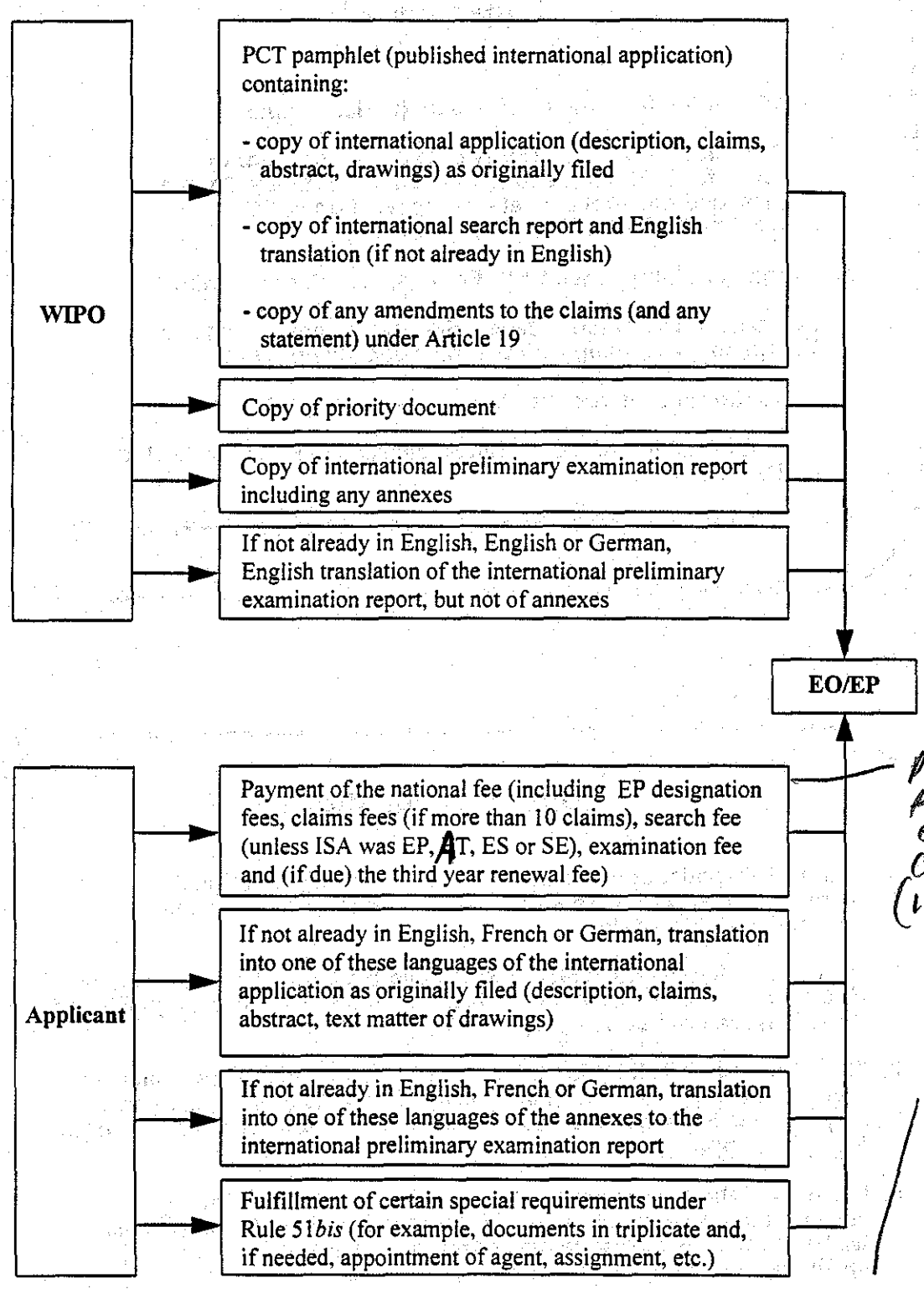
Euro-PCT Procedure

XVI.3

Entry into the regional phase under Chapter II before the EPO as elected Office (within 31 months from the priority date)*



* For further details, see the *PCT Applicant's Guide*, Volume II/A, "EP" national chapter

Extension of European patent to certain States

1. Available at present in accordance with agreements signed by each State concerned with the EPO for:

   -- Slovenia (SI) since 1 March 1994,
   -- Lithuania (LT) since 5 July 1994,
   -- and Latvia (LV) since 1 May 1995
   Albania (AL) 1 Feb 1996

2. The request for extension to SI, LT and/or LV of a European patent granted on a Euro-PCT application may be made only if the PCT application contains the designations SI, LT and/or LV in addition to the designation EP

3. When must the extension be requested:
   at the time of entry into the EP regional phase

4. How to make the request for extension upon entering the EP regional phase:

   -- by an indication to that effect in the EP regional entry form, and
   -- by paying the European extension fee for each State concerned

5. Other States may sign similar agreements with the EPO (to date Albania and Romania have done so but the EP extension system has not yet become applicable to them)

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Accelerated examination of European patent applications "PACE"

1. Available for all Euro-PCT applications, irrespective of whether the EPO acted as ISA or IPEA, regardless of the subject matter of the application

2. The request for accelerated examination

   - may be filed upon entry into the European regional phase or later
   - must be made in writing
   - need not contain any specific reasons
   - is free of charge

3. Applicants may file a substantive response (reasoned observations or amendments or both) to the IPER upon entering the regional phase without awaiting the first examination report from the EPO

SUMMARY — Designated (or elected) Office — SUMMARY

EP EUROPEAN PATENT OFFICE (EPO) EP

[continued]

Extension fee:	Fee for extension of the European patent to Albania, Latvia, Lithuania or Slovenia (the country concerned must have been designated in the international application)[7] DEM 200 Surcharge for late payment: 50% of the extension fee[8]
Exemptions, reductions or refunds of the national fee:	No search fee is payable where the international search report has been established by the EPO, the Austrian Patent Office, the Spanish Patent and Trademark Office or the Swedish Patent Office The search fee is reduced by 20% where the international search report has been established by the Australian Patent Office, the Chinese Patent Office, the Japanese Patent Office, the Russian Patent Office or the United States Patent and Trademark Office The examination fee is reduced by 50% where an international preliminary examination report has been established by the EPO Furthermore, in certain cases the examination fee is reduced by 20% for language reasons (see paragraph EP.15 of the National Chapter EP)
Special requirements of the Office (PCT Rule 51bis):	The translation and the amendments to the international application must be filed in triplicate (this applies particularly to the amendments annexed to the international preliminary examination report if the applicant wishes them to be taken into consideration for the proceedings before the EPO)[9] Name and address of the inventor if they have not been furnished in the "Request" part of the international application[9] Where applicable, translation of priority document into English, French or German[9] Appointment of an agent if applicant has neither a residence nor his principal place of business within the territory of one of the Contracting States of the European Patent Convention[9] Filing, where applicable, of nucleotide and/or amino acid sequence lisitings on an electronic data carrier (diskette), as prescribed, including the required statements (see OJ EPO 12/1992, Supplement No. 2)[9]
Who can act as agent?	Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be ordered at the EPO, Munich) Any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State

[7] Must be paid within 21 months or 31 months from the priority date depending on whether PCT Article 22 or 39(1) applies. See also OJ EPO 1994, 75, 82.

[8] But not to exceed a total of DEM 1,400, comprising the national and search fees.

[9] If not already complied with within the time limit applicable under PCT Article 22 or 39(1) (21 months or 31 months from the prority date), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.



SUMMARY **Designated (or elected) Office** SUMMARY

EP EUROPEAN PATENT OFFICE (EPO) EP

Summary of requirements for entry into the national phase[1]

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into:	English, French or German
Required contents of the translation for the entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19)[2], any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report and claims amended under PCT Article 19, if the applicant wishes these amendments to form the basis for the proceedings, together with any statement under PCT Article 19)[2], abstract
Is a copy of the international application required?	No
National fee:	Currency: Deutsche Mark (DEM)[3] National fee,[4] comprising – basic national fee: DEM 600 – designation fee for each EPO Contracting State designated and for the joint designation of Switzerland and Liechtenstein: DEM 350 – claims fee for the 11th and each subsequent claim: DEM 80 Search fee:[4] DEM 1,900 Surcharge for late payment of the national fee, a designation fee or the search fee: 50% of the relevant fee, but not to exceed a total of: DEM 1,400 Examination fee:[5] DEM 2,800 Surcharge for late filing of the request for examination: DEM 1,400 Renewal fee for the third year:[6] DEM 750

[continued on next page]

1 See also the "Information for PCT Applicants" in Supplement No. 1 to OJ EPO 12/1992, pages 1 to 15 concerning the EPO as designated Office and pages 16 to 32 concerning the EPO as elected Office, and amendments in OJ EPO 1-2/1994, pages 131 to 136.

2 Where the applicant furnishes only one translation, either of the claims as filed or as amended, the claims which have not been translated will be disregarded; no invitation to furnish the missing translation will generally be issued (PCT Rule 49.5(c^{bis})).

3 Payments can also be made in the following currencies: Austrian Schilling, Belgian/Luxembourg Franc, Danish Krone, French Franc, Greek Drachma, Irish Pound, Lira, Netherlands Guilder, Portuguese Escudo, Pound Sterling, Peseta, Swedish Krona, Swiss Franc. For the equivalent amounts fixed by the EPO in those currencies, reference should be made to the latest issue of the OJ EPO.

4 Must be paid within 21 months or 31 months from the priority date depending on whether PCT Article 22 or 39(1) applies.

5 A written request for examination must be made and the examination fee must be paid within six months after the publication by the International Bureau of the international search report or within the time limit applicable under PCT Article 22 or 39(1) (21 months or 31 months from the prority date), whichever expires later.

6 This fee is due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 39(1) applies, it is due within 31 months from the priority date if that 31-month time limit expires later.

European regional phase (general)

1. Time limit:
   - 21 months from the priority date (under Chapter I)
   - 31 months from the priority date (under Chapter II) (even for EPC Contracting States not bound by Chapter II, provided the applicant elected at least one EPC Contracting State bound by Chapter II)
2. Language of the translation: English, French or German
3. Search and examination fees: identical to those due for a European direct filing with the following exceptions:
   - no European search fee if ISA was EP, AT, ES or SE
   - 20% reduction of the European search fee if ISA was AU, CN, JP, RU or US
   - 50% reduction of the European examination fee if IPEA was EP

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European designations

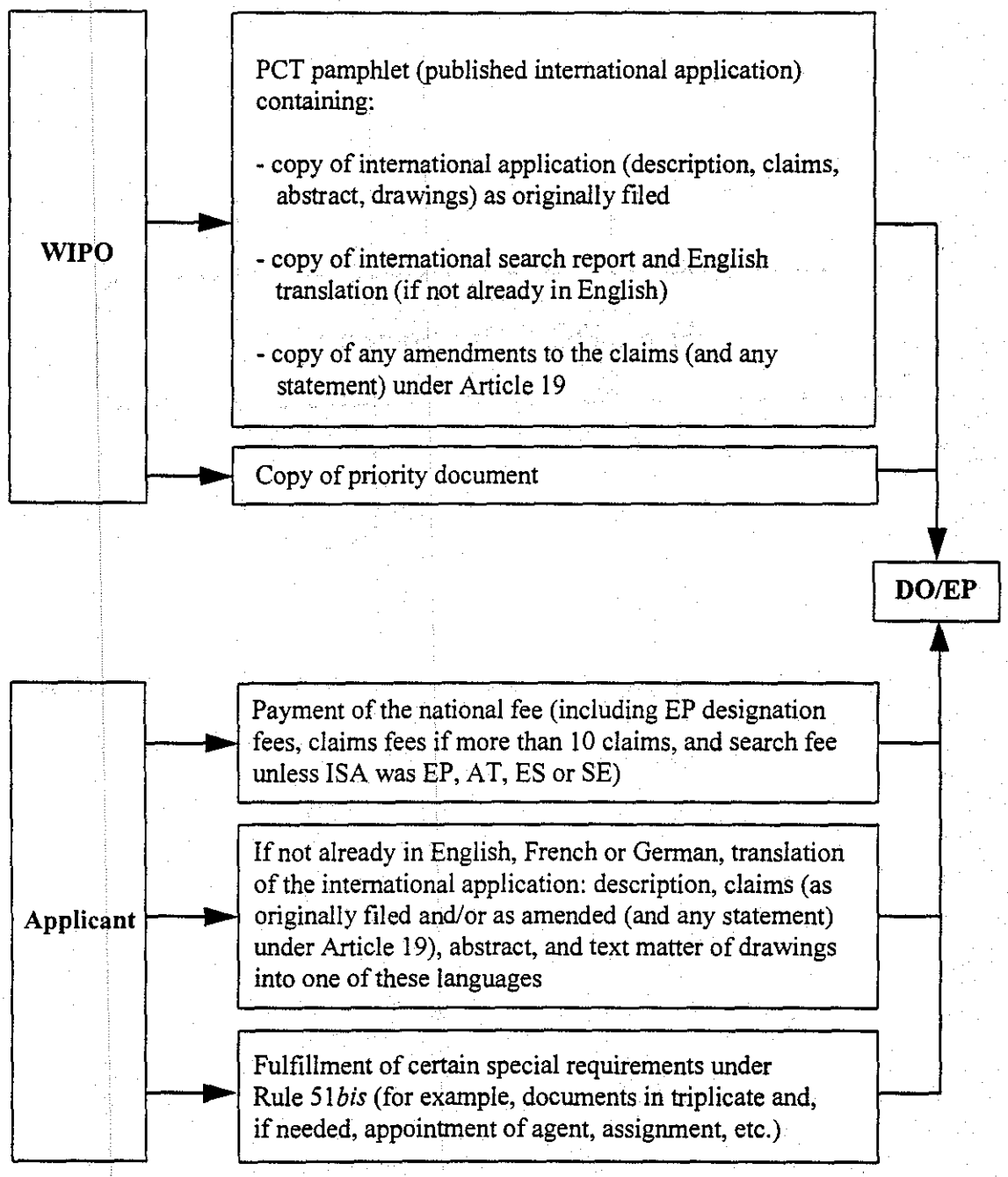
1. In the PCT application, the designation "EP" covers all the EPC member States which are also PCT Contracting States on the international filing date
2. If a Chapter II demand is filed and "all eligible States" are elected, all EPC member States which were designated are elected (except ES and GR which are not bound by Chapter II)*
3. The 31-month time limit for entry into the EP regional phase will then apply to all EPC States originally designated -- as long as at least one eligible EPC State was elected -- because of the unitary character of the European application
4. It is only at the time of entry into the EP regional phase that the selection of some, or all, of the EPC States for which the applicant wishes to proceed must be made and the European designation fees for those States paid to the EPO

* CH and LI became bound by Chapter II on 1 September 1995

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XVI.2

Entry into the regional phase under Chapter I before the EPO as designated Office (within 21 months from the priority date)*



* For further details, see the *PCT Applicant's Guide*, Volume II/A, "EP" national chapter