completely contained in priority document</i> <i>EPO as rO: how can erroneously filed elements or parts be corrected?</i> <i>EPO as ISA: correction of erroneously filed elements or parts</i></p>	<p>Art.11(1) Art.11(1)(iii) Art.14(2) R.4.18 R.12.1bis R.12.3 R.12.4 R.17.1 R.20.3 R.20.5 R.20.6 R.20.7 R.40bis R.82ter AG-IP 6.026 AG-IP 6.027 AG-IP 6.029A AG-IP 6.030 AG-IP 7.004A-B R.56a EPC RFees 2(1).2 GL/EPO C-III 1.3 GL/PCT-EPO A-II 6 GL/PCT-EPO B-III 2.3.3 EPG/EPO 2.5 EPG/EPO 3.2.018</p>
--	--

(a) Where, in determining whether the papers purporting to be an international application fulfill the **requirements of Article 11(1)**, the receiving Office finds that an **entire element referred to in Article 11(1)(iii)(d) or (e)** has or appears to have been erroneously filed, or that a part of the description, claims or drawings has or appears to have been erroneously filed, including the case where all drawings have or appear to have been erroneously filed (“erroneously filed element or part”), it shall promptly invite the applicant, at the applicant’s option:

- (i) to correct the purported international application by furnishing the correct element or part; or
- (ii) to confirm, in accordance with **Rule 20.6(a)**,

that the correct element or part was **incorporated by reference under Rule 4.18**;

Art.11(1)

 Art.11(1)(iii)(d)
 Art.11(1)(iii)(e)

 Art.14(2)

 R.20.6(a)
 EPG/EPO 2.5.003

 R.4.18

and to make observations, if any, within the applicable **time limit under Rule 20.7**. If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.

R.20.7

(b) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office,

on or before the date on which **all of the requirements of Article 11(1)** are fulfilled

but within the applicable **time limit under Rule 20.7**,

a correct element or part so as to correct the purported international application,

that correct element or part shall be included in the application,

the erroneously filed element or part concerned shall be removed from the application

and the receiving Office shall accord as the international filing date the date on which **all of the requirements of Article 11(1)** are fulfilled

and proceed as provided in **Rule 20.2(b) and (c)** and as provided for in the Administrative Instructions.

'otherwise':

initiative of

applicant

Art.11(1)

EPG/EPO 2.5.002

R.20.7

Art.11(1)

AG-IP 6.026

R.20.2

(c) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office,

after the date on which **all of the requirements of Article 11(1)** were fulfilled

but within the applicable **time limit under Rule 20.7**,

a correct element or part so as to correct the international application,

that correct element or part shall be included in the application,

the erroneously filed element or part concerned shall be removed from the application,

and the receiving Office shall correct the international filing date to the date on which the receiving Office received that correct element or part,

notify the applicant accordingly and proceed as provided for in the Administrative Instructions.

'otherwise':

initiative of

applicant

Art.11(1)

EPG/EPO 2.5.002

R.20.7

AG-IP 6.026

AG-IP 6.030

AG-IP 7.004B

(d) Where, following an invitation under paragraph (a) or otherwise, a correct element or part is,

under **Rule 20.6(b)**,

considered to have been contained in the purported international application on the date on which **one or more elements referred to in Article 11(1)(iii)** were first received by the receiving Office,

the erroneously filed element or part concerned shall remain in the application,

and the receiving Office shall accord as the international filing date the date on

which **all of the requirements of Article 11(1)** are fulfilled

and proceed as provided in **Rule 20.2(b) and (c)** and as provided for in the Administrative Instructions.

'otherwise':

initiative of

applicant

R.20.6(b)

Art.11(1)(iii)

R.4.18

Art.11(1)

AG-IP 6.026

R.20.2(b), (c)

AG-IP 6.029A

(e) Where the international filing date has been corrected under paragraph (c), the applicant may, in a notice submitted to the receiving Office within one month from the date of the notification under paragraph (c), request that the correct element or part be disregarded,

in which case the correct element or part shall be considered not to have been furnished,

the erroneously filed element or part concerned shall be considered not to have been removed from the application

and the correction of the international filing date under paragraph (c) shall be considered not to have been made,

and the receiving Office shall proceed as provided for in the Administrative Instructions.

R.20.5bis(c)

AG-IP 6.025

AG-IP 6.030

AG-IP 7.004B

20.6 Confirmation of Incorporation by Reference of Elements and Parts

<p style="text-align: center;"><i>“element” = all of description or all of claims</i> <i>“part” = part of description, part of claims or all or parts of drawings</i></p> <p style="text-align: center;"><i>conditions for according IFD elements of IA</i></p> <p style="text-align: center;"><i>request for IA: statement of incorporation by reference language of elements and parts furnished under R.20.3, 20.5, 20.5bis or 20.6 translation of IA for purpose of IS translation of IA for purpose of international publication obligation to submit copy of earlier national or international application IFD: defects under Art.11(1) IFD: missing parts IFD: erroneously filed elements and parts</i></p> <p style="text-align: center;"><i>IFD: time limit to furnish corrections or to confirm incorporation by reference, and to make observations</i></p> <p style="text-align: center;"><i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i></p> <p style="text-align: center;"><i>what date is accorded as IFD? what defects influence IFD? how should missing or correct elements or parts be incorporated by reference into IA what is time limit for confirming incorporation by reference of missing or correct elements or parts?</i></p> <p style="text-align: center;"><i>EPO as rO: filing of IA and examination on filing: incorporation by reference of missing elements or parts</i></p> <p style="text-align: center;"><i>EPO as IPEA: allowability of amendments: incorporating missing or correct parts or elements completely contained in priority document</i></p>	<p>Art.11(1) Art.11(1)(iii)</p> <p>R.4.18 R.12.1bis R.12.3 R.12.4 R.17.1 R.20.3 R.20.5 R.20.5bis R.20.7</p> <p>R.82ter AG-IP 6.008 AG-IP 6.024-025 AG-IP 6.028 AG-IP 6.029</p> <p>GL/PCT-EPO A-II 5 GL/PCT-EPO H-II 2.2</p>
<p>(a) The applicant may submit to the receiving Office, within the applicable time limit under Rule 20.7, a written notice confirming that an element or part is incorporated by reference in the international application under Rule 4.18, accompanied by:</p> <p style="margin-left: 20px;">(i) a sheet or sheets embodying the entire element as contained in the earlier application or embodying the part concerned;</p> <p style="margin-left: 20px;">(ii) where the applicant has not already complied with Rule 17.1(a), (b) or (b-bis) in relation to the priority document, a copy of the earlier application as filed;</p> <p style="margin-left: 20px;">(iii) where the earlier application is not in the language in which the international application is filed, a translation of the earlier application into that language or, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), a translation of the earlier application into both the language in which the international application is filed and the language of that translation; and</p> <p style="margin-left: 20px;">(iv) in the case of a part of the description, claims or drawings, an indication as to where that part is contained in the earlier application and, where applicable, in any translation referred to in item (iii).</p> <p>(b) Where the receiving Office finds that the requirements of Rule 4.18 and paragraph (a) have been complied with and that the element or part referred to in paragraph (a) is <u>completely contained</u> in the earlier application concerned, that element or part shall be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office.</p> <p>(c) Where the receiving Office finds that a requirement under Rule 4.18 or paragraph (a) has not been complied with or that the element or part referred to in paragraph (a) is not completely contained in the earlier application concerned, the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b), 20.5(c), 20.5bis(b) or 20.5bis(c), as the case may be.</p>	<p>R.20.7 AG-IP 6.024</p> <p>R.4.18 AG-IP 6.028</p> <p>R.12.1bis</p> <p>R.17.1</p> <p>AG-IP 6.028</p> <p>R.12.3(a) R.12.4(a)</p> <p>R.4.18</p> <p>Art.11(1)(iii) R.4.18</p> <p>R.4.18</p> <p>R.20.3 R.20.5 20.5bis(b), (c)</p>

20.7 Time Limit

<i>conditions for according IFD</i>	Art.11(1)
<i>elements of IA: description</i>	Art.11(1)(iii)(d)
<i>elements of IA: claim or claims</i>	Art.11(1)(iii)(e)
<i>rO invites applicant to correct within prescribed time limit</i>	Art.11(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>what happens if all sheets of IA are not received on same day?</i>	AG-IP 6.026
<i>what is time limit for confirming incorporation by reference of missing or correct elements or parts?</i>	AG-IP 6.029
<i>what are effects of successful incorporation of missing or correct elements or parts on dOs/eOs?</i>	AG-IP 6.031
<i>EPO as rO: filing of IA and examination on filing: incorporation by reference of missing elements or parts</i>	GL/PCT-EPO A-II 5
<i>EPO as rO: filing of IA and examination on filing: correction of erroneously filed elements or parts</i>	GL/PCT-EPO A-II 6
(a) The applicable time limit referred to in Rules 20.3(a) and (b), 20.4, 20.5(a), (b) and (c), 20.5bis(a), (b) and (c), and 20.6(a) shall be:	R.20.3
	R.20.4
	R.20.5
	R.20.5bis
	R.20.6
(i) where an invitation under Rule 20.3(a), 20.5(a) or 20.5bis(a) , as applicable, was sent to the applicant, two months from the date of the invitation;	R.20.3
	R.20.5
	R.20.5bis
(ii) where no such invitation was sent to the applicant, two months from the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office.	Art.11(1)(iii)
(b) Where neither a correction under Article 11(2)	Art.11(2)
nor a notice under Rule 20.6(a) confirming the incorporation by reference	R.20.6
of an element referred to in Article 11(1)(iii)(d) or (e) is received by the receiving Office prior to the expiration of the applicable time limit under paragraph (a),	Art.11(1)(iii)(d)
any such correction or notice received by that Office after the expiration of that time limit but before it sends a notification to the applicant under Rule 20.4(i) shall be considered to have been received within that time limit.	Art.11(1)(iii)(e)
	R.20.4(i)

20.8 Incompatibility with National Laws

<p style="text-align: right;"><i>conditions for according IFD</i></p> <p style="text-align: center;"><i>furnish copy and translation of IA and pay national fee to dOs</i></p> <p style="text-align: center;"><i>request for IA: statement of incorporation by reference</i></p> <p style="text-align: center;"><i>IFD: defects under Art.11(1)</i></p> <p style="text-align: center;"><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>IFD: confirmation of incorporation by reference of elements and parts</i></p> <p style="text-align: center;"><i>application of certain Rules to procedures before eOs</i></p> <p style="text-align: center;"><i>rectification by dO/eO of errors made by rO or by IB: IFD and priority claim</i></p> <p style="text-align: center;"><i>can missing or correct pages be added to IA without affecting IFD?</i></p> <p style="text-align: center;"><i>what are effects of successful incorporation of missing or correct elements or parts on dOs/eOs?</i></p> <p style="text-align: center;"><i>how should request for restoration of right of priority be filed with dO?</i></p> <p style="text-align: center;"><i>EPO as rO: how can erroneously filed elements or parts be corrected?</i></p>	<p>Art.11(1)</p> <p>Art.22</p> <p>R.4.18</p> <p>R.20.3</p> <p>R.20.5</p> <p>R.20.5bis</p> <p>R.20.6</p> <p>R.76.5</p> <p>R.82ter</p> <p>AG-IP 6.027</p> <p>AG-IP 6.031</p> <p>AG-NP 6.008</p> <p>EPG/EPO 2.5</p>
<p>(a) If, on October 5, 2005, any of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 are not compatible with the national law applied by the receiving Office, the Rules concerned shall not apply to an international application filed with that receiving Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006.</p> <p>The information received shall be promptly published by the International Bureau in the Gazette.</p>	<p>R.20.3</p> <p>R.20.5</p> <p>R.20.6</p> <p><i>[see Annex 5]</i></p>
<p>(a-bis) If, on October 9, 2019, any of Rules 20.5bis(a)(ii) and (d) are not compatible with the national law applied by the receiving Office,</p> <p>the Rules concerned shall not apply to an international application filed with that receiving Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 9, 2020.</p> <p>The information received shall be promptly published by the International Bureau in the Gazette.</p>	<p>R.20.5bis(a)(ii)</p> <p>R.20.5bis(d)</p> <p>EPG/EPO 2.5.003</p> <p><i>[see Annex 5]</i></p>
<p>(a-ter) Where an element or a part cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of paragraph (a) or paragraph (a-bis) of this Rule,</p> <p>the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b), 20.5(c), 20.5bis(b) or 20.5bis(c), as the case may be.</p> <p>Where the receiving Office proceeds as provided for in Rule 20.5(c) or 20.5bis(c), the applicant may proceed as provided for in Rule 20.5(e) or 20.5bis(e), as the case may be.</p>	<p>R.4.18</p> <p>R.20.6</p> <p>R.20.3</p> <p>R.20.5</p> <p><u>R.20.5bis</u></p> <p>R.20.5</p> <p>R.20.5bis</p>
<p>(b) If, on October 5, 2005, any of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 are not compatible with the national law applied by the designated Office,</p> <p>the Rules concerned shall not apply in respect of that Office in relation to an international application in respect of which the acts referred to in Article 22 have been performed before that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006.</p> <p>The information received shall be promptly published by the International Bureau in the Gazette.</p>	<p>R.20.3</p> <p>R.20.5</p> <p>R.20.6</p> <p>Art.22</p> <p><i>[see Annex 5]</i></p>

(b-bis) If, on October 9, 2019, any of **Rules 20.5bis(a)(ii) and (d)** are not compatible with the national law applied by the designated Office,

the Rules concerned shall not apply in respect of that Office in relation to an international application in respect of which the **acts referred to in Article 22** have been performed before that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 9, 2020.

The information received shall be promptly published by the International Bureau in the Gazette.

(c) Where an element or part is considered to have been **incorporated by reference in the international application by virtue of a finding of the receiving Office under Rule 20.6(b)**,

but that incorporation by reference does not apply to the international application for the purposes of the procedure before a designated Office because of the operation of paragraph (b) or paragraph (b-bis) of this Rule,

the designated Office may treat the application as if the **international filing date had been accorded under Rule 20.3(b)(i), 20.5(b) or 20.5bis(b)**,

or **corrected under Rule 20.5(c) or 20.5bis(c)**, as the case may be,

provided that **Rule 82ter.1(c) and (d)** shall apply *mutatis mutandis*.

R.20.5bis(a)(ii)

R.20.5bis(d)

Art.22

[see Annex 5]

R.20.6

AG-IP 6.031

R.20.3

R.20.5

R.20.5bis

R.20.5

R.20.5bis

R.82ter.1(c), (d)

Rule 21 Preparation of Copies

rO

rO: transmittal of IA to IB and ISA

*rO may require that IA is filed in 2 or 3 copies
keeping of records and files by rO, IB, ISA, IPEA
access to file held by IB, rO, ISA, SISA, IPEA, dO, eO*

*in how many copies must IA be filed?**applicant must furnish translation of IA if IA is filed in language accepted by rO but not by ISA**applicant must furnish translation of IA if IA is filed in language accepted by rO and by ISA but
which is not also language of publication*

Art.10

Art.12

R.11.1(b)

R.93

R.94

AG-IP 5.179-180

AG-IP 5.181

AG-IP 5.182

21.1 Responsibility of the Receiving Office

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for **preparing the home copy and the search copy required under Article 12(1)**.

Art.12(1)

AG-IP 5.180

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

AG-IP 5.180

(c) If the international application is filed in less than the **number of copies required under Rule 11.1(b)**, the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

R.11.1(b)

21.2 Certified Copy for the Applicant

*what is time limit for confirming incorporation by reference of missing or correct elements
or parts?*

AG-IP 6.029

can applicant obtain certified copies of IA?

AG-IP 6.060

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

Rule 22 Transmittal of the Record Copy and Translation	
<p><i>rO</i> <i>conditions for according IFD</i> <i>rO: transmittal of IA to IB and ISA</i> <i>furnish copy and translation of IA and pay national fee to dOs</i> <i>freedom of any Contracting State to apply measures for preservation of its national security</i> <i>what are main procedural steps at rO?</i></p>	<p>Art.10 Art.11(1) Art.12 Art.22 Art.27(8) AG-IP 6.001</p>
22.1 Procedure	
<p><i>translation for purposes of IS</i> <i>translation of IA for purpose of international publication</i> <i>IFD: positive determination under Art.11(1)</i> <i>certified copy of IA for applicant</i> <i>application of certain Rules to procedures before eOs</i> <i>in how many copies must IA be filed?</i> <i>applicant must furnish translation of IA if IA filed in language accepted by rO but not by ISA</i> <i>applicant must furnish translation of IA if IA is filed in language accepted by rO and by ISA but</i> <i>which is not also language of publication</i> <i>can rO refuse to treat IA as such for reasons of national security?</i> <i>how does applicant know whether his application has been accorded IFD or that his application</i> <i>is not treated as IA or is considered to have been withdrawn?</i> <i>how does record copy reach IB? what are consequences if record copy does not reach IB within</i> <i>prescribed time limit?</i> <i>how does IB monitor receipt of record copy?</i> <i>what are main procedural steps at IB?</i></p>	<p>R.12.3 R.12.4 R.20.2 R.21.2 R.76.5 AG-IP 5.179-180 AG-IP 5.181 AG-IP 5.182 AG-IP 6.010 AG-IP 6.011 AG-IP 6.057 AG-IP 6.058 AG-IP 9.001</p>
<p>(a) If the determination under Article 11(1) is positive,</p> <p>and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained.</p> <p>In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13th month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than five days prior to the expiration of the 13th month from the priority date.</p>	<p>Art.11(1) R.20.2 Art.27(8) AG-IP 5.181-182</p>
<p>(b) If the International Bureau has received a copy of the notification under Rule 20.2(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.</p>	<p>R.20.2</p>
<p>(c) If the International Bureau has received a copy of the notification under Rule 20.2(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.</p>	<p>R.20.2</p>
<p>(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.</p>	<p>R.21.2</p>
<p>(e) Any certification under paragraph (d) shall be free of charge and may be refused only on any of the following grounds:</p> <p>(i) the copy which the receiving Office has been requested to certify is not identical with the international application as filed;</p>	<p>AG-IP 6.058</p>

(ii) prescriptions concerning national security prevent the international application from being treated as such;

(iii) the receiving Office has already transmitted the record copy to the International Bureau and that Bureau has informed the receiving Office that it has received the record copy.

(f) Unless the International Bureau has received the record copy, or until it receives the record copy, the copy certified under paragraph (e) and received by the International Bureau shall be considered to be the record copy.

(g) If, by the expiration of the **time limit applicable under Article 22**, the applicant has performed the acts referred to in that Article but the designated Office has not been informed by the International Bureau of the receipt of the record copy, the designated Office shall inform the International Bureau. If the International Bureau is not in possession of the record copy, it shall promptly notify the applicant and the receiving Office unless it has already notified them under paragraph (c).

Art.22
R.76.5

(h) Where the international application is to be published in the language of a **translation furnished under Rule 12.3 or 12.4**, that translation shall be transmitted by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

R.12.3
R.12.4

22.2 [Deleted]

22.3 Time Limit under Article 12(3)

*IA considered withdrawn if record copy not received in time by IB
IB notifies applicant, rO and ISA if record copy is received too late
how does record copy reach IB? what are consequences if record copy does not reach IB within
prescribed time limit?*

Art.12(3)
R.24.2(c)
AG-IP 6.057

The **time limit referred to in Article 12(3)** shall be three months from the date of the notification sent by the International Bureau to the applicant under Rule 22.1(c) or (g).