

# epi-CEIPI STUDY GUIDE

## Structure of the epi-CEIPI Modules

with references and key topics relating to:

- the EPC, PCT and Paris Convention,
- the Unitary Patent Regulations and UPC Agreement

July 2025



## MODULES

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>A</b>	<b>General Introduction</b>			
<b>A1</b> 1h	<b>Introduction to intellectual property law</b>		<ul style="list-style-type: none"> <li>• Intellectual property rights               <ul style="list-style-type: none"> <li>– Copyrights</li> <li>– Trademarks</li> <li>– Patents</li> <li>– Industrial designs</li> <li>– Trade secrets</li> </ul> </li> <li>• Economic growth</li> </ul>	
<b>A2</b> 0.5h	<b>The patent and other rights to protect inventions</b>			
<b>A3</b> 1h	<b>History of patent law</b>		<ul style="list-style-type: none"> <li>• From Venetian patent ordinance to a unitary patent in the EU</li> </ul>	
<b>A4</b> 0.5h	<b>The international patent conventions</b>		<ul style="list-style-type: none"> <li>• Paris Convention               <ul style="list-style-type: none"> <li>– National Treatment</li> </ul> </li> <li>• 1963 Strasbourg Convention</li> <li>• European Patent Convention</li> <li>• TRIPs Agreement</li> <li>• Patent Law Treaty</li> <li>• UP Reg 1257, 1260 and UPCA *)</li> </ul>	<ul style="list-style-type: none"> <li>• Patent Cooperation Treaty</li> </ul>

\* 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)

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>B</b>	<b>Introduction to European Patent Law</b>			
<b>B1</b> 1h	<b>Introduction to the EPC</b>	Preamble, Art. 1, 2, 3, 142(1), 164, 166, 172 EPC	<ul style="list-style-type: none"> <li>• Relationship Paris &gt; PCT &gt; EPC &gt; CPC &gt; UP</li> <li>• EPC as a multilateral treaty</li> <li>• Autonomous legal system for granting European patents</li> <li>• Bundle of European patents</li> <li>• Accession to the EPC</li> <li>• Revision of the EPC (1991, 2000) <ul style="list-style-type: none"> <li>– Transitional provisions</li> </ul> </li> <li>• Overview from filing to grant</li> <li>• Overview post-grant proceedings</li> <li>• Unitary effect in EU</li> </ul>	
<b>B2</b> 1h	<b>Introduction to the PCT</b>	PCT Art. 1, 45, 64; Rules 81, 88, 89		<ul style="list-style-type: none"> <li>• International applications</li> <li>• Regional patent treaties</li> <li>• Overview: filing, search, publication and preliminary examination</li> <li>• Overview: entry in national/regional phase</li> <li>• Amendment of the PCT <ul style="list-style-type: none"> <li>– Modification of the PCT (2001): time limit in Art. 22(1) from 20 to 30 months</li> <li>– Reservations</li> </ul> </li> </ul>
<b>B3</b> 1h	<b>Interpretation of provisions of the EPC and PCT</b>	Preamble, Art. 150(2), 164, 177 EPC  Vienna Convention Art. 31-32  PCT Art. 67(1)	<ul style="list-style-type: none"> <li>• Rules for interpretation</li> <li>• Vienna Convention <ul style="list-style-type: none"> <li>– Good faith</li> </ul> </li> <li>• Languages of the Convention</li> </ul>	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>  Art. 9(1) first sentence, 9(2) Reg 1257; Rules 2-4 UPR	<ul style="list-style-type: none"> <li>European Patent Organisation (EPOrg)               <ul style="list-style-type: none"> <li>Administrative Council and its competence</li> <li>European Patent Office (EPO)</li> </ul> </li> <li>Departments of the EPO and their responsibilities               <ul style="list-style-type: none"> <li>Delegation to formalities officers</li> <li>Technical opinion</li> </ul> </li> <li>Independence of the boards of appeal               <ul style="list-style-type: none"> <li>Exclusion and objection</li> <li>Partiality in departments of first instance</li> </ul> </li> <li>Financial provisions</li> </ul>	<ul style="list-style-type: none"> <li>Union</li> <li>Assembly</li> <li>Definitions               <ul style="list-style-type: none"> <li>Regional patent</li> <li>Priority period</li> <li>National Office</li> <li>Receiving Office (rO)</li> <li>International Bureau (IB)</li> <li>International searching authority (ISA)</li> <li>International preliminary examination authority (IPEA)</li> <li>Designated/elected Office (dO/eO)</li> </ul> </li> </ul>

\*) References to the PCT in square brackets indicate crosslinks between the topic of the EPC module and the PCT. They can be used to put the topic in a broader context.

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
B5 3h	Languages and translations	<p>Art. 14, 65, 70 EPC</p> <p>Rules 3-7, 7a(1)(2)(5)(6), 7b, 36(2), 40(3) EPC</p> <p><i>[PCT Rules 12, 19.4(a)(iii), 48.3]</i></p> <p>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</p>	<ul style="list-style-type: none"> <li>• Official languages of the EPO</li> <li>• Filing a European patent application and translation</li> <li>• Language of application filed by reference</li> <li>• Language of divisional application</li> <li>• Language of the proceedings</li> <li>• Filing further documents and translations</li> <li>• Fee reduction under the language arrangements</li> <li>• Publications of the EPO</li> <li>• Entries in the European Patent Register</li> <li>• Languages in written and oral proceedings</li> <li>• Language of publication of the European patent application and patent</li> <li>• Authentic text of the application or patent</li> </ul> <p>Unitary patent:</p> <ul style="list-style-type: none"> <li>• Language provisions</li> <li>• Translation in transitional period</li> <li>• Compensation scheme <ul style="list-style-type: none"> <li>– Comparison with filing fee reduction</li> </ul> </li> </ul>	<p>Basic language provisions in the PCT</p> <ul style="list-style-type: none"> <li>• Filing the international application <ul style="list-style-type: none"> <li>– Filing in language not accepted by rO</li> </ul> </li> <li>• Languages of publication</li> <li>• Translation for international search</li> <li>• Translation for international publication</li> <li>• Languages for communication with International Authorities, in particular International Bureau</li> </ul>

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	Subject	Articles and Rules	Key Topics	PCT-related topics
B6 3h	Representation before the EPO and under the PCT	<p>Art. 133-134a EPC</p> <p>Rules 151-154, 130 EPC</p> <p>Regulation on the European qualifying examination for professional representatives, Art. 11</p> <p>PCT Art. 27(7), 49, Rules 83.1, 90</p> <p>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</p>	<ul style="list-style-type: none"> <li>Actors before the EPO <ul style="list-style-type: none"> <li>Applicant/proprietor/opponent</li> <li>Professional representative</li> <li>Employee</li> </ul> </li> <li>Compulsory representation for non-resident applicants</li> <li>Institute of Professional Representatives <ul style="list-style-type: none"> <li>Disciplinary power</li> <li>Attorney evidentiary privilege</li> </ul> </li> <li>Appointment and authorisation of representative</li> <li>Common representative</li> <li>Accompanying persons in oral proceedings</li> <li>Conditions for registration and enrolment for the EQE</li> </ul> <p>Unitary patent:</p> <ul style="list-style-type: none"> <li>Representation for UP before the EPO</li> <li>Representation by European patent attorneys before the UPC</li> </ul>	<ul style="list-style-type: none"> <li>Actors in the PCT: <ul style="list-style-type: none"> <li>Applicant</li> <li>Common representative</li> <li>Agent</li> </ul> </li> <li>RO may require that applicant be represented by an agent</li> <li>Who can represent before which authority</li> <li>Appointment and authorisation</li> </ul>

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>C</b>	<b>Patentability</b>			
<b>C1</b> 3h	<b>Patentable and non-patentable inventions; industrial application</b>	Art. 52, 57 EPC Rule 42(1)(f) EPC Art. 27 TRIPs Agreement  [PCT Art. 33(4)]	<ul style="list-style-type: none"> <li>• Patentable inventions</li> <li>• Definition of invention</li> <li>• Technical character <ul style="list-style-type: none"> <li>– Contribution approach</li> </ul> </li> <li>• Discoveries; aesthetic creations; presentations of information</li> <li>• Mathematical methods</li> <li>• Computer programs</li> <li>• Methods of doing business <ul style="list-style-type: none"> <li>– Exclusion of subject-matter "as such"</li> </ul> </li> <li>• Industrial application <ul style="list-style-type: none"> <li>– Industry</li> <li>– Manufacturability</li> <li>– Gene sequences</li> </ul> </li> </ul>	Industrial application
<b>C2</b> 4h	<b>State of the art</b>	Art. 54(2), (3), 55, 89 EPC Rule 25 EPC  Art. 153(3), (4), (5) EPC Rule 165 EPC  [PCT Art. 15(2), Rules 33, 64]	<ul style="list-style-type: none"> <li>• State of the art</li> <li>• Admissible prior art <ul style="list-style-type: none"> <li>– Availability <ul style="list-style-type: none"> <li>○ Public</li> <li>○ Secrecy</li> </ul> </li> <li>– Means of disclosure - when available <ul style="list-style-type: none"> <li>○ Oral disclosure</li> <li>○ Internet disclosure</li> <li>○ Public prior use</li> <li>○ Accessibility and analysability</li> </ul> </li> <li>– Disclosure: explicit - implicit</li> </ul> </li> <li>• European prior rights</li> <li>• Effect of priority date</li> <li>• Non-prejudicial disclosures <ul style="list-style-type: none"> <li>– Evident abuse</li> <li>– International exhibition and certificate</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Prior art for: <ul style="list-style-type: none"> <li>– International search</li> <li>– International examination</li> </ul> </li> <li>• International application becoming Art. 54(3) EPC prior art in the regional phase before the EPO</li> </ul>

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>C3</b> 2h	<b>Novelty</b>	Art. 54(1) EPC  <i>[PCT Art. 33(2); Rule 43bis.1(a)(i)]</i>	<ul style="list-style-type: none"> <li>• Single disclosure</li> <li>• Conformance of all features</li> <li>• Multiple embodiments</li> <li>• Optional, use features</li> <li>• Genus - species</li> <li>• Selection inventions</li> <li>• Method versus use claims</li> <li>• Disclaimers</li> </ul>	Written opinion of ISA: novelty
<b>C4</b> 3h	<b>Exceptions to patentability; medical uses</b>	Art. 53, 54(4), (5) EPC  Rules 26-29 EPC  <i>[PCT Rules 39, 67]</i>	Exceptions to patentability <ul style="list-style-type: none"> <li>– Ordre public and morality</li> <li>– Plant and animal varieties</li> <li>– Methods for treatment of the human or animal body               <ul style="list-style-type: none"> <li>○ Treatment by surgery</li> <li>○ Treatment by therapy</li> <li>○ Diagnostic methods</li> </ul> </li> <li>– Disclaimers</li> </ul> <ul style="list-style-type: none"> <li>• First medical use</li> <li>• Second medical use</li> <li>• Biological processes and products thereof</li> <li>• Gene sequences</li> </ul>	
<b>C5</b> 2×3h	<b>Inventive step</b>	Art. 56 EPC  <i>[PCT Art. 33(3); Rule 43bis.1(a)(i)]</i>	<ul style="list-style-type: none"> <li>• Person skilled in the art</li> <li>• Common general knowledge</li> <li>• Technical field</li> <li>• Problem-solution approach</li> <li>• Combining teachings</li> <li>• Secondary indications</li> <li>• Partial problems</li> <li>• Surprising effect</li> <li>• Non-technical feature</li> <li>• Chemical claims</li> <li>• Inventive step attack and defence</li> </ul>	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>	<ul style="list-style-type: none"> <li>• Unity of invention               <ul style="list-style-type: none"> <li>– Special technical features</li> <li>– Markush grouping</li> </ul> </li> <li>• Disclosure               <ul style="list-style-type: none"> <li>– Clear and complete disclosure</li> <li>– Sufficiency of disclosure</li> <li>– Functional formulation</li> <li>– Repeatability</li> </ul> </li> <li>• Claims               <ul style="list-style-type: none"> <li>– Clear; concise; supported by description</li> <li>– Form of claims</li> <li>– Claim categories</li> <li>– Independent / dependent claims</li> <li>– Disclaimers</li> <li>– Product-by-process claims</li> <li>– Use features</li> </ul> </li> </ul>	Requirement of unity of invention

SUBSTANTIVE LAW				
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<b>C7</b> 2×3h	<b>Priority: Paris Convention, EPC and PCT</b>	<p>Preamble, Art. 87-89 EPC</p> <p>Rules 52-54 EPC</p> <p>Paris Convention Art.4</p> <p>PCT Art. 8; Rules 4.10(a), 17, 21.2, 26<i>bis</i>, 49<i>ter</i>, 90<i>bis</i>.3</p>	<ul style="list-style-type: none"> <li>• Paris Convention</li> <li>• Priority under the EPC <ul style="list-style-type: none"> <li>– Duly filed application</li> <li>– Paris Convention State or WTO member</li> <li>– Person or his successor in title</li> <li>– Transfer of priority right</li> <li>– The same invention - disclosure test</li> <li>– "First" application</li> <li>– Outcome of priority application</li> <li>– Subsequent application becoming a first application</li> </ul> </li> <li>• Claiming priority <ul style="list-style-type: none"> <li>– Multiple priorities</li> <li>– Effective dates of claims</li> <li>– Disclosure in "previous application as a whole", specific disclosure</li> </ul> </li> <li>• Declaration of priority <ul style="list-style-type: none"> <li>– Addition and correction of priority claim</li> </ul> </li> <li>• Priority document <ul style="list-style-type: none"> <li>– Filing of the priority document</li> <li>– WIPO Digital Access Service</li> <li>– Translation of priority document</li> </ul> </li> <li>• Re-establishment of rights in the priority period</li> <li>• Effect of priority right</li> </ul>	<p>Priority under the PCT</p> <ul style="list-style-type: none"> <li>• Reference to Paris Convention</li> <li>• Priority claim in or for WTO member</li> <li>• Claiming priority</li> <li>• Priority document <ul style="list-style-type: none"> <li>– Request rO to transmit the priority document to the IB</li> <li>– WIPO Digital Access Service (DAS)</li> </ul> </li> <li>• Correction or addition of priority claim</li> <li>• Restoration of right of priority by the rO and effect before dOs</li> <li>• Restoration of right of priority by the dO</li> <li>• Withdrawal of priority claim and effect</li> </ul>

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>D</b>	<b>Right to the European Patent</b>			
<b>D1</b> 0.5h	<b>Designation of the inventor</b>	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>	<ul style="list-style-type: none"> <li>• Right to be mentioned as inventor <ul style="list-style-type: none"> <li>– Inventor is person with legal capacity</li> </ul> </li> <li>• Rectification of designation inventor</li> <li>• Publication of mention inventor</li> <li>• Waiver of right to be mentioned</li> </ul>	Designation of the inventor in the PCT <ul style="list-style-type: none"> <li>• Rectification of designation inventor</li> <li>• No waiver of right to be mentioned</li> </ul>
<b>D2</b> 1h	<b>Right to file; entitlement to the patent</b>	Art. 58-60 EPC  <i>[PCT Art 9, Rules 18, 19]</i>	<ul style="list-style-type: none"> <li>• Inventor and applicant <ul style="list-style-type: none"> <li>– Multiple applicants</li> </ul> </li> <li>• First-to-file principle</li> </ul>	Right to file an international application <ul style="list-style-type: none"> <li>• Who can file</li> <li>• Competent rO</li> <li>• Two or more applicants</li> </ul>
<b>D3</b> 1.5h	<b>Entitlement proceedings</b>	Art. 61 EPC  Rules 14-18, 78 EPC  Protocol on Recognition	<ul style="list-style-type: none"> <li>• Stay of proceedings</li> <li>• Recognition of entitlement decisions <ul style="list-style-type: none"> <li>– Only for applicants</li> <li>– Final decision</li> </ul> </li> <li>• Actions after decision of national court <ul style="list-style-type: none"> <li>– Time limit (and means of redress)</li> <li>– Differences between Art. 61(1)(b) application and divisional application</li> <li>– Possible reasons for requesting refusal</li> </ul> </li> </ul>	No entitlement proceedings in the PCT

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>E</b>	<b>Rights conferred by the European Patent and by the Application</b>			
<b>E1</b> 1h	<b>Rights conferred by the European Patent</b>	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	<ul style="list-style-type: none"> <li>European Patent <ul style="list-style-type: none"> <li>Term of the patent</li> <li>Rights conferred by the patent <ul style="list-style-type: none"> <li>Protection of product directly obtained by process</li> </ul> </li> <li>London Agreement</li> <li>Effect of revocation or limitation</li> <li>Authentic text of patent</li> <li>Effect of narrow translation</li> </ul> </li> <li>Unitary Patent <ul style="list-style-type: none"> <li>Reference to national law</li> <li>Harmonisation through UPC Agreement]</li> </ul> </li> </ul>	
<b>E2</b> 1h	<b>Protection conferred by the application</b>	Art. 66, 67, 69(2), 70 EPC  [PCT Art 11(4), 29; EPC Art. 152(2), (3), (4)]	<ul style="list-style-type: none"> <li>European filing with date of filing is equivalent to regular national filing</li> <li>Provisional protection by publication of the application</li> </ul>	<ul style="list-style-type: none"> <li>International application with international filing date is equivalent to regional national filing</li> <li>Provisional protection after publication of international application</li> </ul>
<b>E3</b> 0.5h	<b>Interpretation of the patent (application)</b>	Art. 69 EPC  Protocol on the interpretation of Art.69 EPC  Strasbourg Convention Art. 8(3)	<ul style="list-style-type: none"> <li>Extent of protection determined by the claims</li> <li>Equivalents</li> </ul>	
<b>E4</b> 0.5h	<b>Infringement and sanctions</b>	Art. 2(2), 64(3) EPC  [TRIPS Part III]	<ul style="list-style-type: none"> <li>Infringement and sanctions <ul style="list-style-type: none"> <li>National law</li> <li>Scope of protection</li> </ul> </li> </ul>	

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>F</b>	<b>The European Patent and Application as Object of Property</b>			
<b>F</b> 3h	<b>Transfer and constitution of rights; assignment and licences</b>	Art. 71-74 EPC Rules 22-24, 85 EPC  <i>[PCT Rule 92bis(a)(i); PCT AG-IP 11.102-108]</i>  Art. 3(2) third §, 7, 8, 9(1)(c) Reg 1257; Rule 12 UPR and Rule 20 with application <i>mutatis mutandis</i>	<ul style="list-style-type: none"> <li>• Registering a transfer of a European patent application</li> <li>• Assignment of patent application</li> <li>• Licenses               <ul style="list-style-type: none"> <li>– Exclusive licence</li> <li>– Sub-licence</li> </ul> </li> <li>• Law applicable               <ul style="list-style-type: none"> <li>– European patent and application</li> </ul> </li> </ul> Unitary patent: <ul style="list-style-type: none"> <li>• Applicable law</li> <li>• Registering transfers of unitary patents, licences and other rights</li> </ul>	<ul style="list-style-type: none"> <li>• Recording of changes in indication of the applicant</li> <li>• Licensing indications</li> </ul>
<b>G</b>	<b>Information from the EPO/WIPO</b>			
<b>G1</b> 1h	<b>Information to the public</b>	Art. 128 EPC Rules 143-147 EPC  <i>[PCT Art. 50; Rule 93]</i>	<ul style="list-style-type: none"> <li>• File inspection               <ul style="list-style-type: none"> <li>– Parts not open for file inspection</li> <li>– Electronic file inspection</li> <li>– Espacenet</li> </ul> </li> </ul>	Patentscope
<b>G2</b> 1h	<b>Register of European patents</b>	Art. 127, 14(8), 20 EPC Rule 143 EPC  Art. 2(e), 9(b)(h) Reg 1257; Rules 15-16 UPR	<ul style="list-style-type: none"> <li>• European Patent Register               <ul style="list-style-type: none"> <li>– Entries in the Register</li> <li>– Languages</li> <li>– Competence Legal Division</li> <li>– Unitary Patent Register</li> </ul> </li> </ul>	

SUBSTANTIVE LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>G3</b> 0.5h	<b>Periodical publications</b>	Art. 129, 14(7) EPC  <i>[PCT Art. 55(4); Rule 86]</i>  Rule 17 UPR	<ul style="list-style-type: none"> <li>• European Patent Bulletin</li> <li>• Official Journal of the EPO</li> </ul>	PCT Gazette
<b>G4</b> 0.5h	<b>Exchanges of information between authorities</b>	Art. 130, 131(1), 132 EPC Rules 148-149 EPC  Art. 131(2) EPC Rule 150 EPC  <i>[PCT Art. 13; Rule 87]</i>	<ul style="list-style-type: none"> <li>• Exchange of information and publications between the EPO and central industrial property offices and inter-governmental organisations</li> <li>• Legal cooperation between the EPO and courts or national authorities</li> </ul>	<ul style="list-style-type: none"> <li>• Availability of copy of international application to dOs</li> <li>• Communication by IB of publications</li> </ul>

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		<ul style="list-style-type: none"> <li>Substantive law versus procedural law</li> <li>Overview EPC procedure</li> <li>Overview of unitary patent procedure</li> </ul>	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>	<ul style="list-style-type: none"> <li>Content European patent application</li> <li>Filing, search and page fee</li> <li>Request-for-grant (EPO Form 1001)</li> <li>Claims fees</li> <li>Drawings</li> <li>Abstract</li> <li>Prohibited matter</li> </ul>	<ul style="list-style-type: none"> <li>Content international application</li> <li>Transmittal fee, international filing fee and search fee</li> <li>PCT Request (Form PCT/RO/101)</li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H3 2×3h	<b>Filing the application; accordance of a date of filing and formalities examination</b>	<p>Art. 75-77, 90(1), (2), (4) EPC</p> <p>Rules 1-2, 25, 31-34, 35-40, 55, 56, 56a, 57 EPC</p> <p><i>[PCT Art. 3-7; Rules 3, 5-8, 14-16, 19.4(a)(i); PCT Art. 11; Rule 20]</i></p>	<ul style="list-style-type: none"> <li>• Filing a European patent application <ul style="list-style-type: none"> <li>– Where to file <ul style="list-style-type: none"> <li>○ EPO filing offices</li> <li>○ National offices</li> </ul> </li> <li>– Why/how to file</li> <li>– Filing a divisional application <ul style="list-style-type: none"> <li>○ Filing, search and ‘divisional’ fee</li> </ul> </li> </ul> </li> <li>• Accordance of date of filing <ul style="list-style-type: none"> <li>– Invitation to correct deficiencies</li> <li>– Consequences</li> </ul> </li> <li>• Late-filed missing parts of description or missing drawings <ul style="list-style-type: none"> <li>– Re-dating of the application</li> <li>– Missing parts based on priority; consequence if not all requirements are met</li> <li>– Withdrawal of late-filed documents</li> </ul> </li> <li>• Erroneously filed application documents or parts <ul style="list-style-type: none"> <li>– Re-dating of the application</li> <li>– Erroneously filed documents/parts based on priority; Consequence if not all requirements are met</li> <li>– Consequence if EPO has begun to draw up the search report</li> <li>– Withdrawal of correct application documents or parts</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Filing of international application <ul style="list-style-type: none"> <li>– Filing at non-competent rO</li> </ul> </li> <li>• Accordance of the international filing date <ul style="list-style-type: none"> <li>– Filing missing parts and missing elements</li> <li>– Correction of erroneously filed elements and parts</li> </ul> </li> <li>• <i>No</i> provision for filing divisional application in the international phase</li> </ul>



PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
		Art. 80, 90(3), (4), (5) EPC  Rules 57-60 EPC  <i>[PCT Art. 14; Rule 26]</i>	<ul style="list-style-type: none"> <li>Examination as to formal requirements               <ul style="list-style-type: none"> <li>Translation of the application</li> <li>Request for grant</li> <li>Claims</li> <li>Abstract</li> <li>Filing and search fee</li> <li>Designation of inventor</li> <li>Priority claim and documents</li> <li>Representation</li> <li>Drawings</li> <li>Physical requirements</li> <li>Sequence listing</li> </ul> </li> <li>When does loss of rights ensue?</li> <li>Requirements for further documents</li> </ul>	<ul style="list-style-type: none"> <li>Formalities examination by rO</li> <li>Transmittal of the international application by the rO to the IB and ISA</li> </ul>
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>	<ul style="list-style-type: none"> <li>Basis of the European search</li> <li>Start of the search               <ul style="list-style-type: none"> <li>Refund of the search fee</li> </ul> </li> <li>Extended European search report               <ul style="list-style-type: none"> <li>European search report</li> <li>Search opinion</li> <li>Transmittal to applicant</li> </ul> </li> <li>Multiple independent claims during search</li> <li>Incomplete search               <ul style="list-style-type: none"> <li>Statement indicating subject-matter to be searched</li> <li>Consequence of non-compliance</li> </ul> </li> <li>Lack of unity               <ul style="list-style-type: none"> <li>Partial search report + search opinion</li> <li>Invitation to pay further search fee</li> </ul> </li> <li>Definitive content of the abstract</li> <li>Legal effect of publication of search report</li> </ul>	International search <ul style="list-style-type: none"> <li>International Searching Authority (ISA)</li> <li>Lack of unity of invention before ISA</li> <li>Missing or defective title or abstract</li> <li>International search report (ISR)</li> <li>Written opinion of the ISA (WO-ISA)</li> <li>Transmittal of ISR to IB and applicant</li> <li>International Preliminary Report on Patentability (= IPRP (Chapter I))</li> <li>Translation of the ISR</li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
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>	<ul style="list-style-type: none"> <li>• When is the patent application published?               <ul style="list-style-type: none"> <li>– Content and form of publication</li> <li>– Types of publication</li> <li>– Technical preparations</li> </ul> </li> <li>• Information about publication</li> <li>• Withdrawal of the application</li> <li>• Deferred publication</li> <li>• Invalid publication</li> <li>• Legal effect of publication</li> <li>• Third party observations</li> </ul>	<ul style="list-style-type: none"> <li>• International publication               <ul style="list-style-type: none"> <li>– Withdrawal of the international application</li> <li>– Technical preparations</li> <li>– Provisional protection after publication of the international application</li> </ul> </li> <li>• Third party observations</li> </ul>
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>	<ul style="list-style-type: none"> <li>• Designation of States               <ul style="list-style-type: none"> <li>– How to designate</li> <li>– Withdrawal of designations</li> <li>– Designation fee</li> <li>– Extension fees</li> <li>– Validation fees</li> </ul> </li> <li>• Request for examination               <ul style="list-style-type: none"> <li>– When to file the request for examination</li> <li>– Examination fee</li> <li>– Effect of non-payment</li> <li>– Refund of the examination fee</li> </ul> </li> <li>• Response to search opinion               <ul style="list-style-type: none"> <li>– Compulsory response</li> <li>– Consequence of non-compliance</li> </ul> </li> <li>• Invitation to provide information on:               <ul style="list-style-type: none"> <li>– Search results of priority application</li> <li>– Prior art</li> </ul> </li> <li>• PACE, Enquiry as to the processing of the file</li> <li>• Substantive examination               <ul style="list-style-type: none"> <li>– Reasoned objections examiner</li> <li>– Response from applicant</li> <li>– Auxiliary requests</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Designation of States               <ul style="list-style-type: none"> <li>– ‘Designation fee’ has been incorporated in the international filing fee</li> </ul> </li> <li>• International preliminary examination               <ul style="list-style-type: none"> <li>– Demand</li> <li>– Payment of handling fee and preliminary examination fee</li> <li>– International preliminary examining authority (IPEA)</li> <li>– Lack of unity of invention before IPEA</li> <li>– Written opinion of the IPEA</li> <li>– International Preliminary Report on Patentability (= IPRP (Chapter II))</li> <li>– Transmittal of the Report to IB and applicant</li> <li>– Translation of the Report</li> </ul> </li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
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>	<ul style="list-style-type: none"> <li>• Amendments               <ul style="list-style-type: none"> <li>– Opportunity</li> <li>– Own volition</li> <li>– Indication of basis of amendment</li> <li>– Lack of unity</li> <li>– No extension of subject-matter</li> <li>– Admissibility, allowability</li> <li>– Disclaimers</li> <li>– Amendment during opposition</li> </ul> </li> <li>• Corrections               <ul style="list-style-type: none"> <li>– Rule 139, first sentence                   <ul style="list-style-type: none"> <li>○ Late correction of priority claim</li> </ul> </li> <li>– Rule 139, second sentence                   <ul style="list-style-type: none"> <li>○ Immediately evident</li> </ul> </li> <li>– Errors in decisions</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Filing of:               <ul style="list-style-type: none"> <li>– amended claims before the IB after receiving ISR</li> <li>– amendments before the IPEA</li> <li>– amendments before dOs or eO</li> </ul> </li> <li>• Rectification of obvious mistakes in documents</li> </ul>
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	<ul style="list-style-type: none"> <li>• Grant               <ul style="list-style-type: none"> <li>– Approval of the text</li> <li>– Bibliographic data</li> <li>– Amendments or corrections                   <ul style="list-style-type: none"> <li>○ Amendments by examining division</li> <li>○ Adaptation of description to claims</li> </ul> </li> <li>– Crediting of fees</li> <li>– Technical preparations and form of publication</li> <li>– Mention of grant</li> <li>– Patent specification</li> <li>– Effects of grant</li> <li>– Double patenting</li> </ul> </li> <li>• Refusal of the patent application               <ul style="list-style-type: none"> <li>– Reasoned decision</li> <li>– Possibility of filing appeal</li> </ul> </li> </ul>	No grant of patent in PCT

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H9 2×3h	<b>Opposition; request for limitation or revocation</b>	Art. 99-105, 105a-105c, 123(3) EPC  Rules 75, 76-87, 88, 89, 90-96 EPC	<ul style="list-style-type: none"> <li>• Notice of opposition               <ul style="list-style-type: none"> <li>– Who may file?</li> <li>– Where to file?</li> <li>– Language</li> <li>– Payment opposition fee                   <ul style="list-style-type: none"> <li>○ Refund of opposition fee</li> </ul> </li> <li>– Parties to opposition proceedings                   <ul style="list-style-type: none"> <li>○ <i>Inter-partes</i> proceedings</li> </ul> </li> </ul> </li> <li>• Extent of opposition</li> <li>• Grounds for opposition               <ul style="list-style-type: none"> <li>– Separate grounds</li> </ul> </li> <li>• Indication of facts and evidence</li> <li>• Transfer of status as opponent</li> <li>• Early certainty from opposition</li> <li>• Examination of opposition               <ul style="list-style-type: none"> <li>– Notice of opposition deemed to have been filed</li> <li>– Admissibility of opposition</li> <li>– Substantive examination of opposition</li> </ul> </li> <li>• Decision in opposition proceedings               <ul style="list-style-type: none"> <li>– Rejection of the opposition</li> <li>– Revocation of the patent</li> <li>– Patent maintained in amended form</li> <li>– Interlocutory decision</li> </ul> </li> <li>• Continuation of own motion</li> <li>• New specification</li> <li>• Apportionment of costs</li> </ul>	
			<ul style="list-style-type: none"> <li>• Intervention               <ul style="list-style-type: none"> <li>– Payment opposition fee</li> <li>– Treated as opposition</li> <li>– In appeal proceedings</li> </ul> </li> </ul>	

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
			<ul style="list-style-type: none"> <li>• Limitation/revocation procedure               <ul style="list-style-type: none"> <li>– Subject of proceedings</li> <li>– Competence of the examining division</li> <li>– Requirements of the request for limitation or revocation</li> </ul> </li> <li>– Precedence of opposition proceedings</li> <li>– Decision on the request for limitation or revocation</li> <li>– Publication of the amended specification of the European patent</li> </ul>	
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>  Art. 9(3) Reg 1257: Art. 32(1)(i) UPCA	<ul style="list-style-type: none"> <li>• Appealable decisions</li> <li>• Suspensive effect</li> <li>• Who is entitled to appeal?               <ul style="list-style-type: none"> <li>– Adversely affected party</li> <li>– Parties to appeal proceedings</li> </ul> </li> <li>• Prohibition of <i>reformatio in peius</i></li> <li>• Termination of appeal</li> <li>• Notice of appeal               <ul style="list-style-type: none"> <li>– What to file</li> <li>– Where to file</li> <li>– Appeal fee</li> </ul> </li> <li>• Statement setting out grounds for appeal</li> <li>• Interlocutory revision</li> <li>• Assessment of appeal               <ul style="list-style-type: none"> <li>– Notice of appeal deemed to have been filed</li> <li>– Admissibility of appeal</li> <li>– Substantive examination of appeal</li> </ul> </li> <li>• Decision of board of appeal               <ul style="list-style-type: none"> <li>– Binding nature</li> </ul> </li> <li>• Reimbursement of the appeal fee               <ul style="list-style-type: none"> <li>– Appeal deemed not to have been filed</li> <li>– Substantial procedural violation</li> <li>– Withdrawal of the appeal</li> </ul> </li> <li>• Rules of Procedure of the Boards of Appeal</li> <li>• How to appeal decisions of the EPO relating to unitary patent protection</li> </ul>	Protest against non-unity finding of ISA and IPEA <ul style="list-style-type: none"> <li>• Payment of protest fee               <ul style="list-style-type: none"> <li>– Protest fee refunded if protest entirely successful</li> </ul> </li> <li>• Review body constituted in framework of ISA               <ul style="list-style-type: none"> <li>– EPO: three-member Review Panel</li> </ul> </li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
			<ul style="list-style-type: none"> <li>Enlarged Board of Appeal <ul style="list-style-type: none"> <li>Referral by board of appeal: Decision <ul style="list-style-type: none"> <li>Binding nature</li> </ul> </li> <li>Referral by EPO President: Opinion</li> </ul> </li> <li>Petition for Review by the Enlarged Board of Appeal <ul style="list-style-type: none"> <li>Fundamental procedural defects</li> <li>Obligation to raise objections during appeal proceedings</li> <li>Contents of the petition for review</li> <li>Examination of the petition</li> <li>Procedure</li> <li>Reimbursement of the fee for petition</li> </ul> </li> </ul>	
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>	<ul style="list-style-type: none"> <li>Decisions <ul style="list-style-type: none"> <li>Right to be heard</li> <li>Text agreed by applicant/proprietor</li> </ul> </li> <li>Examination by the EPO of its own motion</li> <li>Observations by third parties</li> <li>Oral proceedings <ul style="list-style-type: none"> <li>Video conference</li> <li>Handwritten amendments</li> </ul> </li> <li>Taking of evidence</li> <li>Unity of application/patent</li> <li>Notification (10-day rule → 7-day rule) <ul style="list-style-type: none"> <li>Postal services</li> <li>Means of electronic communication</li> </ul> </li> <li>Reference to general principles</li> </ul>	7-day rule for late delivery of documents
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>	<ul style="list-style-type: none"> <li>Periods <ul style="list-style-type: none"> <li>Calculation of periods</li> </ul> </li> <li>Periods specified by the EPO <ul style="list-style-type: none"> <li>Extension upon request</li> </ul> </li> <li>Late receipt of documents</li> <li>Extension of periods</li> <li>Interruption of periods <ul style="list-style-type: none"> <li>Interruption of proceedings</li> <li>Comparison with stay of proceedings</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Calculating time limits</li> <li>Extension of time limits</li> <li>Delay in meeting time limits <ul style="list-style-type: none"> <li>Irregularities in the mail service</li> <li>Excuse of delay in meeting time limits</li> </ul> </li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
H13 3h	Further processing and re-establishment of rights	<p>Art. 121, 122 EPC</p> <p>Rules 112, 135, 136 EPC</p> <p><i>[PCT Art. 25, 48(2), Rules 49.6, 51, 82bis, 82ter]</i></p> <p>R. 22 UPR</p>	<ul style="list-style-type: none"> <li>• Loss of rights communication <ul style="list-style-type: none"> <li>– Application for decision</li> </ul> </li> <li>• Further processing <ul style="list-style-type: none"> <li>– Requirements</li> <li>– Periods exempt from further processing</li> </ul> </li> <li>• Re-establishment of rights <ul style="list-style-type: none"> <li>– Requirements</li> <li>– Cause of non-compliance and its removal</li> <li>– All due care</li> <li>– Periods exempt from re-establishment of rights</li> <li>– Application in unitary patent proceedings</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• No remedies like further processing in international phase</li> <li>• Review by dOs</li> <li>• Excuse of delay in meeting time limits by dOs or eOs</li> <li>• Provisions for reinstatement of rights</li> </ul>
H14 3h	Fees	<p>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</p> <p>Rules 7a, 7b, 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</p> <p>Rules relating to Fees Arrangements for Deposit Accounts (ADA) Arrangements for the Automatic Debiting Procedure (AAD)</p> <p><i>[PCT Rule 96; Schedule of Fees]</i></p> <p>Art. 9(1)(e), 11(1) Reg 1257]; Rule 13 UPR; RFees relating to UPP</p>	<ul style="list-style-type: none"> <li>• Fees for applications</li> <li>• Renewal fees <ul style="list-style-type: none"> <li>– Computing patent years</li> <li>– Renewal fee for 3<sup>rd</sup> year</li> <li>– Courtesy service regarding renewal fees</li> <li>– Divisional and Art. 61(1)(b) applications</li> <li>– Interface European/national renewal fees</li> </ul> </li> <li>• Rules relating to Fees <ul style="list-style-type: none"> <li>– Effecting payment</li> <li>– Fail-safe arrangement</li> <li>– Insufficient payment</li> <li>– Refund of fees</li> <li>– Reduction of fees</li> </ul> </li> <li>• Deposit accounts <ul style="list-style-type: none"> <li>– Replenishment / effective date</li> </ul> </li> <li>• Automatic debiting <ul style="list-style-type: none"> <li>– Excluded fees</li> </ul> </li> <li>• Fee reductions <ul style="list-style-type: none"> <li>– under the language arrangements</li> <li>– under the scheme of micro-entities</li> <li>– combination of reductions</li> </ul> </li> <li>• Renewal fees for unitary patents <ul style="list-style-type: none"> <li>– First renewal fee</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Schedule of Fees <ul style="list-style-type: none"> <li>– Reduction of fees</li> </ul> </li> </ul>

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
I/J	Revocation and national rights			
<b>I</b> 0.8h	<b>National revocation</b>	Art. 2(2), 138, 139 EPC	<ul style="list-style-type: none"> <li>• Grounds for revocation</li> <li>• Proceedings for revocation</li> <li>• Partial revocation</li> </ul>	
<b>J1</b> 0.5h	<b>National Offices</b>	Art. 75(2), 77(2),(3) EPC  Rule 37(1),(2) EPC  PCT Art. 27(8), Rule 22.1	<ul style="list-style-type: none"> <li>• Mandatory filing at national Offices               <ul style="list-style-type: none"> <li>– European application and national law relating to the secrecy of inventions</li> <li>– NATO and other agreements safeguarding the secrecy of applications</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• International application not treated as such due to national security prescriptions               <ul style="list-style-type: none"> <li>– IA not transmitted by receiving Office (rO) to International Bureau (IB)</li> <li>– If IA is filed at IB/RO, IB does not check compliance</li> </ul> </li> </ul>
<b>J2</b> 0.8h	<b>Relations European and national patents</b>	Art. 139, 140 EPC  Rule 138 EPC	<ul style="list-style-type: none"> <li>• Rights of earlier date or the same date               <ul style="list-style-type: none"> <li>– National prior rights</li> <li>– Different claims, description and drawings for different States</li> </ul> </li> <li>• National utility models and utility certificates</li> </ul>	
<b>J3</b> 0.8h	<b>Conversion to national application</b>	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>	<ul style="list-style-type: none"> <li>• Conditions conversion</li> <li>• Procedure conversion</li> </ul>	<ul style="list-style-type: none"> <li>• Early entry into national/regional phase on express request of the applicant (see L4/L5)</li> </ul>
<b>J4</b> 0.2h	<b>Territorial effect of application</b>	Art. 168	<ul style="list-style-type: none"> <li>• Territorial extent               <ul style="list-style-type: none"> <li>– Special cases (DK, FR, GB, NL)</li> </ul> </li> <li>• Unitary patent               <ul style="list-style-type: none"> <li>– Territorial effect</li> <li>– Special cases (DK, FR, NL)</li> </ul> </li> </ul>	



PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
<b>K</b>	<b>Unitary Patent Regulations and other agreements</b>			
<b>K1</b> 0.5h	<b>Special agreements</b>	Art. 142-149a EPC	<ul style="list-style-type: none"> <li>• Unitary patent in Switzerland and Liechtenstein</li> </ul>	
<b>K2</b> 3.5h	<b>Unitary Patent Regulations</b>	Unitary Patent Regulations (Reg 1257 and 1260) and implementing regulations (In particular UPR)  Art. 3, 31-32 UPCA  National measures relating to the Unitary Patent (available at EPO)	<ul style="list-style-type: none"> <li>• Entry into force and application</li> <li>• Accession of further EU States</li> <li>• Request for unitary effect               <ul style="list-style-type: none"> <li>– Time limit</li> <li>– Requirements</li> <li>– Request for compensation</li> <li>– Examination of request(s) by the EPO</li> </ul> </li> <li>• Uniform protection</li> <li>• No double protection with the same EP validated nationally</li> <li>• Licences as of right               <ul style="list-style-type: none"> <li>– Reduction of renewal fees</li> </ul> </li> <li>• Common provisions</li> <li>• Actions against decisions of the EPO regarding unitary patents</li> </ul>	

PROCEDURAL LAW				
	Subject	Articles and Rules	Key Topics	PCT-related topics
K3 2h	Aspects of patent laws of the other four IP5 Patent Offices relevant to European practitioners	—	<b>United States Patent and Trademark Office (USPTO)</b> <ul style="list-style-type: none"> <li>• First inventor to file</li> <li>• Provisional/utility application</li> <li>• Continuation / continuation-in-part / divisional</li> <li>• Claiming priority from US application</li> <li>• Prior art in US <ul style="list-style-type: none"> <li>– Grace period + mandatory declaration</li> <li>– Intervening disclosure</li> <li>– Anti-self-collision</li> </ul> </li> <li>• Claim amendment</li> <li>• Request for continued examination</li> <li>• Methods of treatment</li> </ul> <b>Japan Patent Office (JPO)</b> <ul style="list-style-type: none"> <li>• First to file</li> <li>• Grace period</li> <li>• Utility model</li> <li>• Claim amendment</li> </ul> <b>Korean Intellectual Property Office (KIPO)</b> <ul style="list-style-type: none"> <li>• First to file</li> <li>• Grace period</li> <li>• Utility model</li> <li>• Claim amendment</li> </ul> <b>China National Intellectual Property Administration (CNIPA)</b> <ul style="list-style-type: none"> <li>• First to file</li> <li>• Grace period</li> <li>• Utility model</li> <li>• Claim amendment</li> </ul>	

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
<b>L</b>	<b>The Patent Cooperation Treaty</b>		
<b>L1</b> 3h	<b>Introduction PCT and common provisions</b>	<p>PCT Art. 1, 2, 9, 10, 27(7), 43-45, 49, 53, 55, 58</p> <p>PCT Rules 2, 79-82, 82<i>quater</i>, 83, 90, 90<i>bis</i>, 91, 92, 94</p>	<ul style="list-style-type: none"> <li>• Structure of the PCT</li> <li>• International phase / national phase</li> <li>• General articles and rules <ul style="list-style-type: none"> <li>– Definition of application</li> <li>– Definition of priority date</li> <li>– Definition of national Office</li> <li>– Applicant</li> <li>– Receiving Office (rO)</li> <li>– Seeking certain kinds of protection</li> <li>– Seeking two kinds of protection</li> <li>– Regional patent treaties <ul style="list-style-type: none"> <li>○ Closing national route</li> </ul> </li> <li>– Right to practice before international authorities</li> <li>– Assembly</li> <li>– International Bureau (IB)</li> <li>– Time limits <ul style="list-style-type: none"> <li>○ 7-day rule for late delivered documents</li> <li>○ Extension of time limits</li> <li>○ Excuse of delay in meeting time limits</li> </ul> </li> <li>– Irregularities in the mail service</li> <li>– Agents and common representatives</li> <li>– Obvious mistakes in documents</li> <li>– Correspondence</li> <li>– Withdrawals</li> <li>– Access to files</li> </ul> </li> </ul>

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L2 3h	International application, international filing date and formalities examination, EPO as rO	<p>PCT Art. 3-14</p> <p>PCT Rules 3-11, 12-13<sup>ter</sup>, 14-16<sup>bis</sup>, 17, 18, 19-23, 24-26, 26<sup>bis</sup>, 26<sup>ter</sup>, 27-32, 40<sup>bis</sup>, 92<sup>bis</sup></p> <p>Art. 150, 151 EPC</p> <p>Rule 157 EPC</p>	<ul style="list-style-type: none"> <li>• Filing an international application <ul style="list-style-type: none"> <li>– Request</li> <li>– Applicant</li> <li>– Where to file <ul style="list-style-type: none"> <li>○ Filing at non-competent rO</li> </ul> </li> <li>– Languages <ul style="list-style-type: none"> <li>○ Filing in language not accepted by rO</li> <li>○ Mixed languages in international application</li> </ul> </li> <li>– Agent and representative</li> <li>– Inventor</li> <li>– Signature</li> <li>– Fees</li> <li>– Designation of States</li> <li>– Priority</li> </ul> </li> <li>• International filing date <ul style="list-style-type: none"> <li>– Right to file the international application</li> <li>– Procedure for correction</li> <li>– Filing missing elements or missing parts</li> <li>– Erroneously filed elements and parts <ul style="list-style-type: none"> <li>○ Invitation from ISA to pay additional fee</li> </ul> </li> <li>– Effect of the international filing date</li> </ul> </li> <li>• Defects in the international application <ul style="list-style-type: none"> <li>– Procedure for correction</li> </ul> </li> <li>• EPO as rO <ul style="list-style-type: none"> <li>– Application of the PCT to the EPC</li> <li>– Fees when filing an international application</li> <li>– Correction of erroneously filed elements and parts</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• International search <ul style="list-style-type: none"> <li>– Competent ISA</li> <li>– Subject-matter not searched</li> <li>– Relevant prior art <ul style="list-style-type: none"> <li>○ Oral disclosure</li> </ul> </li> <li>– Lack of unity and protest procedure</li> <li>– International search report (ISR)</li> <li>– Written opinion of ISA (WO-ISA)</li> <li>– Filing amendments of the claims</li> <li>– IPRP (Chapter I)</li> </ul> </li> <li>• EPO as ISA <ul style="list-style-type: none"> <li>– PCT Direct service</li> <li>– Subject-matter not searched</li> <li>– Lack of unity and protest procedure</li> <li>– Refund of search fee</li> </ul> </li> </ul> <hr/> <ul style="list-style-type: none"> <li>• International publication <ul style="list-style-type: none"> <li>– Languages of publication</li> <li>– Contents publication</li> <li>– PCT Gazette</li> <li>– Patentscope</li> <li>– Preventing/postponing publication</li> <li>– Technical preparations</li> <li>– Provisional protection</li> </ul> </li> <li>• International publication - EPO as dO/eO <ul style="list-style-type: none"> <li>– Provisional protection</li> </ul> </li> </ul>

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
			<ul style="list-style-type: none"> <li>• Supplementary international search <ul style="list-style-type: none"> <li>– Supplementary search request</li> <li>– Supplementary search handling fee</li> <li>– Supplementary search fee</li> <li>– Correction of defects</li> <li>– Start, basis and scope</li> <li>– Unity of invention <ul style="list-style-type: none"> <li>○ Review of opinion of SISA</li> </ul> </li> <li>– Supplementary international search report <ul style="list-style-type: none"> <li>○ Explanations PCT R.45bis.7(e)</li> <li>○ Transmittal to applicant</li> </ul> </li> <li>– ISA competent to carry out supplementary international search (SISA)</li> </ul> </li> <li>• EPO as SISA <ul style="list-style-type: none"> <li>– Refund of supplementary search fee</li> <li>– Subject-matter not searched</li> <li>– Non-unity and review</li> </ul> </li> </ul>
			<ul style="list-style-type: none"> <li>• International preliminary examination <ul style="list-style-type: none"> <li>– Filing demand and fee payment</li> <li>– Competent IPEA</li> <li>– Written opinion of IPEA</li> <li>– Response to written opinion</li> <li>– Amendment</li> <li>– Lack of unity and protest procedure</li> <li>– Subject-matter not searched</li> <li>– IPER = IPRP (Chapter II)</li> </ul> </li> <li>• EPO as IPEA <ul style="list-style-type: none"> <li>– Subject-matter not searched</li> <li>– Non-unity and protest procedure</li> <li>– Filing amendments</li> <li>– Consultation by telephone</li> </ul> </li> </ul>

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, 82 <i>bis</i>	<ul style="list-style-type: none"> <li>• National requirements</li> <li>• Processing prohibition               <ul style="list-style-type: none"> <li>– Early processing on express request of applicant</li> </ul> </li> <li>• Patent Prosecution Highway (PPH)</li> <li>• Amendment of the international application before dOs/eOs</li> <li>• Communication to dOs/eOs</li> <li>• Acts for entry into national phase               <ul style="list-style-type: none"> <li>– Period for entry</li> <li>– Translation international application</li> <li>– Fee payment</li> <li>– Indication of inventor</li> <li>– Priority documents</li> <li>– Representation</li> </ul> </li> <li>• Inspection of files</li> <li>• Reinstatement of rights after failure to duly enter the national phase</li> <li>• Review and excuse procedure               <ul style="list-style-type: none"> <li>– EPO: examining division competent to take decisions</li> </ul> </li> </ul>

PATENT COOPERATION TREATY			
	Subject	Articles and Rules	Key Topics
L5 4h	Regional entry before the EPO as dO/eO and Euro-PCT application	<p>Art. 150, 153 EPC</p> <p>Rules 159-165 EPC</p> <p>PCT Art. 26, Rule 49.6</p>	<ul style="list-style-type: none"> <li>• EPO as dO/eO <ul style="list-style-type: none"> <li>– Predominance of the PCT over the EPC</li> <li>– Early processing of the Euro-PCT application</li> <li>– Effect of international publication of the Euro-PCT application and translation</li> <li>– Euro-PCT application as Art. 54(3) EPC prior art</li> <li>– Equivalence between international search report and European search report</li> <li>– Supplementary European search <ul style="list-style-type: none"> <li>○ Fee reductions</li> </ul> </li> <li>– Acts for entry into EP regional phase <ul style="list-style-type: none"> <li>○ Translation</li> <li>○ Filing and page fee</li> <li>○ Designation fee</li> <li>○ Search fee for supplementary European search</li> <li>○ Request for examination</li> <li>○ Renewal fees</li> </ul> </li> <li>– Means of redress after failure to perform the acts</li> <li>– Claims fees</li> <li>– Examination of certain formal requirements by the EPO <ul style="list-style-type: none"> <li>○ Designation of inventor</li> <li>○ Priority claim and document</li> <li>○ Sequence listing</li> <li>○ Address/nationality of applicant</li> <li>○ Representation</li> </ul> </li> <li>– 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</li> <li>– Amendment of the Euro-PCT application where the EPO did not act as ISA or SISA</li> <li>– Accelerated processing of the Euro-PCT application</li> <li>– Further searches and unity of invention where the EPO did not act as ISA or SISA</li> <li>– Unity of invention and further searches where the EPO acted as ISA or SISA</li> <li>– Substantive examination of the Euro-PCT application</li> </ul> </li> </ul>