

epi-CEIPI STUDY GUIDE

**Structure of the *epi*-CEIPI Modules
with key topics relating to the EPC and the PCT, and
with references to the Unitary Patent Regulations and
the Unified Patent Court Agreement**

March 2022



MODULES

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
A	General Introduction			
A1 1h	Introduction to intellectual property law		• Intellectual property rights – Copyrights – Trademarks – Patents – Industrial designs – Trade secrets • Economic growth	
A2 0.5h	The patent and other rights to protect inventions			
A3 1h	History of patent law		• From Venetian patent ordinance to a unitary patent in the EU	
A4 0.5h	The international patent conventions		• Paris Convention – National Treatment • 1963 Strasbourg Convention • European Patent Convention • TRIPs Agreement • Patent Law Treaty • UP Reg 1257, 1260 and UPCA	• Patent Cooperation Treaty

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
B	Introduction to European Patent Law			
B1 1h	Introduction to the EPC	Preamble, Art. 1, 2, 3, 142(1), 164, 166, 172 EPC	• Relationship Paris > PCT > EPC > CPC > UP • EPC as a multilateral treaty • Autonomous legal system for granting European patents • Bundle of European patents • Accession to the EPC • Revision of the EPC (1991, 2000) – Transitional provisions • Overview from filing to grant • Overview post-grant proceedings • Unitary EU patents	
B2 1h	Introduction to the PCT	PCT Art. 1, 64; Rules 81, 88, 89		• International applications • Regional patent treaties • Overview: filing, search, publication and preliminary examination • Overview: entry in national/regional phase • Amendment of the PCT – Modification of the PCT (2001): time limit in Art. 22(1) from 20 to 30 months – Reservations
B3 1h	Interpretation of provisions of the EPC and PCT	Preamble, Art. 150(2), 164, 177 EPC Vienna Convention Art. 31-32 PCT Art. 67(1)	• Rules for interpretation • Vienna Convention – Good faith • Languages of the Convention	Equally authentic texts of the Patent Cooperation Treaty

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
B4 3h	Institutional provisions	Art. 4,13, 15-24, 25, 26-50, , 169, 170, 171,176, 178 EPC Rules 8-13 EPC Protocol on Centralisation Protocol on Privileges and Immunities Protocol on the Staff Complement <i>[PCT Art. 2, 16, 32, 53, 55, 58; Rule 2]</i> <i>[Art. 9(1) first sentence, 9(2) Reg 1257; Rules 2-4 UPR]</i>	- European Patent Organisation (EPOrg) - Administrative Council and its competence - European Patent Office (EPO) - Departments of the EPO and their responsibilities - Delegation to formalities officers - Technical opinion - Independence of the boards of appeal - Exclusion and objection - Partiality in departments of first instance - Financial provisions	- Union - Assembly - Definitions - Regional patent - Priority period - National Office - Receiving Office (rO) - International Bureau (IB) - International searching authority (ISA) - International preliminary examination authority (IPEA) - Designated/elected Office (dO/eO)

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
B5 3h	Languages and translations	Art. 14, 65, 70 EPC Rules 3-7, 36(2), 40(3) EPC <i>[PCT Rules 12, 19.4(a)(ii), 48.3]</i> <i>[Art. 9(1)(f)(g)(h) Reg 1257; Art. 2(b), 3(2), 5, 6(1)(2) Reg 1260; Rules 8-11 and 20 UPR]</i>	• Official languages of the EPO • Filing a European patent application and translation • Language of application filed by reference • Language of divisional application • Language of the proceedings • Filing further documents and translations • Fee reduction • Publications of the EPO • Entries in the European Patent Register • Languages in written and oral proceedings • Language of publication of the European patent application and patent • Authentic text of the application or patent • [Unitary patent – Language provisions – Translation in transitional period – Compensation scheme ○ Comparison with filing fee reduction]	Basic language provisions in the PCT • Filing the international application – Filing in language not accepted by rO • Languages of publication • Translation for international search • Translation for international publication

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
B6 3h	Representation before the EPO and under the PCT	Art. 133-134a EPC Rules 151-154, 130 EPC Regulation on the European qualifying examination for professional representatives, Art. 11 PCT Art. 27(7), 49, Rules 83.1, 90 [R.20 UPR and application <i>mutatis mutandis</i> of Art. 133 and 134(1),(5),(8) and Rule 151-153 EPC; Art. 48 UPCA]	- Actors before the EPO - Applicant/proprietor/opponent - Professional representative - Employee - Compulsory representation for non-resident applicants - Institute of Professional Representatives - Disciplinary power - Attorney evidentiary privilege - Appointment and authorisation of representative - Common representative - Accompanying persons in oral proceedings - Conditions for registration and enrolment for the EQE [Unitary patent - Representation for UP before the EPO - Representation before the UPC]	- Actors in the PCT: - Applicant - Common representative - Agent - RO may require that applicant be represented by an agent - Who can represent before which authority - Appointment and authorisation

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
C	Patentability			
C1 3h	Patentable and non-patentable inventions; industrial application	Art. 52, 57 EPC Rule 42(1)(f) EPC Art. 27 TRIPs Agreement <i>[PCT Art. 33(4)]</i>	• Patentable inventions • Definition of invention • Technical character – Contribution approach • Discoveries; aesthetic creations; presentations of information • Mathematical methods • Computer programs • Methods of doing business – Exclusion of subject-matter "as such" • Industrial application – Industry – Manufacturability – Gene sequences	Industrial application
C2 4h	State of the art	Art. 54(2), (3), 55, 89 EPC Rule 25 EPC Art. 153(3), (4), (5) EPC Rule 165 EPC <i>[PCT Art. 15(2), Rules 33, 64]</i>	• State of the art • Admissible prior art – Availability ○ Public ○ Secrecy – Means of disclosure - when available ○ Oral disclosure ○ Internet disclosure ○ Public prior use ○ Accessibility and analysability – Disclosure: explicit - implicit • European prior rights • Effect of priority date • Non-prejudicial disclosures – Evident abuse – International exhibition and certificate	• Prior art for: – International search – International preliminary examination • International application becoming Art. 54(3) EPC prior art in the regional phase before the EPO

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
C3 2h	Novelty	Art. 54(1) EPC <i>[PCT Art. 33(2); Rule 43bis.1(a)(i)]</i>	• Single disclosure • Conformance of all features • Multiple embodiments • Optional, use features • Genus - species • Selection inventions • Method versus use claims • Disclaimers (Art. 54(3) EPC)	Written opinion of ISA: novelty
C4 3h	Exceptions to patentability; medical uses	Art. 53, 54(4), (5) EPC Rules 26-29 EPC <i>[PCT Rules 39, 67]</i>	Exceptions to patentability – Ordre public and morality – Plant and animal varieties – Methods for treatment of the human or animal body ○ Treatment by surgery ○ Treatment by therapy ○ Diagnostic methods – Disclaimers • First medical use • Second medical use • Biological processes and products thereof • Gene sequences	Subject-matter not required to search: • Before ISA • Before IPEA
C5 2×3h	Inventive step	Art. 56 EPC <i>[PCT Art. 33(3); Rule 43bis.1(a)(i)]</i>	• Person skilled in the art • Common general knowledge • Technical field • Problem-solution approach • Combining teachings • Secondary indications • Partial problems • Surprising effect • Non-technical feature • Chemical claims • Inventive step attack and defence	Written opinion of ISA: inventive step

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
C6 2×3h	Unity; disclosure; claims	Art. 82-84 EPC Rules 30-34, 42-44 EPC <i>[PCT Art. 3(4)(iii), Rule 13]</i>	• Unity of invention – Special technical features – Markush grouping • Disclosure – Clear and complete disclosure – Sufficiency of disclosure – Functional formulation – Repeatability • Claims – Clear; concise; supported by description – Form of claims – Claim categories – Independent / dependent claims – Disclaimers – Product-by-process claims – Use features	Requirement of unity of invention

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
C7 2×3h	Priority: Paris Convention, EPC and PCT	Preamble, Art. 87-89 EPC Rules 52-54 EPC Paris Convention Art.4 <i>PCT Art. 8; Rules 4.10(a), 17, 21.2, 26bis, 49ter, 90bis.3</i>	• Paris Convention • Priority under the EPC – Duly filed application – Paris Convention State or WTO member – Person or his successor in title – Transfer of priority right – The same invention - disclosure test – "First" application – Outcome of priority application – Subsequent application becoming a first application • Claiming priority – Multiple priorities – Effective dates of claims – Disclosure in "previous application as a whole", specific disclosure • Declaration of priority – Addition and correction of priority claim • Priority document – Filing of the priority document – WIPO Digital Access Service – Translation of priority document • Re-establishment of rights in the priority period • Effect of priority date	Priority under the PCT • Reference to Paris Convention • Priority claim in or for WTO member • Claiming priority • Priority document – Request the rO to transmit priority document to the IB – WIPO Digital Access Service • Correction or addition of priority claim • Restoration of right of priority by the rO and effect before dOs • Restoration of right to priority by the dO • Withdrawal of priority claim and effect

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
D	Right to the European Patent			
D1 0.5h	Designation of the inventor	Art. 62, 81 EPC Rules 19-21 EPC <i>[PCT Art 4(1)(v), Rules 4.1(a)(iv), 4.6, 92bis.1(a)(iii)]</i>	• Right to be mentioned as inventor • Rectification of designation inventor • Publication of mention inventor • Waiver of right to be mentioned	Designation of the inventor in the PCT • Rectification of designation inventor • <i>No waiver of right to be mentioned</i>
D2 1h	Right to file; entitlement to the patent	Art. 58-60 EPC <i>[PCT Art 9, Rules 18, 19]</i>	• Inventor and applicant – Multiple applicants • First-to-file principle	Right to file an international application • Who can file • Competent rO • Two or more applicants
D3 1.5h	Entitlement proceedings	Art. 61 EPC Rules 14-18, 78 EPC Protocol on Recognition	• Stay of proceedings • Recognition of entitlement decisions – Only for applicants – Final decision • Actions after decision of national court – Time limit (and means of redress) – Differences between Art. 61(1)(b) application and divisional application – Possible reasons for requesting refusal	<i>No entitlement proceedings in PCT</i>

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
E	Rights conferred by the European Patent and by the Application			
E1 1h	Rights conferred by the European Patent	Art. 2(2), 63-65, 68, 70 EPC London Agreement on the Application of Art.65 EPC Paris Convention Art. 5 <i>quater</i> [Art. 3, 4(1), 5, 6, (7), 15 Reg 1257; Art. 3(1), 4 Reg 1260; Art. 24-30 UPCA]	- European Patent - Term of patent - Rights conferred by patent - Protection of product directly obtained by process - London Agreement - Effect of revocation or limitation - Authentic text of patent - Effect of narrow translation [Unitary Patent - Reference to national law - Harmonisation through UPC Agreement]	
E2 1h	Protection conferred by the application	Art. 66, 67, 69(2), 70 EPC <i>[PCT Art 11(4), 29; EPC Art. 152(2), (3), (4)]</i>	- European filing with date of filing is equivalent to regular national filing - Provisional protection by publication application	- International application with international filing date is equivalent to regional national filing - Provisional protection after publication of international application
E3 0.5h	Interpretation of the patent (application)	Art. 69 EPC Protocol on the interpretation of Art.69 EPC Strasbourg Convention Art. 8(3)	- Extent of protection determined by claims - Equivalents	
E4 0.5h	Infringement and sanctions	Art. 2(2), 64(3) EPC <i>[TRIPS Part III]</i>	- Infringement and sanctions - National law - Scope of protection	

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
F	The European Patent and Application as Object of Property			
F 3h	Transfer and constitution of rights; assignment and licences	Art. 71-74 EPC Rules 22-24, 85 EPC <i>[PCT Rule 92bis(a)(i); PCT AG-IP 11.102-108]</i> <i>[Art. 3(2) third §, 7, 8, 9(1)(c) Reg 1257; Rule 12 UPR and Rule 20 with application mutatis mutandis]</i>	• Registering a transfer of a European patent application • Assignment of patent application • Licenses – Exclusive licence – Sub-licence • Law applicable – European patent and application • [Unitary patent: – Applicable law – Registering transfers of unitary patents, licences and other rights]	• Recording of changes in indication of applicant • Licensing indications
G	Information from the EPO/WIPO			
G1 1h	Information to the public	Art. 128 EPC Rules 143-147 EPC <i>[PCT Art. 50; Rule 93]</i>	• File inspection – Parts not open for file inspection – Electronic file inspection – Espacenet	Patentscope
G2 1h	Register of European patents	Art. 127, 14(8), 20 EPC Rule 143 EPC <i>[Art. 2(e), 9(b)(h) Reg 1257]; [Rules 15-16 UPR]</i>	• European Patent Register – Entries in the Register – Languages – Competence Legal Division – Entries pertaining to unitary patents	
G3 0.5h	Periodical publications	Art. 129, 14(7) EPC <i>[PCT Art. 55(4); Rule 86]</i> <i>[Rule 17 UPR]</i>	• European Patent Bulletin • Official Journal of the EPO	PCT Gazette

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
G4 0.5h	Exchanges of information between authorities	Art. 130, 131(1), 132 EPC Rules 148-149 EPC Art. 131(2) EPC Rule 150 EPC <i>[PCT Art. 13; Rule 87]</i>	• Exchange of information and publications between the EPO and central industrial property offices and inter-governmental organisations • Legal cooperation between the EPO and courts or national authorities	• Availability of copy of international application to dOs • Communication by IB of publications

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H	Procedure			
H1 1h	General introduction to the procedure before the EPO and under the PCT		- Substantive law versus procedural law - Overview EPC procedure	Overview PCT procedure
H2 2h	The European patent application	Art. 78, 79, 85, 118 EPC Rules 41-43, 45-50 EPC <i>[PCT Art. 3-7; Rules 3, 5-8, 14-16]</i>	- Content European patent application - Filing, search and page fee - Request-for-grant (EPO Form 1001) - Claims fees - Drawings - Abstract - Prohibited matter	- Content international application - Transmittal fee, international filing fee and search fee - PCT Request (Form PCT/RO/101)

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H3 2×3h	Filing the application; accordance of a date of filing and formalities examination	Art. 75-77, 90(1), (2), (4) EPC Rules 1-2, 25, 31-34, 35-40, 55-57 EPC <i>[PCT Art. 3-7; Rules 3, 5-8, 14-16, 19.4(a)(i); PCT Art. 11; Rule 20]</i>	- Filing a European patent application - Where to file - EPO filing offices - National offices - Why/how to file - Filing a divisional application - Filing, search and divisional fee - Accordance of date of filing - Invitation to correct deficiencies - Consequences - Missing parts of description or missing drawings - Re-dating of the application - Missing parts based on priority - Consequence of non-compliance	- Filing of international application - Filing at non-competent rO - Accordance of the international filing date - Filing missing parts and missing elements - Correction of erroneously filed elements and parts - No provision for filing divisional application in the international phase
		Art. 80, 90(3), (4), (5) EPC Rules 57-60 EPC <i>[PCT Art. 14; Rule 26]</i>	- Examination as to formal requirements - Translation of the application - Request for grant - Claims - Abstract - Filing and search fee - Designation of inventor - Priority claim and documents - Representation - Drawings - Physical requirements - Sequence listing - When does loss of rights ensue? - Requirements for further documents	- Formalities examination by rO - Transmittal of the international application by the rO to the IB and ISA

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H4 2h	Search, search opinion and search report	Art. 92 EPC Rules 61-66 EPC <i>[PCT Art. 15-18; Rules 35-38, 40, 43, 43bis, 44, 44bis, 45]</i>	• Basis of the European search • Start of the search – Refund of the search fee • Extended European search report – European search report – Search opinion – Transmittal to applicant • Multiple independent claims during search • Incomplete search – Statement indicating subject-matter to be searched – Consequence of non-compliance • Lack of unity – Partial search report – Invitation to pay further search fee • Definitive content of the abstract • Legal effect of publication of search report	International search • International Searching Authority (ISA) • Lack of unity of invention before ISA • Missing or defective title or abstract • International search report (ISR) • Written opinion of the ISA (WO-ISA) • Transmittal of ISR to IB and applicant • International Preliminary Report on Patentability by the ISA • Translation of the ISR
H5 1h	Publication of the patent application	Art. 93, 115 EPC Rules 67-69, 114 EPC <i>[PCT Art. 21, 29; Rules 48, 90bis.1; PCT AG-IP 11.109-117]</i>	• When is the patent application published? – Content and form of publication – Types of publication – Technical preparations • Information about publication • Withdrawal of the application • Deferred publication • Invalid publication • Legal effect of publication • Third party observations	• International publication – Withdrawal of the international application – Technical preparations – Provisional protection after publication of the international application • Third party observations

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H6 3h	Designation of States; Request for examination and substantive examination	Art. 79, 94, 124 EPC Rules 39, 70-70b, 71(1)-(2), 141 EPC <i>[PCT Art. 4(1)(ii), 4(2); Rules 4.9, 27.1; PCT Art. 31-37; Rules 53-55, 57-61, 66, 68.1, 68.2, 68.3(a)(b), 69, 70, 71-73]</i>	• Designation of States – How to designate – Withdrawal of designations – Designation fee – Extension fees – Validation fees • Request for examination – When to file the request for examination – Examination fee – Effect of non-payment – Refund of the examination fee • Response to search opinion – Compulsory response – Consequence of non-compliance • Invitation to provide information on: – Search results of priority application – Prior art • PACE • Substantive examination – Reasoned objections examiner – Response from applicant – Auxiliary requests	• Designation of States – ‘Designation fee’ has been incorporated in the international filing fee • International preliminary examination – Demand – Payment of handling fee and preliminary examination fee – International preliminary examining authority (IPEA) – Lack of unity of invention before IPEA – Written opinion of the IPEA – International Preliminary Report on Patentability by the IPEA – Transmittal of the Report to IB and applicant – Translation of the Report
H7 3h	Amendments and correction of errors	Art. 123 EPC Rules 137, 139-140 EPC <i>[PCT Art. 19, Rule 46; PCT Art. 34(2)(b); Rule 66.1(b); PCT Art. 28; Rules 52, 78, 91]</i>	• Amendments – Opportunity – Own volition – Indication of basis of amendment – Lack of unity – No extension of subject-matter – Disclaimers – Amendment during opposition • Corrections – Rule 139, first sentence ○ Late correction of priority claim – Rule 139, second sentence ○ Immediately evident – Errors in decisions	• Filing of: – amended claims before the IB after receiving ISR – amendments before the IPEA – amendments before dOs or eO • Rectification of obvious mistakes in documents

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H8 3h	Decision to grant the European patent or to refuse the patent application	Art. 97, 98 EPC Rules 71(3)-(7), 71a-74 EPC	• Grant – Approval text – Bibliographic data – Amendments or corrections – Crediting of fees – Translation of priority document – Mention of grant – Patent specification – Technical preparations and form of publication – Effects of grant – Double patenting • Refusal of the patent application – Reasoned decision – Possibility of filing appeal	No grant of patent in PCT

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H9 2×3h	Opposition; request for limitation or revocation	Art. 99-105, 105a-105c, 123(3) EPC Rules 75, 76-87, 88, 89, 90-96 EPC	• Notice of opposition – Who may file? – Where to file? – Language – Payment opposition fee ○ Refund of opposition fee – Parties to opposition proceedings ○ <i>Inter-partes</i> proceedings • Extent of opposition • Grounds for opposition – Separate grounds • Indication of facts and evidence • Transfer of status as opponent • Early certainty from opposition • Examination of opposition – Notice of opposition deemed to have been filed – Admissibility of opposition – Substantive examination of opposition • Decision in opposition proceedings – Rejection of the opposition – Revocation of the patent – Patent maintained in amended form – Interlocutory decision • Continuation of own motion • New specification • Apportionment of costs	
			• Intervention – Payment opposition fee – Treated as opposition – In appeal proceedings	

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
			• Limitation/revocation procedure – Subject of proceedings – Competence of the examining division – Requirements of the request for limitation or revocation – Precedence of opposition proceedings – Decision on the request for limitation or revocation – Publication of the amended specification of the European patent	
H10 3h	Appeal and petition for Review	Art. 21, 22, 23, 106-112, 112a EPC Rules 97-103, 104-110 EPC Rules of Procedure of the Boards of Appeal, Art. 12-15 <i>[PCT Rules 40.2(c) to (e) and 68.3(c) to (e); GL/PCT-EPO B-VII 7]</i> <i>[Art. 9(3) Reg 1257: Art. 32(1)(i) UPCA]</i>	• Appealable decisions • Suspensive effect • Who is entitled to appeal? – Adversely affected party – Parties to appeal proceedings • Prohibition of <i>reformatio in peius</i> • Termination of appeal • Notice of appeal – What to file – Where to file – Appeal fee • Statement setting out grounds for appeal • Interlocutory revision • Assessment of appeal – Notice of appeal deemed to have been filed – Admissibility of appeal – Substantive examination of appeal • Decision of board of appeal – Binding nature • Reimbursement of the appeal fee – Appeal deemed not to have been filed – Substantial procedural violation – Withdrawal of appeal • Rules of Procedure of the Boards of Appeal • [How to appeal decisions of the EPO relating to unitary patent protection]	<i>Protest against non-unity finding of ISA</i> • <i>Payment of protest fee</i> – <i>Protest fee refunded if protest entirely successful</i> • <i>Review body constituted in framework of ISA</i> – <i>EPO: three-member Review Panel</i>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
			- Enlarged Board of Appeal - Referral by board of appeal: decision - Binding nature - Referral by EPO President: opinion	
			- Petition for Review by the Enlarged Board of Appeal - Fundamental procedural defects - Obligation to raise objections during appeal proceedings - Contents of the petition for review - Examination of the petition - Procedure - Reimbursement of the fee for petitions	
H11 3h	Common provisions governing procedure	Art. 113-119, 125 EPC Rules 4, 111, 113, 114, 115-116, 117-124, 125-130 EPC <i>[PCT Rule 80.6]</i>	- Decisions - Right to be heard - Text agreed by applicant/proprietor - Examination by the EPO of its own motion - Observations by third parties - Oral proceedings - Video conference - Handwritten amendments - Taking of evidence - Unity of application/patent - Notification (10-day rule) - Postal services - Means of electronic communication - Reference to general principles	<i>7-day rule for late delivery of documents</i>
H12 3h	Periods	Art. 120, 51(2) EPC Rules 131-134, 78(1), 142 EPC J 4/91 <i>[PCT Art. 47, 48(1); Rules 79-80, 82, 82quater]</i>	- Periods - Calculation of periods - Periods specified by the EPO - Extension upon request - Late receipt of documents - Extension of periods - Interruption of periods - Interruption of proceedings - Comparison with stay of proceedings	- Calculating time limits - Extension of time limits - Delay in meeting time limits - Irregularities in the mail service - Excuse of delay in meeting time limits

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H13 3h	Further processing and re-establishment of rights	Art. 121, 122 EPC Rules 112, 135, 136 EPC <i>[PCT Art. 25, 48(2), Rules 49.6, 51, 82bis, 82ter]</i> <i>[R. 22 UPR]</i>	• Loss of rights communication – Application for decision • Further processing – Requirements – Periods exempt from further processing • Re-establishment of rights – Requirements – Cause of non-compliance and its removal – All due care – Periods exempt from re-establishment of rights – [Request for unitary effect]	• No remedies like further processing in international phase • Review by dOs • Excuse of delay in meeting time limits by dOs or eOs • Provisions for reinstatement of rights
H14 3h	Fees	Art. 14(4), 33(2)(d), 39(1), 51, 78(2), 79(2), 86, 99(1), 105a(1), 108, 112a(4), 135(3), 141 EPC Rules 6(3)-(7), 36(3)-(4), 37(2), 38-39, 45, 51, 64(2), 71, 71a(6), 82(2), 88(3), 89(2), 103, 135(1), 136(1), 162(3) EPC Rules relating to Fees Arrangements for Deposit Accounts (ADA) Arrangements for the Automatic Debiting Procedure (AAD) <i>[PCT Rule 96; Schedule of Fees]</i> <i>[Art. 9(1)(e), 11(1) Reg 1257; Rule 13 UPR; RFees relating to UPP]</i>	• Fees for applications • Renewal fees – Computing patent years – Renewal fee for 3rd year – Courtesy service regarding renewal fees – Divisional and Art. 61(1)(b) applications – Interface European/national renewal fees • Rules relating to Fees – Effecting payment – Fail-safe arrangement – Insufficient payment – Refund of fees – Reduction of fees • Deposit accounts – Replenishment / effective date • Automatic debiting – Excluded fees • [Renewal fees for unitary patents – First renewal fee]	• Schedule of Fees – Reduction of fees

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
I/J	Revocation and national rights			
I 1h	National revocation	Art. 2(2), 138, 139 EPC	• Grounds for revocation • Proceedings for revocation • Partial revocation	
J1 0.8h	Relations European and national patents	Art. 139, 140 EPC Rule 138 EPC	• Rights of earlier date or the same date – National prior rights – Different claims, description and drawings for different States • National utility models and utility certificates	
J2 1h	Conversion to national application	Art. 135, 137 EPC Rules 155-156 EPC <i>[PCT Art. 23(1), Rule 47.4; PCT Art. 40(2), Rule 61.2(d)]</i>	• Conditions conversion • Procedure conversion	• Early entry into national/regional phase on express request of the applicant (see L4/L5)
J3 0.2h	Territorial effect of application	Art. 168	• Territorial extent – Special cases (DK, FR, GB, NL) • [Unitary patent – Territorial effect – Special cases (DK, FR, NL)]	

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
K	Unitary Patent Regulations and other agreements			
K1 0.5h	Special agreements	Art. 142-149a EPC	Unitary patent in Switzerland and Liechtenstein	
K2 2h	Unitary Patent Regulations	Unitary Patent Regulations (Reg 1257 and 1260) and implementing regulations (In particular UPR) Art. 3, 31-32 UPCA	- Entry into force and application - Accession of further EU States - Request for unitary effect - Time limit - Requirements - Request for compensation - Examination of request(s) by the EPO - Uniform protection - No double protection - Licences as of right - Reduction of renewal fees - Common provisions - Actions against decisions of the EPO regarding unitary patents	
K3 0.4h	Aspects of US patent law		- Continuation / continuation-in-part - Claiming priority in the USPTO from EP application - Claiming priority from US application - Grace period for inventors (12 months)	
K4 0.1h	Aspects of patent laws in JP and KR		Japan: - Grace period for inventors (12 months) Korea: - Grace period for inventors (12 months)	

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L	The Patent Cooperation Treaty		
L1 3h	Introduction PCT and common provisions	PCT Art. 1, 2, 9, 10, 27(7), 43-45, 49, 53, 55, 58 PCT Rules 2, 79-82, 82<i>quater</i>, 83, 90, 90<i>bis</i>, 91, 92, 94	• Structure of the PCT • International phase / national phase • General articles and rules – Definition of application – Definition of priority date – Definition of national Office – Applicant – Receiving Office (rO) – Seeking certain kinds of protection – Seeking two kinds of protection – Regional patent treaties ○ Closing national route – Right to practice before international authorities – Assembly – International Bureau (IB) – Time limits ○ 7-day rule for late delivered documents ○ Extension of time limits ○ Excuse of delay in meeting time limits – Irregularities in the mail service – Agents and common representatives – Obvious mistakes in documents – Correspondence – Withdrawals – Access to files

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L2 3h	International application, international filing date and formalities examination, EPO as rO	PCT Art. 3-14 PCT Rules 3-11, 12-13^{ter}, 14-16^{bis}, 17, 18, 19-23, 24-26, 26^{bis}, 26^{ter}, 27-32, 40^{bis}, 92^{bis} Art. 150, 151 EPC Rule 157 EPC	• Filing an international application – Request – Applicant – Where to file ○ Filing at non-competent rO – Languages ○ Filing in language not accepted by rO – Agent and representative – Inventor – Signature – Fees – Designation of States – Priority • International filing date – Right to file the international application – Procedure for correction – Filing missing elements or missing parts – Erroneously filed elements and parts ○ Invitation from ISA to pay additional fee – Effect of the international filing date • Defects in the international application – Procedure for correction • EPO as rO – Application of the PCT to the EPC – Fees when filing an international application – Correction of erroneously filed elements and parts

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L3 3h	International search, EPO as ISA; supplementary international search, EPO as SISA; international publication and international preliminary examination, EPO as IPEA	PCT Art. 15-19, 20-30, 31-38 PCT Rules 33-45, 45 <i>bis</i> , 46, 48, 53-78, 94 Art. 152 EPC Rule 158 EPC	• International search – Competent ISA – Subject-matter not searched – Relevant prior art ○ Oral disclosure – Lack of unity and protest procedure – International search report (ISR) – Written opinion of ISA (WO-ISA) – Filing amendments of the claims – IPRP (Chapter I) • EPO as ISA – PCT Direct service – Subject-matter not searched – Lack of unity and protest procedure – Refund of search fee • International publication – Languages of publication – Contents publication – PCT Gazette – Patentscope – Preventing/postponing publication – Technical preparations – Provisional protection • International publication - EPO as dO/eO – Provisional protection

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
			• Supplementary international search – Supplementary search request – Supplementary search handling fee – Supplementary search fee – Correction of defects – Start, basis and scope – Unity of invention ○ Review of opinion of SISA – Supplementary international search report ○ Explanations PCT R.45bis.7(e) ○ Transmittal to applicant – ISA competent to carry out supplementary international search (SISA) • EPO as SISA – Refund of supplementary search fee – Subject-matter not searched – Non-unity and review
			• International preliminary examination – Filing demand and fee payment – Competent IPEA – Written opinion of IPEA – Response to written opinion – Amendment – Lack of unity and protest procedure – Subject-matter not searched – IPER = IPRP (Chapter II) • EPO as IPEA – Subject-matter not searched – Non-unity and protest procedure – Filing amendments – Consultation by telephone

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L4 2h	National phase	PCT Art. 22-25, 27, 28, 39-41, 45(1), 48 PCT Rules 47, 49-50, 51-52, 74, 76, 82bis	• National requirements • Processing prohibition – Early processing on express request of applicant • Patent Prosecution Highway (PPH) • Amendment of the international application before dOs/eOs • Communication to dOs/eOs • Acts for entry into national phase – Period for entry – Translation international application – Fee payment – Indication of inventor – Priority documents – Representation • Inspection of files • Reinstatement of rights after failure to duly enter the national phase • Review and excuse procedure – EPO: examining division competent to take decisions

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L5 4h	Regional entry before the EPO as dO/eO and Euro-PCT application	Art. 150, 153 EPC Rules 159-165 EPC PCT Art. 26, Rule 49.6	• EPO as dO/eO – Predominance of the PCT over the EPC – Early processing of the Euro-PCT application – Effect of international publication of the Euro-PCT application and translation – Euro-PCT application as Art. 54(3) EPC prior art – Equivalence between international search report and European search report – Supplementary European search ○ Fee reductions – Acts for entry into EP regional phase ○ Translation ○ Filing and page fee ○ Designation fee ○ Search fee for supplementary European search ○ Request for examination ○ Renewal fees – Means of redress after failure to perform the acts – Claims fees – Examination of certain formal requirements by the EPO ○ Designation of inventor ○ Priority claim and document ○ Sequence listing ○ Address/nationality of applicant ○ Representation – Response to the written opinion prepared by the EPO as ISA or to explanations given by the EPO as SISA or to the IPER prepared by the EPO as IPE8A – Amendment of the Euro-PCT application where the EPO did not act as ISA or SISA – Accelerated processing of the Euro-PCT application – Further searches and unity of invention where the EPO did not act as ISA or SISA – Unity of invention and further searches where the EPO acted as ISA or SISA – Substantive examination of the Euro-PCT application

List of abbreviations in relation to the unitary patent

Reg 1257 = Regulation (EU) No 1257/2012 of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection (17 December 2012)

UPR = Rules relating to Unitary Patent Protection (15 December 2015)

RFees UPP = Rules relating to Fees (15 December 2015)

Reg 1260 = Council Regulation (EU) No 1260/2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (17 December 2012)

UPCA = UPC Agreement = Agreement on a Unified Patent Court (19 February 2013)

References to the PCT and UPCA in square brackets [xxx] indicate crosslinks between the topic of the EPC module and the PCT and/or the UPCA. They can be used to put the topic in a broader context.