Implementing Regulations to the Convention on the Grant of European Patents

of 5 October 1973
as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and
as last amended by decision of the Administrative Council of the European Patent Organisation of 19 March 2026

as in force as from 1 June 2026

Any references to persons made in the EPC Implementing Regulations are to be understood as being gender-neutral.[1]

Footnotes and cross-references are added for the convenience of the reader; they do not form part of the official text.

[1] Declaration inserted by decision of the Administrative Council CA/D 20/24 of 10.12.2024 introducing gender-neutral language in the Implementing Regulations (OJ EPO 2025, A16), which entered into force on 01.04.2025.

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PART I
IMPLEMENTING REGULATIONS TO PART I OF THE CONVENTION

Chapter I
General provisions

Rule 1[2]
Written proceedings

R. 3, 35, 49, 50, 76, 89, 92, 114

In written proceedings before the European Patent Office, the requirement to use the written form shall be satisfied if the content of the documents can be reproduced in a legible form.

Rule 2[3]
Filing of and formal requirements for documents

R. 3, 31, 35, 49, 50, 92, 134

(1)[4] In proceedings before the European Patent Office, documents may be filed by delivery by hand, by postal services or by means of electronic communication. The President of the European Patent Office shall lay down the details and conditions and, where appropriate, any special formal or technical requirements for the filing of documents. In particular, the President of the European Patent Office may specify that confirmation must be supplied. If such confirmation is not supplied in due time, the European patent application shall be refused; documents filed subsequently shall be deemed not to have been received.

(2) Where the Convention provides that a document must be signed, the authenticity of the document may be confirmed by handwritten signature or other appropriate means the use of which has been permitted by the President of the European Patent Office. A document authenticated by such other means shall be deemed to meet the legal requirements of signature in the same way as a document bearing a handwritten signature which has been filed in paper form.

[2] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See notice from the EPO of 15.03.2024 concerning amended Rules 1, 41, 147 and 152 EPC (OJ EPO 2024, A34).

[3] See decisions of the President of the EPO of 25.03.2026 concerning the electronic filing of documents (OJ EPO 2026, A19) and the filing of documents during telephone consultations and during interviews and oral proceedings held by videoconference (OJ EPO 2026, A21), as well as the notice from the EPO of 25.03.2026 concerning the filing of documents in DOCX format (OJ EPO 2026, A22).
See decision of the President of the EPO of 25.03.2026 concerning the web-based service MyEPO and electronic notification to the Mailbox in proceedings under the EPC and the PCT (OJ EPO 2026, A20) and decision of the President of the EPO of 09.02.2024 concerning the same services in proceedings related to European patents with unitary effect (OJ EPO 2024, A19).

[4] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

Rule 3[5]
Language in written proceedings

Art. 14, 99, 105, 105a, 108
R. 1, 77, 89, 101, 107

(1) In written proceedings before the European Patent Office, any party may use any official language of the European Patent Office. The translation referred to in Article 14, paragraph 4, may be filed in any official language of the European Patent Office.

(2) Amendments to a European patent application or European patent shall be filed in the language of the proceedings.

(3) Documentary evidence and, in particular, publications may be filed in any language. The European Patent Office may, however, require that a translation in one of its official languages be filed, within a period to be specified. If a required translation is not filed in due time, the European Patent Office may disregard the document in question.

Rule 4
Language in oral proceedings

Art. 14, 116, 117, 123
R. 120

(1) Any party to oral proceedings before the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings, if such party gives notice to the European Patent Office at least one month before the date of such oral proceedings or provides for interpretation into the language of the proceedings. Any party may use an official language of a Contracting State, if they provide for interpretation into the language of the proceedings. The European Patent Office may permit derogations from these provisions.

(2) In the course of oral proceedings, employees of the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings.

(3) Where evidence is taken, any parties, witnesses or experts to be heard who are unable to express themselves adequately in an official language of the European Patent Office or of a Contracting State may use another language. Where evidence is taken upon request of a party, parties, witnesses or experts expressing themselves in a language other than an official language of the European Patent Office shall be heard only if that party provides for interpretation into the language of the proceedings. The European Patent Office may, however, permit interpretation into one of its other official languages.

(4) If the parties and the European Patent Office agree, any language may be used.

(5) The European Patent Office shall, if necessary, provide at its own expense interpretation into the language of the proceedings, or, where appropriate, into its other official languages, unless such interpretation is the responsibility of one of the parties.

[5] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

(6) Statements by employees of the European Patent Office, parties, witnesses or experts, made in an official language of the European Patent Office, shall be entered in the minutes in that language. Statements made in any other language shall be entered in the official language into which they are translated. Amendments to a European patent application or European patent shall be entered in the minutes in the language of the proceedings.

Rule 5
Certification of translations

Art. 14, 88
R. 7

Where the translation of a document is required, the European Patent Office may require that a certificate that the translation corresponds to the original text be filed within a period to be specified. If the certificate is not filed in due time, such document shall be deemed not to have been filed, unless otherwise provided.

Rule 6[6]
Filing of translations

Art. 14, 61, 78, 88, 90, 99, 105b, 108, 112a
R. 70

(1) A translation under Article 14, paragraph 2, shall be filed within two months of filing the European patent application.

(2) A translation under Article 14, paragraph 4, shall be filed within one month of filing the document. This shall also apply to requests under Article 105a. Where the document is a notice of opposition or appeal, or a statement of grounds of appeal, or a petition for review, the translation may be filed within the period for filing such a notice or statement or petition, if that period expires later.

Rule 7
Legal authenticity of the translation of the European patent application

Art. 70, 123
R. 5

Unless evidence is provided to the contrary, the European Patent Office shall assume, for the purpose of determining whether the subject-matter of the European patent application or European patent extends beyond the content of the application as filed, that the translation filed under Article 14, paragraph 2, or Rule 40, paragraph 3, is in conformity with the original text of the application.

[6] Last modified by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.
See notice from the EPO of 25.01.2024 concerning fee-related support measures for small entities (OJ EPO 2024, A8).

Rule 7a[7]
Reduction of fees

(1) Where a person referred to in Article 14, paragraph 4, files a European patent application or a request for examination in a language admitted in that provision, the filing fee or examination fee shall be reduced in accordance with the Rules relating to Fees.

(2) The reduction of fees referred to in paragraph 1 shall be available for:

(a) microenterprises;

(b) small and medium-sized enterprises;

(c) natural persons;

(d) non-profit organisations, universities or public research organisations.

(3) Where a microenterprise, natural person, non-profit organisation, university or public research organisation files a European patent application or, in respect of an international application, performs the acts referred to in Rule 159, the following fees shall be reduced in accordance with the Rules relating to Fees:

(a) filing fee;

(b) fee for a European or supplementary European search;

(c) examination fee, and in addition the previously paid international search fee where the European Patent Office acted as International Searching Authority;

(d) designation fee;

(e) fee for grant;

(f) renewal fees for the European patent application.

(4) The reduction of fees referred to in paragraph 3 shall not be available where the same person has filed five or more European patent applications or Euro-PCT applications within a period of five years preceding

- the date of filing of the European patent application concerned or

- the date of entry into the European phase of the Euro-PCT application concerned.

The relevant date for previous applications shall be the date of filing in the case of a European patent application or the date of entry into the European phase in the case of a Euro-PCT application.

[7] Inserted by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.
See notice from the EPO of 25.01.2024 concerning fee-related support measures for small entities (OJ EPO 2024, A8).

(5) In the case of multiple persons filing a European patent application or a Euro-PCT application, the reduction under paragraph 1 or 3 shall be available only if each applicant fulfils the applicable eligibility criteria.

(6) The eligibility criteria laid down in paragraphs 1 to 3 shall be fulfilled on the date of the payment of the fee concerned.

Rule 7b[8]
Declaration of eligibility for a reduction of fees

(1) Applicants wishing to benefit from a reduction of fees under Rule 7a, paragraph 1 or 3, shall declare themselves to be a person within the meaning of Rule 7a, paragraph 2 or 3, at the latest when the first reduced payment is made.

(2) Applicants shall inform the European Patent Office of any change of status affecting eligibility for a reduction of fees at the latest when the fee concerned is paid.

(3) In the event of reasonable doubt as to the veracity of the declaration within the meaning of paragraph 1 or, subsequently, as to the applicant's eligibility for a reduction of fees, the European Patent Office may request evidence.

(4) Should it become apparent that an incorrect declaration has been filed or the European Patent Office has not been informed of a change of status in accordance with paragraph 2 and a reduced payment is made, the fee shall be deemed not to have been paid and the application shall be deemed to be withdrawn.

Chapter II
Organisation of the European Patent Office

Section 1
General matters

Rule 8 *Art. 15*
Patent classification *R. 11, 61*

The European Patent Office shall use the classification referred to in Article 1 of the Strasbourg Agreement concerning the International Patent Classification of 24 March 1971, hereinafter referred to as the international classification.

Rule 9 *Art. 10, 15*
Administrative structure of the European Patent Office

(1)[9] The European Patent Office shall be divided administratively into Directorates-General, to which the departments specified in Article 15(a) to

[8] Inserted by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.
See notice from the EPO of 25.01.2024 concerning fee-related support measures for small entities (OJ EPO 2024, A8).

(e), and the services set up to deal with legal matters and the internal administration of the Office, shall be assigned.

(2) Each Directorate-General shall be directed by a Vice-President. The assignment of a Vice-President to a Directorate-General shall be decided by the Administrative Council, after the President of the European Patent Office has been consulted.

Rule 10
Responsibility of the Receiving Section and the Examining Division

Art. 15, 16, 18, 90, 93
R. 11, 159

(1) The Receiving Section shall be responsible for the examination on filing and the examination as to formal requirements of a European patent application up to the time when the Examining Division becomes responsible for the examination of the European patent application under Article 94, paragraph 1.

(2) Subject to paragraphs 3 and 4, the Examining Division shall be responsible for the examination of a European patent application under Article 94, paragraph 1, from the time when a request for examination is filed.

(3) If a request for examination is filed before the European search report has been transmitted to the applicant, the Examining Division shall, subject to paragraph 4, be responsible from the time when the European Patent Office receives the indication under Rule 70, paragraph 2.

(4) If a request for examination is filed before the European search report has been transmitted to the applicant, and if the applicant has waived the right under Rule 70, paragraph 2, the Examining Division shall be responsible from the time when the search report is transmitted to the applicant.

Rule 11[10]
Allocation of duties to the departments of first instance

Art. 10, 15-20, 104
R. 8, 10, 88

(1) Technically qualified examiners acting as members of Search, Examining or Opposition Divisions shall be assigned to Directorates. The President of the European Patent Office shall allocate duties to these Directorates by reference to the international classification.

(2)[11] The President of the European Patent Office may allocate further duties to the Receiving Section, the Search, Examining and Opposition Divisions, and the Legal Division, in addition to the responsibilities vested in them under the Convention.

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[9] Amended by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[10] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

[11] See decision of the President of the EPO (OJ EPO 2013, 600).

(3)[12] The President of the European Patent Office may entrust to employees who are not technically or legally qualified examiners the execution of duties falling to the Search, Examining or Opposition Divisions and involving no technical or legal difficulties.

Section 2
Organisation of the Boards of Appeal and the Enlarged Board of Appeal

Rule 12[13]

(deleted)

Rule 12a[14]

Art. 15, 21, 22, 23

Organisation and management of the Boards of Appeal Unit and President of the Boards of Appeal

(1)[15] The Boards of Appeal and the Enlarged Board of Appeal, including their registries and support services, shall be organised as a separate unit (the "Boards of Appeal Unit") and be directed by the President of the Boards of Appeal. The Chair of the Enlarged Board of Appeal shall act as President of the Boards of Appeal. The President of the Boards of Appeal shall be appointed by the Administrative Council on a joint proposal made by the Committee established under Rule 12c, paragraph 1, and the President of the European Patent Office. If the President of the Boards of Appeal is absent or indisposed, they shall be replaced by one of the members of the Enlarged Board of Appeal in accordance with the procedure laid down by the Administrative Council.

(2)[16] The President of the Boards of Appeal shall manage the Boards of Appeal Unit and, to this end, have the functions and powers delegated by the President of the European Patent Office. In exercising the delegated functions and powers, the President of the Boards of Appeal shall be responsible solely to the Administrative Council and shall be subject to its hierarchical and disciplinary authority.

(3) Without prejudice to Article 10, paragraph 2(d), and Article 46, the President of the Boards of Appeal shall prepare a substantiated budget request for the Boards of Appeal Unit. This request shall be examined and discussed with the relevant departments of the European Patent Office,

[12] See decisions of the President of the EPO concerning the entrustment to non-examining staff of certain duties incumbent on the examining or opposition divisions (OJ EPO 2014, A6, OJ EPO 2015, A104, and OJ EPO 2020, A80) and notice from the EPO (OJ EPO 2014, A32).

[13] Deleted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[14] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[15] See decision of the President of the Boards of Appeal of 16.12.2022 designating the deputy of the President of the Boards of Appeal (OJ EPO 2023, A12).

[16] See delegation of functions and powers from the President of the EPO to the President of the Boards of Appeal (OJ EPO 2018, A63).

and be presented by the President of the Boards of Appeal to the Committee established under Rule 12c, paragraph 1, for opinion, before being forwarded to the President of the European Patent Office for consideration for the yearly draft budget. The President of the European Patent Office shall provide the President of the Boards of Appeal with the necessary resources, as set out in the adopted budget.

(4) The President of the European Patent Office shall make the services mentioned in Rule 9, paragraph 1, available to the President of the Boards of Appeal as far as necessary and within the limits of the adopted budget.

Rule 12b[17] *Art. 15, 21, 22, 23*

Presidium of the Boards of Appeal and business distribution scheme for the Boards of Appeal

(1)[18] The autonomous authority within the Boards of Appeal Unit (the "Presidium of the Boards of Appeal") shall consist of the President of the Boards of Appeal, who shall act as Chair, and twelve members of the Boards of Appeal, six being Chairs and six being other members.

(2) All members of the Presidium shall be elected by the Chairs and members of the Boards of Appeal for two working years. If the full composition of the Presidium cannot be reached, the vacancies shall be filled by designating the most senior Chairs and members.

(3) The Presidium shall:

(a) adopt the Rules of Procedure for the election and designation of its members;

(b) adopt, without prejudice to regulations adopted in accordance with Article 10, paragraph 2(c), and Article 33, paragraph 2(b), a Code of Conduct for the members and Chairs of the Boards of Appeal and of the Enlarged Board of Appeal, which shall be subject to the approval of the Administrative Council;

(c) advise the President of the Boards of Appeal on proposals for amendments to the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal;

(d) advise the President of the Boards of Appeal on matters concerning the functioning of the Boards of Appeal Unit in general.

(4)[19, 20] Before the beginning of each working year, the Presidium, extended to include all Chairs, shall allocate duties to the Boards of Appeal. In the

[17] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[18] See notice concerning the amendment of the composition of the Presidium of the Boards of Appeal for 2026/2027 (OJ EPO 2026, A9), with amendments over the course of 2026 and 2027 published only on the relevant web-section of the Boards of Appeal.

[19] See business distribution schemes of the Legal Board of Appeal and of the Technical Boards of Appeal for 2026 (OJ EPO 2026, A11 and OJ EPO 2026, A12), with amendments in the course of the year published only on the relevant web-section of the Boards of Appeal.

same composition, it shall decide on conflicts regarding the allocation of duties between two or more Boards of Appeal. The extended Presidium shall designate the regular and alternate members of the various Boards of Appeal. Any member of a Board of Appeal may be designated as a member of more than one Board of Appeal. These measures may, where necessary, be amended during the course of the working year in question.

(5) The Presidium may only take a decision if at least five of its members are present; these must include the President of the Boards of Appeal or their deputy, and the Chairs of two Boards of Appeal. Where the tasks mentioned in paragraph 4 are concerned, nine members must be present, including the President of the Boards of Appeal or their deputy, and the Chairs of three Boards of Appeal. Decisions shall be taken by a majority vote; in the event of parity of votes, the Chair or their deputy shall have the casting vote. Abstentions shall not be considered as votes.

(6) The Administrative Council may allocate duties under Article 134a, paragraph 1(c), to the Boards of Appeal.

Rule 12c[21] *Art. 15, 21, 22, 23*
Boards of Appeal Committee and procedure for adoption of the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal

(1) The Administrative Council shall set up a committee (the "Boards of Appeal Committee") to advise it and the President of the Boards of Appeal on the Boards of Appeal Unit in general and to adopt the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal. The Committee shall be composed of six members appointed by the Administrative Council, three from among the delegations of the Contracting States within the meaning of Article 26, and three from among serving or former judges of international or European courts or of national courts of the Contracting States. The President of the European Patent Office and the President of the Boards of Appeal shall have the right to attend the Committee's meetings. Further details, in particular as to the Committee's composition, alternate members, working arrangements and functions in advising the Boards of Appeal Unit, shall be determined by the Administrative Council in the decision setting up the Committee.

(2)[22] On a proposal from the President of the Boards of Appeal and after the President of the European Patent Office has been given the opportunity

[20] See decision of the Presidium of the Boards of Appeal of 09.12.2022 concerning the transfer of functions to the Registrars of the Boards of Appeal (OJ EPO 2022, A121).

[21] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[22] See the Rules of Procedure of the Boards of Appeal, as approved by decision of the Administrative Council CA/D 5/19 Corr. 1 of 26.06.2019 (OJ EPO 2019, A63) and last amended by decision of the Administrative Council CA/D 24/23 of 13.12.2023 (OJ EPO 2023, A103), as well as Rules of Procedure of the Enlarged Board of Appeal, last amendments approved by decision of the Administrative Council CA/D 3/15 of 25.03.2015 (OJ EPO 2015, A35).

to comment, the Committee set up under paragraph 1 shall adopt the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal.

Rule 12d[23] *Art. 15, 21, 22, 23*
Appointment and re-appointment of the members, including the Chairs, of the Boards of Appeal and of the Enlarged Board of Appeal

(1) The Chair of the Enlarged Board of Appeal shall, on appointment, also be appointed as a legally qualified member of the Boards of Appeal.

(2)[24] Upon delegation from the President of the European Patent Office, the President of the Boards of Appeal shall exercise the right to propose the members, including the Chairs, of the Boards of Appeal and the members of the Enlarged Board of Appeal for appointment by the Administrative Council, and the right to be consulted on their re-appointment (Article 11, paragraph 3) and on the appointment and re-appointment of external legally qualified members (Article 11, paragraph 5).

(3) The President of the Boards of Appeal shall exercise the right under paragraph 2 to be consulted on re-appointments by submitting a reasoned opinion, including an evaluation of the member's or Chair's performance, to the Administrative Council. The criteria for evaluating performance shall be set by the President of the Boards of Appeal in consultation with the Committee established under Rule 12c, paragraph 1. Subject to a positive opinion and performance evaluation and the number of posts under Article 11, paragraph 3, available in the adopted budget for the Boards of Appeal Unit, the members, including the Chairs, of the Boards of Appeal and the members of the Enlarged Board of Appeal shall be re-appointed at the end of their five-year term under Article 23, paragraph 1.

Rule 13[25, 26, 27] *Art. 22, 23*
Business distribution scheme for the Enlarged Board of Appeal

Before the beginning of each working year, the members of the Enlarged Board of Appeal appointed under Article 11, paragraph 3, shall designate the regular and alternate members of the Enlarged Board of Appeal in proceedings under Article 22, paragraph 1(a) and (b), and the regular and alternate members in proceedings under Article 22, paragraph 1(c). Decisions may only be taken if at least five members are present, including the Chair or deputy Chair of the Enlarged Board of Appeal; in the event of

[23] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[24] See the delegation of functions and powers from the President of the EPO to the President of the Boards of Appeal (OJ EPO 2018, A63).

[25] Amended by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[26] See business distribution scheme of the Enlarged Board of Appeal for 2026 (OJ EPO 2026, A10), with amendments in the course of the year published only on the relevant web-section of the Boards of Appeal.

[27] See decision of the Enlarged Board of Appeal of 12.11.2007 concerning the transfer of tasks to the Registry of the Enlarged Board of Appeal (Supplement to OJ EPO 1/2008, 34).

parity of votes, the Chair or deputy Chair shall have the casting vote. Abstentions shall not be considered as votes.

PART II
IMPLEMENTING REGULATIONS TO PART II OF THE CONVENTION

Chapter I
Procedure where the applicant is not entitled

Rule 14[28]
Stay of proceedings

Art. 61, 86, 93, 99
R. 143

(1) If a third party provides evidence that they have instituted proceedings against the applicant seeking a decision within the meaning of Article 61, paragraph 1, the proceedings for grant shall be stayed unless the third party communicates to the European Patent Office in writing their consent to the continuation of such proceedings. Such consent shall be irrevocable. However, proceedings for grant shall not be stayed before the publication of the European patent application.

(2) Where evidence is provided that a final decision within the meaning of Article 61, paragraph 1, has been taken, the European Patent Office shall inform the applicant and any other party that the proceedings for grant shall be resumed as from the date stated in the communication, unless a new European patent application under Article 61, paragraph 1(b), has been filed for all the designated Contracting States. If the decision is in favour of the third party, the proceedings may not be resumed earlier than three months after the decision has become final, unless the third party requests the resumption.

(3) Upon staying the proceedings for grant, or thereafter, the European Patent Office may set a date on which it intends to resume the proceedings for grant, regardless of the stage reached in the national proceedings instituted under paragraph 1. It shall communicate this date to the third party, the applicant and any other party. If no evidence has been provided by that date that a final decision has been taken, the European Patent Office may resume proceedings.

(4) All periods, other than those for the payment of renewal fees, running at the date of the stay of proceedings shall be interrupted by such stay. The time which has not yet elapsed shall begin to run from the date on which proceedings are resumed. However, the time still to run after such resumption shall not be less than two months.

Rule 15[29]
Limitation on withdrawals

Art. 61, 79

From the date on which a third party provides evidence that they have instituted national proceedings under Rule 14, paragraph 1, and up to the date on which the proceedings for grant are resumed, neither the European patent application nor the designation of any Contracting State may be withdrawn.

[28] See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).

[29] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

Rule 16
Procedure under Article 61, paragraph 1

Art. 122, 128
R. 17, 60, 78, 136, 143, 147

(1) A person entitled to the grant of a European patent may only have recourse to the remedies under Article 61, paragraph 1, if:

(a) they do so no later than three months after the decision recognising their entitlement has become final, and

(b) the European patent has not yet been granted.

(2) Such remedies shall only apply in respect of Contracting States designated in the European patent application in which the decision has been taken or recognised or must be recognised on the basis of the Protocol on Recognition.

Rule 17[30]
Filing of a new European patent application by the entitled person

Art. 76, 78, 79
R. 16, 18, 78

(1) Where the person adjudged by a final decision to be entitled to the grant of the European patent files a new European patent application under Article 61, paragraph 1(b), the original application shall be deemed to be withdrawn on the date of filing the new application for the Contracting States designated therein in which the decision has been taken or recognised or must be recognised on the basis of the Protocol on Recognition.

(2) The filing fee and search fee shall be paid within one month of filing the new application. If the filing fee or search fee is not paid in due time, the application shall be deemed to be withdrawn.

(3)[31] The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report drawn up in respect of the new application. Rule 39, paragraphs 2 and 3, shall apply.

Rule 18[32]
Partial transfer of the right to the European patent

Art. 101, 118, 123
R. 138

(1) If a final decision determines that a third party is entitled to the grant of a European patent in respect of only part of the subject-matter disclosed in the original European patent application, Article 61 and Rules 16 and 17 shall apply to such part.

(2) Where appropriate, the original European patent application shall contain, for the designated Contracting States in which the decision was taken or recognised or must be recognised on the basis of the Protocol on Recognition, claims, a description and drawings which are different from those for the other designated Contracting States.

[30] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[31] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[32] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

Chapter II
Mention of the inventor

Rule 19
Designation of the inventor[33]

Art. 62, 128
R. 21, 60, 163

(1) The request for grant of a European patent shall contain the designation of the inventor. However, if the applicant is not the inventor or is not the sole inventor, the designation shall be filed in a separate document. The designation shall state the family name, given names and country and place of residence of the inventor, contain the statement referred to in Article 81 and bear the signature of the applicant or their representative.

(2) The European Patent Office shall not verify the accuracy of the designation of the inventor.

Rule 20
Publication of the mention of the inventor

Art. 62, 81, 93, 98, 103, 105c
R. 144

(1) The designated inventor shall be mentioned in the published European patent application and the European patent specification, unless they inform the European Patent Office in writing that they have waived their right to be thus mentioned.

(2) Paragraph 1 shall apply where a third party files with the European Patent Office a final decision determining that the applicant for or proprietor of a European patent is required to designate them as an inventor.

Rule 21[34]
Rectification of the designation of an inventor

Art. 62, 81, 98, 103, 105c, 127, 129

(1) An incorrect designation of an inventor shall be rectified upon request and only with the consent of the wrongly designated person and, where such a request is filed by a third party, the consent of the applicant for or proprietor of the patent. Rule 19 shall apply mutatis mutandis.

(2) Where an incorrect designation of the inventor has been recorded in the European Patent Register or published in the European Patent Bulletin, its rectification or cancellation shall also be recorded or published therein.

Chapter III
Registration of transfers, licences and other rights

Art. 71, 72, 127
R. 23, 85, 143

[33] Amended by decision of the Administrative Council CA/D 11/20 (Article 1) of 15.12.2020 (OJ EPO 2021, A3), which entered into force on 01.04.2021.
See notice from the EPO of 22.02.2021 (OJ EPO 2021, A12).

[34] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

Rule 22[35]
Registration of transfers

(1)[36] The transfer of a European patent application shall be recorded in the European Patent Register at the request of an interested party, upon production of documents providing evidence of such transfer. Rule 2, paragraph 2 shall apply mutatis mutandis to the signature of the parties to the contract.

(2)[37] Registration of the transfer may be subject to the payment of an administrative fee under the conditions laid down by the President of the European Patent Office. Where a fee is due, the request shall not be deemed to have been filed until the administrative fee has been paid. It may be rejected only if paragraph 1 has not been complied with.

(3) A transfer shall have effect vis-à-vis the European Patent Office only at the date when and to the extent that the documents referred to in paragraph 1 have been produced.

Rule 23[38]
Registration of licences and other rights

Art. 71, 73, 127
R. 143

(1) Rule 22, paragraphs 1 and 2, shall apply mutatis mutandis to the registration of the grant or transfer of a licence, the establishment or transfer of a right in rem in respect of a European patent application and any legal means of execution affecting such an application.

(2) A registration under paragraph 1 shall be cancelled upon request, supported by documents providing evidence that the right has lapsed, or by the written consent of the proprietor of the right to the cancellation of the registration. Rule 22, paragraph 2, shall apply mutatis mutandis.

Rule 24[39]
Special entries for licence registrations

Art. 73, 127

A licence in respect of a European patent application shall be recorded

[35] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

[36] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See decision of the President of the EPO of 09.02.2024 concerning signatures on contracts and declarations under Rules 22 and 85 and Rule 23 EPC (OJ EPO 2024, A17), decision of the President of the EPO of 09.02.2024 concerning signatures on contracts and declarations relating to European patents with unitary effect (OJ EPO 2024, A18) and notice from the EPO of 9 February 2024 concerning revised Rule 22 EPC (OJ EPO 2024, A22).

[37] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.

[38] See decision of the President of the EPO (OJ EPO 2013, 600).
See decisions of the President of the EPO of 09.02.2024 (OJ EPO 2024, A17 and A18) and notice from the EPO of 09.02.2024 (OJ EPO 2024, A22).

[39] See decision of the President of the EPO (OJ EPO 2013, 600).
See decisions of the President of the EPO of 09.02.2024 (OJ EPO 2024, A17 and A18) and notice from the EPO of 09.02.2024 (OJ EPO 2024, A22).

(a) as an exclusive licence if the applicant and the licensee so request;

(b) as a sub-licence where it is granted by a licensee whose licence is recorded in the European Patent Register.

Chapter IV
Certificate of exhibition

Rule 25[40] *R. 159*
Certificate of exhibition

Within four months of filing the European patent application, the applicant shall file the certificate referred to in Article 55, paragraph 2, which:

(a) is issued at the exhibition by the authority responsible for the protection of industrial property at that exhibition;

(b) states that the invention was in fact displayed there;

(c) states the opening date of the exhibition and, where the invention was disclosed later than on that date, the date on which the invention was first disclosed; and

(d) is accompanied by an identification of the invention, duly authenticated by the above-mentioned authority.

Chapter V
Biotechnological inventions

Rule 26[41] *Art. 52, 53*
General and definitions *R. 31, 32, 33, 34*

(1) For European patent applications and patents concerning biotechnological inventions, the relevant provisions of the Convention shall be applied and interpreted in accordance with the provisions of this Chapter. Directive 98/44/EC of 6 July 1998[42] on the legal protection of biotechnological inventions shall be used as a supplementary means of interpretation.

(2) "Biotechnological inventions" are inventions which concern a product consisting of or containing biological material or a process by means of which biological material is produced, processed or used.

(3) "Biological material" means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system.

(4) "Plant variety" means any plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a plant variety right are fully met, can be:

[40] See decisions of the Enlarged Board of Appeal G 3/98, G 2/99 (Annex I).

[41] See decisions of the Enlarged Board of Appeal G 1/98, G 2/06, G 2/07, G 1/08 (Annex I).

[42] See OJ EPO 1999, 101.

(a) defined by the expression of the characteristics that results from a given genotype or combination of genotypes,

(b) distinguished from any other plant grouping by the expression of at least one of the said characteristics, and

(c) considered as a unit with regard to its suitability for being propagated unchanged.

(5) A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

(6) "Microbiological process" means any process involving or performed upon or resulting in microbiological material.

Rule 27 *Art. 52*
Patentable biotechnological inventions

Biotechnological inventions shall also be patentable if they concern:

(a) biological material which is isolated from its natural environment or produced by means of a technical process even if it previously occurred in nature;

(b)[43] without prejudice to Rule 28, paragraph 2, plants or animals if the technical feasibility of the invention is not confined to a particular plant or animal variety;

(c)[44] a microbiological or other technical process, or a product obtained by means of such a process other than a plant or animal variety.

Rule 28[45]
Exceptions to patentability

(1) Under Article 53(a), European patents shall not be granted in respect of biotechnological inventions which, in particular, concern the following:

(a) processes for cloning human beings;

(b) processes for modifying the germ line genetic identity of human beings;

(c)[46] uses of human embryos for industrial or commercial purposes;

[43] Amended by decision of the Administrative Council CA/D 6/17 of 29.06.2017 (OJ EPO 2017, A56), which entered into force on 01.07.2017.
See opinion of the Enlarged Board of Appeal G 3/19 (Annex I).

[44] See decisions/opinion of the Enlarged Board of Appeal G 2/07, G 1/08, G 3/19 (Annex I).

[45] Amended by decision of the Administrative Council CA/D 6/17 of 29.06.2017 (OJ EPO 2017, A56), which entered into force on 01.07.2017.

[46] See decision of the Enlarged Board of Appeal G 2/06 (Annex I).

(d) processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to humans or animals, and also animals resulting from such processes.

(2)[47] Under Article 53(b), European patents shall not be granted in respect of plants or animals exclusively obtained by means of an essentially biological process.

Rule 29
The human body and its elements

Art. 52, 53, 57
R. 42

(1) The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions.

(2) An element isolated from the human body or otherwise produced by means of a technical process, including the sequence or partial sequence of a gene, may constitute a patentable invention, even if the structure of that element is identical to that of a natural element.

(3) The industrial application of a sequence or a partial sequence of a gene must be disclosed in the patent application.

Rule 30[48]
Requirements of European patent applications relating to nucleotide and amino acid sequences

Art. 56, 57, 80
R. 42

(1) If nucleotide or amino acid sequences are disclosed in the European patent application, the description shall contain a sequence listing conforming to the rules laid down by the President of the European Patent Office for the standardised representation of nucleotide and amino acid sequences.

(2) A sequence listing filed after the date of filing shall not form part of the description.

(3) Where the applicant has not filed a sequence listing complying with the requirements under paragraph 1 at the date of filing, the European Patent Office shall invite the applicant to furnish such a sequence listing and pay the late furnishing fee. If the applicant does not furnish the required sequence listing and pay the required late furnishing fee within a period of two months after such an invitation, the application shall be refused.

[47] See opinion of the Enlarged Board of Appeal G 3/19 (Annex I).

[48] See decision of the President of the EPO of 14.11.2025 on the filing of sequence listings (OJ EPO 2025, A64), notices from the EPO of 09.12.2021 (OJ EPO 2021, A97) and of 14.11.2025 (OJ EPO 2025, A66) concerning the filing of sequence listings and notice from the EPO of 28.09.2023 concerning the handling of ST.25 sequence listings filed as a safeguard as part of divisional applications to which WIPO Standard ST.26 applies (OJ EPO 2023, A98).

See decision of the President of the EPO of 14.05.2024 concerning the revision of WIPO Standard ST.26 (OJ EPO 2024, A54) and notice from the EPO of 14.05.2024 (OJ EPO 2024, A55).

Rule 31[49, 50]
Deposit of biological material

Art. 78, 83, 128, 129
R. 26, 34

(1)[51] If an invention involves the use of or concerns biological material which is not available to the public and which cannot be described in the European patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall only be regarded as being disclosed as prescribed in Article 83 if:

(a) a sample of the biological material has been deposited with a recognised depositary institution on the same terms as those laid down in the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977 not later than the date of filing of the application;

(b) the application as filed gives such relevant information as is available to the applicant on the characteristics of the biological material;

(c) the depositary institution and the accession number of the deposited biological material are stated in the application, and

(d) where the biological material has been deposited by a person other than the applicant, the name and address of the depositor are stated in the application and a document is submitted to the European Patent Office providing evidence that the depositor has authorised the applicant to refer to the deposited biological material in the application and has given unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rule 33.

(2) The information referred to in paragraph 1(c) and (d) may be submitted

(a) within sixteen months after the date of filing of the application or, if priority has been claimed, after the priority date, this period being deemed to have been observed if the information is communicated before completion of the technical preparations for publication of the European patent application;

(b) up to the date of submission of a request under Article 93, paragraph 1(b);

(c) within one month after the European Patent Office has communicated to the applicant that the right to inspect the files under Article 128, paragraph 2, exists.

The ruling period shall be the one which is the first to expire. The communication of this information shall be considered as constituting the unreserved and irrevocable consent of the applicant to the deposited

[49] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

[50] See decision of the Enlarged Board of Appeal G 2/93 (Annex I).

[51] German and French version amended by decision of the Administrative Council CA/D 20/24 of 10.12.2024 (OJ EPO 2025, A16), which entered into force on 01.04.2025.

biological material being made available to the public in accordance with Rule 33.

Rule 32[52, 53]
Expert solution

Art. 78, 83, 128, 129
R. 26, 34, 67

(1) Until completion of the technical preparations for publication of the European patent application, the applicant may inform the European Patent Office that,

(a) until the publication of the mention of the grant of the European patent or, where applicable,

(b) for twenty years from the date of filing, if the application is refused or withdrawn or deemed to be withdrawn,

the availability referred to in Rule 33 shall be effected only by the issue of a sample to an independent expert nominated by the requester.

(2) Any natural person may be nominated as an expert, provided that they comply with the requirements and obligations laid down by the President of the European Patent Office.

The nomination shall be accompanied by a declaration from the expert that they undertake to comply with the aforementioned requirements and obligations and that they know of no circumstances which might give rise to justified doubts as to their independence or which might conflict in any other way with their function as expert.

The nomination shall also be accompanied by a declaration from the expert vis-à-vis the applicant in which they enter into the undertaking given under Rule 33 until either the date on which the patent expires in all the designated States or, where the application is refused, withdrawn or deemed to be withdrawn, the date referred to in paragraph 1(b), the requester being regarded as a third party.

Rule 33[54]
Availability of biological material

Art. 78, 83, 128, 129
R. 26, 34

(1) Biological material deposited in accordance with Rule 31 shall be available upon request to any person from the date of publication of the European patent application and to any person having the right to inspect the files under Article 128, paragraph 2, prior to that date. Subject to Rule 32, such availability shall be effected by the issue of a sample of the

[52] Amended by decision of the Administrative Council CA/D 3/17 of 29.06.2017 (OJ EPO 2017, A55), which entered into force on 01.10.2017.

[53] See decision of the President of the EPO of 10.07.2017 concerning the requirements and obligations for experts nominated under Rule 32 EPC (OJ EPO 2017, A60).
See notice from the EPO of 07.07.2010 concerning inventions which involve the use of or concern biological material (OJ EPO 2010, 498) and notice from the EPO of 10.07.2017 concerning amended Rules 32 and 33 EPC (OJ EPO 2017, A61).

[54] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

biological material to the person making the request (hereinafter referred to as "the requester").

(2) Said issue shall be made only if the requester has undertaken vis-à-vis the applicant for or proprietor of the patent not to make the biological material or any biological material derived therefrom available to any third party and to use that material for experimental purposes only, until such time as the patent application is refused or withdrawn or deemed to be withdrawn, or before the European patent has expired in all the designated States, unless the applicant for or proprietor of the patent expressly waives such an undertaking.

The undertaking to use the biological material for experimental purposes only shall not apply in so far as the requester is using that material under a compulsory licence. The term "compulsory licence" shall be construed as including ex officio licences and the right to use patented inventions in the public interest.

(3) For the purposes of paragraph 2, derived biological material shall mean any material which still exhibits those characteristics of the deposited material which are essential to carrying out the invention. The undertaking under paragraph 2 shall not impede any deposit of derived biological material necessary for the purpose of patent procedure.

(4) The request referred to in paragraph 1 shall be submitted to the European Patent Office on a form recognised by that Office. The European Patent Office shall certify on the form that a European patent application referring to the deposit of the biological material has been filed, and that the requester or the expert nominated by them under Rule 32 is entitled to the issue of a sample of that material. After grant of the European patent, the request shall also be submitted to the European Patent Office.

(5) The European Patent Office shall transmit a copy of the request, with the certification provided for in paragraph 4, to the depositary institution and to the applicant for or the proprietor of the patent.

(6)[55] The European Patent Office shall publish in its Official Journal the list of depositary institutions recognised for the purpose of Rules 31, 33 and 34.

Rule 34[56] *Art. 83, 129*
New deposit of biological material

If biological material deposited in accordance with Rule 31 ceases to be available from the recognised depositary institution, an interruption in availability shall be deemed not to have occurred if a new deposit of that material is made with a recognised depositary institution on the same terms as those laid down in the Budapest Treaty on the International Recognition

[55] Amended by decision of the Administrative Council CA/D 3/17 of 28.06.2017 (OJ EPO 2017, A55), which entered into force on 01.10.2017.
See notice from the EPO of 10.07.2017 concerning amended Rules 32 and 33 EPC (OJ EPO 2017, A61).

[56] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977, and if a copy of the receipt of the new deposit issued by the depositary institution is forwarded to the European Patent Office within four months of the date of the new deposit, stating the number of the European patent application or of the European patent.

PART III
IMPLEMENTING REGULATIONS TO PART III OF THE CONVENTION

Chapter I
Filing of the European patent application

Rule 35[57]
General provisions

Art. 75, 77
R. 1, 2

(1)[58] European patent applications may be filed in writing with the European Patent Office in Munich, The Hague or Berlin, or the authorities referred to in Article 75, paragraph 1(b).

(2) The authority with which the European patent application is filed shall mark the documents making up the application with the date of their receipt, and issue without delay a receipt to the applicant including at least the application number and the nature, number and date of receipt of the documents.

(3) If the European patent application is filed with an authority referred to in Article 75, paragraph 1(b), such authority shall without delay inform the European Patent Office of the receipt of the application, and, in particular, of the nature and date of receipt of the documents, the application number and any priority date claimed.

(4) Upon receipt of a European patent application forwarded by the central industrial property office of a Contracting State, the European Patent Office shall inform the applicant accordingly, indicating the date of its receipt.

Rule 36[59]
European divisional applications

Art. 14, 76, 78, 79, 94

(1)[60, 61] The applicant may file a divisional application relating to any pending earlier European patent application.

(2)[62] A divisional application shall be filed in the language of the proceedings for the earlier application. If the latter was not in an official language of the European Patent Office, the divisional application may be filed in the language of the earlier application; a translation into the language of

[57] See decision of the President of the EPO of 25.03.2026 concerning the electronic filing of documents (OJ EPO 2026, A19).

[58] See decision of the President of the EPO of 02.04.2025 designating the EPO's filing offices (OJ EPO 2025, A33) and notice from the EPO of 02.04.2025 concerning the availability of the EPO filing offices (OJ EPO 2025, A35).

[59] See decisions of the Enlarged Board of Appeal G 1/05, G 1/06, G 1/09 (Annex I).

[60] Amended by decision of the Administrative Council CA/D 15/13 of 16.10.2013 (OJ EPO 2013, 501), which entered into force on 01.04.2014.

[61] See notice from the EPO of 08.01.2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) of the Rules relating to Fees (OJ EPO 2014, A22, Corr. OJ EPO 2014, A109).

[62] Amended by decision of the Administrative Council CA/D 2/09 of 25.03.2009 (OJ EPO 2009, 296), which entered into force on 01.04.2010.

the proceedings for the earlier application shall then be filed within two months of the filing of the divisional application. The divisional application shall be filed with the European Patent Office in Munich, The Hague or Berlin.

(3) The filing fee and search fee shall be paid within one month of filing the divisional application. If the filing fee or search fee is not paid in due time, the application shall be deemed to be withdrawn.

(4)[63] The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report drawn up in respect of the divisional application. Rule 39, paragraphs 2 and 3, shall apply.

(5)[64] Rule 39, paragraph 2a, shall apply.

Rule 37
Forwarding of European patent applications

Art. 135
R. 35, 45, 112, 134

(1) The central industrial property office of a Contracting State shall forward European patent applications to the European Patent Office in the shortest time compatible with its national law relating to the secrecy of inventions in the interests of the State, and shall take all appropriate steps to ensure such forwarding within:

(a) six weeks of filing, where the subject of the application is evidently not liable to secrecy under the national law; or

(b) four months of filing or, if priority has been claimed, fourteen months of the date of priority, where the application requires further examination as to its liability to secrecy.

(2) A European patent application not received by the European Patent Office within fourteen months of filing or, if priority has been claimed, of the date of priority, shall be deemed to be withdrawn. Any fees paid in respect of this application shall be refunded.

Rule 38[65]
Filing fee and search fee

Art. 80, 90, 92
R. 17, 40, 57

(1)[66] The filing fee and search fee shall be paid within one month of filing the European patent application.

[63] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[64] Inserted by decision of the Administrative Council CA/D 13/24 of 10.12.2024 (OJ EPO 2024, A105), which entered into force on 16.12.2024. The version of Rule 36 which was in force prior to its amendment by decision CA/D 13/24 shall be reinstated on the date Article 5s(3) of Regulation (EU) No 833/2014 ceases to have effect.
See notice from the EPO of 10.12.2024 (OJ EPO 2024, A106).

[65] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[66] See notice from the EPO of 29.03.2024 concerning search and examination fees (OJ EPO 2024, A33).

(2) The Rules relating to Fees may provide for an additional fee as part of the filing fee if the application comprises more than 35 pages.

(3) The additional fee referred to in paragraph 2 shall be paid within one month of filing the European patent application or one month of filing the first set of claims or one month of filing the certified copy referred to in Rule 40, paragraph 3, whichever period expires last.

(4)[67] The Rules relating to Fees may provide for an additional fee as part of the filing fee in the case of a divisional application filed in respect of any earlier application which is itself a divisional application.

Rule 39[68]
Designation fees and deemed withdrawal

Art. 3, 78, 80, 88, 121, 149
R. 15, 17, 36, 41, 68, 112, 135, 143, 159, 160

(1) The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report.

(2)[69] Where the designation fee is not paid in due time or the designations of all the Contracting States are withdrawn, the European patent application shall be deemed to be withdrawn.

(a)[70] Having regard to Article 5s(3) of amended Regulation (EU) No 833/2014, where the applicant or one of the applicants is a Russian national, a natural person residing in Russia or a legal person, entity or body established in Russia, the designation of those Contracting States that are Member States of the European Union shall be deemed withdrawn. This provision shall not apply to nationals of a Contracting State or to natural persons having a permanent or temporary residence permit in one of the Contracting States.

(3) Without prejudice to Rule 37, paragraph 2, second sentence, the designation fee shall not be refunded.

[67] Inserted by decision of the Administrative Council CA/D 15/13 of 16.10.2013 (OJ EPO 2013, 501), which entered into force on 01.04.2014.
See notice from the EPO of 08.01.2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) of the Rules relating to Fees (OJ EPO 2014, A22, Corr. OJ EPO 2014, A109).

[68] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.
Title amended by decision of the Administrative Council CA/D 13/24 of 10.12.2024 (OJ EPO 2024, A105), which entered into force on 16.12.2024.

[69] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[70] Inserted by decision of the Administrative Council CA/D 13/24 of 10.12.2024 (OJ EPO 2024, A105), which entered into force on 16.12.2024. The version of Rule 39 which was in force prior to its amendment by decision CA/D 13/24 shall be reinstated on the date Article 5s(3) of Regulation (EU) No 833/2014 ceases to have effect.
See notice from the EPO of 10.12.2024 (OJ EPO 2024, A106).

Rule 40[71]
Date of filing

Art. 14, 54, 60, 66, 78, 79, 80, 83, 84, 90
R. 30, 41, 42, 43, 49, 55, 56, 143

(1) The date of filing of a European patent application shall be the date on which the documents filed by the applicant contain:

(a) an indication that a European patent is sought;

(b) information identifying the applicant or allowing the applicant to be contacted; and

(c) a description or reference to a previously filed application.

(2) A reference to a previously filed application under paragraph 1(c) shall state the filing date and number of that application and the Office with which it was filed. Such reference shall indicate that it replaces the description and any drawings.

(3) Where the application contains a reference under paragraph 2, a certified copy of the previously filed application shall be filed within two months of filing the application. Where the previously filed application is not in an official language of the European Patent Office, a translation thereof in one of these languages shall be filed within the same period. Rule 53, paragraph 2, shall apply mutatis mutandis.

Chapter II
Provisions governing the application

Rule 41[72]
Request for grant

Art. 59, 75, 76, 78-81, 88, 133
R. 52

(1) The request for grant of a European patent shall be filed on a form drawn up by the European Patent Office.

(2) The request shall contain:

(a) a petition for the grant of a European patent;

(b) the title of the invention, which shall clearly and concisely state the technical designation of the invention and shall exclude all fancy names;

(c)[73] the name, address and nationality of the applicant and the State in which their residence or principal place of business is located. Names of natural persons shall be indicated by the person's family name, followed by their given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with

[71] See decision/opinion of the Enlarged Board of Appeal G 2/95, G 4/98 (Annex I).

[72] The latest version of the form is available on the EPO website.

[73] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See notice from the EPO of 15.03.2024 concerning amended Rules 1, 41, 147 and 152 EPC (OJ EPO 2024, A34).
See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any. It is recommended that the telephone numbers be indicated;

(d)[74] the representative's name and the address of their place of business as prescribed in sub-paragraph (c), if the applicant has appointed a representative;

(e) where appropriate, an indication that the application constitutes a divisional application and the number of the earlier European patent application;

(f) in cases covered by Article 61, paragraph 1(b), the number of the original European patent application;

(g) where applicable, a declaration claiming the priority of an earlier application and indicating the date on which and the country in or for which the earlier application was filed;

(h)[75] the signature of the applicant or their representative;

(i) a list of the documents accompanying the request. This list shall also indicate the number of sheets of the description, claims, drawings and abstract filed with the request;

(j) the designation of the inventor, where the applicant is the inventor.

(3) If there is more than one applicant, the request shall preferably contain the appointment of one applicant or representative as common representative.

Rule 42[76]
Content of the description

Art. 54, 56, 57, 78, 80, 83
R. 29, 30, 48, 50

(1) The description shall:

(a) specify the technical field to which the invention relates;

(b) indicate the background art which, as far as is known to the applicant, can be regarded as useful to understand the invention, draw up the European search report and examine the European patent application, and, preferably, cite the documents reflecting such art;

(c) disclose the invention, as claimed, in such terms that the technical problem, even if not expressly stated as such, and its solution can be understood, and state any advantageous effects of the invention with reference to the background art;

[74] English and French version amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.

[75] English version amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.

[76] See decisions of the Enlarged Board of Appeal G 1/03, G 2/03 (Annex I).

(d) briefly describe the figures in the drawings, if any;

(e) describe in detail at least one way of carrying out the invention claimed, using examples where appropriate and referring to the drawings, if any;

(f) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable.

(2) The description shall be presented in the manner and order specified in paragraph 1, unless, owing to the nature of the invention, a different presentation would afford a better understanding or be more concise.

Rule 43[77]
Form and content of claims

Art. 78, 80, 82, 84
R. 50

(1) The claims shall define the matter for which protection is sought in terms of the technical features of the invention. Wherever appropriate, claims shall contain:

(a) a statement indicating the designation of the subject-matter of the invention and those technical features which are necessary for the definition of the claimed subject-matter but which, in combination, form part of the prior art;

(b) a characterising portion, beginning with the expression "characterised in that" or "characterised by" and specifying the technical features for which, in combination with the features stated under sub-paragraph (a), protection is sought.

(2) Without prejudice to Article 82, a European patent application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

(a) a plurality of interrelated products,

(b) different uses of a product or apparatus,

(c) alternative solutions to a particular problem, where it is inappropriate to cover these alternatives by a single claim.

(3) Any claim stating the essential features of an invention may be followed by one or more claims concerning particular embodiments of that invention.

(4) Any claim which includes all the features of any other claim (dependent claim) shall contain, if possible at the beginning, a reference to the other claim and then state the additional features. A dependent claim directly referring to another dependent claim shall also be admissible. All dependent claims referring back to a single previous claim, and all

[77] See decisions of the Enlarged Board of Appeal G 2/03, G 1/04 (Annex I).

dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most appropriate way possible.

(5) The number of claims shall be reasonable with regard to the nature of the invention claimed. The claims shall be numbered consecutively in Arabic numerals.

(6) Except where absolutely necessary, claims shall not rely on references to the description or drawings in specifying the technical features of the invention. In particular, they shall not contain such expressions as "as described in part ... of the description", or "as illustrated in figure ... of the drawings".

(7) Where the European patent application contains drawings including reference signs, the technical features specified in the claims shall preferably be followed by such reference signs relating to these features, placed in parentheses, if the intelligibility of the claim can thereby be increased. These reference signs shall not be construed as limiting the claim.

Rule 44
Unity of invention

Art. 78

(1) Where a group of inventions is claimed in a European patent application, the requirement of unity of invention under Article 82 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

(2) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Rule 45
Claims incurring fees

Art. 61, 76-78, 84, 90
R. 71, 162

(1)[78] Any European patent application comprising more than fifteen claims shall, in respect of the sixteenth and each subsequent claim, incur payment of claims fees as laid down in the Rules relating to Fees.

(2) The claims fees shall be paid within one month of filing the first set of claims. If the claims fees have not been paid in due time, they may still be paid within one month of a communication concerning the failure to observe the time limit.

(3) If a claims fee is not paid in due time, the claim concerned shall be deemed to be abandoned.

[78] Amended by decision of the Administrative Council CA/D 2/08 of 06.03.2008 (OJ EPO 2008, 124), which entered into force on 01.04.2008.

Rule 46[79]

(deleted)

Rule 47
Form and content of the abstract

Art. 78, 85, 93
R. 50, 66

(1) The abstract shall indicate the title of the invention.

(2) The abstract shall contain a concise summary of the disclosure as contained in the description, the claims and any drawings. The summary shall indicate the technical field to which the invention pertains, and shall be drafted in a manner allowing the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention. The abstract shall, where applicable, contain the chemical formula which, among those contained in the application, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on speculative applications thereof.

(3) The abstract shall preferably not contain more than one hundred and fifty words.

(4) If the European patent application contains drawings, the applicant shall indicate the figure or, exceptionally, the figures of the drawings which should be published with the abstract. The European Patent Office may decide to publish one or more other figures if it considers that they better characterise the invention. Each essential feature mentioned in the abstract and illustrated by a drawing shall be followed by a reference sign placed in parentheses.

(5) The abstract shall be drafted in such a manner as to constitute an efficient instrument for the purpose of searching in the particular technical field. In particular, it shall make it possible to assess whether consultation of the European patent application itself is necessary.

Rule 48
Prohibited matter

Art. 78, 93
R. 50

(1) The European patent application shall not contain:

(a) statements or other matter contrary to "ordre public" or morality;

(b) statements disparaging the products or processes of any third party or the merits or validity of the applications or patents of any such party. Mere comparisons with the prior art shall not be considered disparaging per se;

(c) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

[79] Deleted by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023.

(2) If the application contains matter prohibited under paragraph 1(a), the European Patent Office may omit such matter from the application as published, indicating the place and number of words or drawings omitted.

(3) If the application contains statements referred to in paragraph 1(b), the European Patent Office may omit them from the application as published, indicating the place and number of words omitted. Upon request, the European Patent Office shall furnish a copy of the passages omitted.

Rule 49[80] *Art. 78, 80, 84, 85 R. 1, 2, 50, 57*
Presentation of the application documents

(1) Any translation filed under Article 14, paragraph 2, or Rule 40, paragraph 3, shall be deemed to be a document making up the European patent application.

(2)[81] The President of the European Patent Office shall determine the presentation requirements of documents making up the application.

Rule 50[82] *Art. 78 R. 1, 2*
Documents filed subsequently

(1)[83] Rules 42, 43 and 47 to 49 shall apply to documents replacing documents making up the European patent application. Rule 49, paragraph 2, shall also apply to the translation of the claims referred to in Rule 71.

(2)[84] The President of the European Patent Office shall determine the presentation requirements of all documents other than those making up the application.

[80] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023. See notice from the EPO of 25.11.2022 concerning legal changes to support digital transformation in the patent grant procedure (OJ EPO 2022, A114).

[81] See decision of the President of the EPO of 07.07.2025 on the presentation of application and other documents (OJ EPO 2025, A49) and notice from the EPO of 05.09.2025 concerning drawings in colour and greyscale (OJ EPO 2025, A57).
See decision of the President of the EPO of 25.03.2026 concerning the electronic filing of documents (OJ EPO 2026, A19).

[82] See notice from the EPO of 08.11.2013 concerning application of Rules 49 and 50 EPC to handwritten amendments (OJ EPO 2013, 603).
See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

[83] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023.

[84] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023. See notice from the EPO of 25.11.2022 concerning legal changes to support digital transformation in the patent grant procedure (OJ EPO 2022, A114).
See decision of the President of the EPO of 07.07.2025 on the presentation of application and other documents (OJ EPO 2025, A49) and notice from the EPO of 05.09.2025 concerning drawings in colour and greyscale (OJ EPO 2025, A57).
See decision of the President of the EPO of 25.03.2026 concerning the electronic filing of documents (OJ EPO 2026, A19).

(3) Documents filed after filing the application shall be signed, with the exception of annexed documents. If a document has not been signed, the European Patent Office shall invite the party concerned to do so within a time limit to be specified. If signed in due time, the document shall retain its original date of receipt; otherwise it shall be deemed not to have been filed.

Chapter III
Renewal fees

Rule 51
Payment of renewal fees

Art. 61, 76, 86
R. 159

(1)[85] A renewal fee for the European patent application in respect of the coming year shall be due on the last day of the month containing the anniversary of the date of filing of the European patent application. The renewal fee in respect of the third year may not be validly paid more than six months before it falls due. All other renewal fees may not be validly paid more than three months before they fall due.

(2)[86] If a renewal fee is not paid on the due date under paragraph 1, the fee may still be paid within six months of the said date, provided that an additional fee is also paid within that period. The legal consequence laid down in Article 86, paragraph 1, shall ensue upon expiry of the six-month period.

(3) Renewal fees already due in respect of an earlier application at the date on which a divisional application is filed shall also be paid for the divisional application and shall be due on its filing. These fees and any renewal fee due within four months of filing the divisional application may be paid within that period without an additional fee. Paragraph 2 shall apply.

(4) If a European patent application has been refused or deemed to be withdrawn as a result of non-observance of a time limit, and if the applicant's rights are re-established under Article 122, a renewal fee

(a) which would have fallen due under paragraph 1 in the period starting on the date on which the loss of rights occurred, up to and including the date of the notification of the decision re-establishing the rights, shall be due on that latter date.

This fee and any renewal fee due within four months from that latter date may still be paid within four months of that latter date without an additional fee. Paragraph 2 shall apply.

[85] Amended by decision of the Administrative Council CA/D 13/17 of 13.12.2017 (OJ EPO 2018, A2), which entered into force on 01.04.2018.

[86] Amended by decision of the Administrative Council CA/D 17/16 of 14.12.2016 (OJ EPO 2016, A102), which entered into force on 01.01.2017.
See notice from the EPO of 16.12.2016 concerning amendments to Rules 51(2) and 162(2) EPC (OJ EPO 2016, A103).
Temporary suspension between 01.06.2020 until 31.08.2020 by decision of the Administrative Council CA/D 6/20 of 28.05.2016 (OJ EPO 2020, A70).

(b) which, on the date on which the loss of rights has occurred, was already due but the period provided for in paragraph 2 has not yet expired, may still be paid within six months from the date of the notification of the decision re-establishing the rights, provided that the additional fee pursuant to paragraph 2 is also paid within that period.

(5) If the Enlarged Board of Appeal re-opens proceedings before the Board of Appeal under Article 112a, paragraph 5, second sentence, a renewal fee

(a) which would have fallen due under paragraph 1 in the period starting on the date when the decision of the Board of Appeal subject to the petition for review was taken, up to and including the date of the notification of the decision of the Enlarged Board of Appeal re-opening proceedings before the Board of Appeal, shall be due on that latter date.

This fee and any renewal fee due within four months from that latter date may still be paid within four months of that latter date without an additional fee. Paragraph 2 shall apply.

(b) which, on the day on which the decision of the Board of Appeal was taken, was already due but the period provided for in paragraph 2 has not yet expired, may still be paid within six months from the date of the notification of the decision of the Enlarged Board of Appeal re-opening proceedings before the Board of Appeal, provided that the additional fee pursuant to paragraph 2 is also paid within that period.

(6) A renewal fee shall not be payable for a new European patent application filed under Article 61, paragraph 1(b), in respect of the year in which it was filed and any preceding year.

Chapter IV
Priority

Rule 52
Declaration of priority

Art. 98, 103, 105c
R. 41, 57-59, 68, 163

(1) The declaration of priority referred to in Article 88, paragraph 1, shall indicate the date of the previous filing, the State party to the Paris Convention or Member of the World Trade Organization in or for which it was made and the file number. In the case referred to in Article 87, paragraph 5, the first sentence shall apply mutatis mutandis.

(2) The declaration of priority shall preferably be made on filing the European patent application. It may still be made within sixteen months from the earliest priority date claimed.

(3) The applicant may correct the declaration of priority within sixteen months from the earliest priority date claimed, or, where the correction would cause a change in the earliest priority date claimed, within sixteen months from the corrected earliest priority date, whichever sixteen-month period expires first, provided that such a correction may be submitted until the expiry of four months from the date of filing accorded to the European patent application.

(4) However, a declaration of priority may not be made or corrected after a request under Article 93, paragraph 1(b), has been filed.

(5) The particulars of the declaration of priority shall appear in the published European patent application and the European patent specification.

Art. 88, 90
R. 2, 57-59, 163

Rule 53
Priority documents

(1) An applicant claiming priority shall file a copy of the previous application within sixteen months of the earliest priority date claimed. This copy and the date of filing of the previous application shall be certified as correct by the authority with which that application was filed.

(2)[87] The copy of the previous application shall be deemed to be duly filed if a copy of that application available to the European Patent Office is to be included in the file of the European patent application under the conditions determined by the President of the European Patent Office.

(3)[88] Where the previous application is not in an official language of the European Patent Office and the validity of the priority claim is relevant to the determination of the patentability of the invention concerned, the European Patent Office shall invite the applicant for or proprietor of the European patent to file a translation of that application into one of the official languages within a period to be specified. Alternatively, a declaration may be submitted that the European patent application is a complete translation of the previous application. Paragraph 2 shall apply mutatis mutandis. If a requested translation of a previous application is not filed in due time, the right of priority for the European patent application or for the European patent with respect to that application shall be lost. The applicant for or proprietor of the European patent shall be informed accordingly.

Rule 54[89]
Issuing priority documents

On request, the European Patent Office shall issue to the applicant a certified copy of the European patent application (priority document), under the conditions determined by the President of the European Patent Office,

[87] See decision of the President of the EPO of 12.07.2007 concerning the filing of priority documents for European divisional applications and for new European patent applications under Article 61(1)(b) EPC (Special edition No. 3, OJ EPO 2007, B.2).
See decision of the President of the EPO of 13.11.2021 on the filing of priority documents (OJ EPO 2021, A83) and notice from the EPO of 13.11.2021 concerning priority document exchange via the WIPO Digital Access Service (OJ EPO 2021, A84).

[88] Amended by decision of the Administrative Council CA/D 7/12 of 27.06.2012 (OJ EPO 2012, 442), which entered into force on 01.04.2013.
See notice from the EPO of 28.01.2013 (OJ EPO 2013, 150).

[89] See notice from the EPO of 14.01.2020 (OJ EPO 2020, A7).
See decision of the President of the EPO and notice of the EPO of 16.01.2025 concerning the issuing of electronic priority documents (OJ EPO 2025, A3 and OJ EPO 2025, A7) and technical specifications (OJ EPO 2025, A8).

including the form of the priority document and the circumstances under which an administrative fee shall be paid.

PART IV
IMPLEMENTING REGULATIONS TO PART IV OF THE CONVENTION

Chapter I
Examination by the Receiving Section

Rule 55
Art. 80, 90

Examination on filing

If the examination under Article 90, paragraph 1, reveals that the application fails to meet the requirements laid down in Rule 40, paragraph 1(a) or (c), paragraph 2 or paragraph 3, first sentence, the European Patent Office shall inform the applicant of any deficiencies and advise them that the application will not be dealt with as a European patent application unless such deficiencies are remedied within two months. If the applicant does this, they shall be informed of the date of filing accorded by the Office.

Rule 56
Art. 80, 90

Missing parts of the description or missing drawings

(1) If the examination under Article 90, paragraph 1, reveals that parts of the description, or drawings referred to in the description or in the claims, appear to be missing, the European Patent Office shall invite the applicant to file the missing parts within two months. The applicant may not invoke the omission of such a communication.

(2)[90] If missing parts of the description or missing drawings are filed later than the date of filing, but within two months of the date of filing or, if a communication is issued under paragraph 1 or under Rule 56a, paragraph 1, within two months of that communication, the application shall be re-dated to the date on which the missing parts of the description or missing drawings were filed. The European Patent Office shall inform the applicant accordingly.

(3)[91] If the missing parts of the description or missing drawings are filed within the period under paragraph 2, and the application claims priority of an earlier application on the date on which the requirements laid down in Rule 40, paragraph 1, were fulfilled, the date of filing shall, provided that the missing parts of the description or the missing drawings are completely contained in the earlier application, remain the date on which the requirements laid down in Rule 40, paragraph 1, were fulfilled, where the applicant so requests and files, within the period under paragraph 2:

(a) a copy of the earlier application, unless such copy is available to the European Patent Office under Rule 53, paragraph 2;

(b) where the earlier application is not in an official language of the European Patent Office, a translation thereof in one of these languages,

[90] Amended by decision of the Administrative Council CA/D 2/21 of 14.12.2021 (OJ EPO 2022, A3), which entered into force on 01.11.2022.

[91] Amended by decision of the Administrative Council CA/D 2/21 of 14.12.2021 (OJ EPO 2022, A3), which entered into force on 01.11.2022.

unless such copy is available to the European Patent Office under Rule 53, paragraph 3; and

(c) an indication as to where the missing parts of the description or the missing drawings are completely contained in the earlier application and, where applicable, in the translation thereof.

(4) If the applicant:

(a) fails to file the missing parts of the description or the missing drawings within the period under paragraph 1 or 2,

or

(b) withdraws under paragraph 6 any missing part of the description or missing drawing filed under paragraph 2,

any references referred to in paragraph 1 shall be deemed to be deleted, and any filing of the missing parts of the description or missing drawings shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

(5) If the applicant fails to comply with the requirements referred to in paragraph 3(a) to (c) within the period under paragraph 2, the application shall be re-dated to the date on which the missing parts of the description or missing drawings were filed. The European Patent Office shall inform the applicant accordingly.

(6) Within one month of the notification referred to in paragraph 2 or 5, last sentence, the applicant may withdraw the missing parts of the description or the missing drawings filed, in which case the re-dating shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

Rule 56a[92]
Erroneously filed application documents or parts

(1) If the examination under Article 90, paragraph 1, reveals that the description, claims or drawings, or parts of those application documents, appear to have been erroneously filed, the European Patent Office shall invite the applicant to file the correct application documents or parts within two months. The applicant may not invoke the omission of such a communication.

(2) If correct application documents or parts referred to in paragraph 1 are filed on or before the date of filing so as to correct the application, those correct application documents or parts shall be included in the application and the erroneously filed application documents or parts shall be deemed not to have been filed. The European Patent Office shall inform the applicant accordingly.

[92] Inserted by decision of the Administrative Council CA/D 2/21 of 14.12.2021 (OJ EPO 2022, A3), which entered into force on 01.11.2022.
See notice from the EPO of 23.06.2022 concerning the correction of erroneous filings in proceedings before the EPO (OJ EPO 2022, A71).

(3) If correct application documents or parts referred to in paragraph 1 are filed later than the date of filing, but within two months of the date of filing or, if a communication is issued under paragraph 1 or under Rule 56, paragraph 1, within two months of that communication, the application shall be re-dated to the date on which the correct application documents or parts were filed. The correct application documents or parts shall be included in the application and the erroneously filed application documents or parts shall be deemed not to have been filed. The European Patent Office shall inform the applicant accordingly.

(4) If the correct application documents or parts are filed within the period under paragraph 3, and the application claims priority of an earlier application on the date on which the requirements laid down in Rule 40, paragraph 1, were fulfilled, the date of filing shall, provided that the correct application documents or parts are completely contained in the earlier application, remain the date on which the requirements laid down in Rule 40, paragraph 1, were fulfilled, where the applicant so requests and files, within the period under paragraph 3:

(a) a copy of the earlier application, unless such copy is available to the European Patent Office under Rule 53, paragraph 2;

(b) where the earlier application is not in an official language of the European Patent Office, a translation thereof in one of these languages, unless such copy is available to the European Patent Office under Rule 53, paragraph 3;

and

(c) an indication as to where the correct application documents or parts are completely contained in the earlier application and, where applicable, in the translation thereof.

If these requirements are fulfilled, the correct application documents or parts shall be included in the application and the erroneously filed application documents or parts shall remain in the application.

(5) If the applicant:

(a) fails to file the correct application documents or parts within the period under paragraph 1 or 3,

or

(b) withdraws under paragraph 7 any correct application documents or parts filed under paragraph 3,

any filing of the correct application documents or parts shall be deemed not to have been made and the erroneously filed application documents or parts shall remain in the application or be restored to the application. The European Patent Office shall inform the applicant accordingly.

(6) If the applicant fails to comply with the requirements referred to in paragraph 4(a) to (c) within the period under paragraph 3, the application shall be re-dated to the date on which the correct application documents or

parts were filed. The filing of the erroneously filed application documents or parts shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

(7) Within one month of the notification referred to in paragraph 3 or 6, last sentence, the applicant may withdraw the correct application documents or parts filed, in which case the re-dating shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

(8) If the applicant files correct application documents or parts under paragraph 3 or 4 after the European Patent Office has begun to draw up the search report, the European Patent Office shall invite the applicant to pay a further search fee within one month. If the search fee is not paid in due time, the application shall be deemed to be withdrawn.

Art. 76, 87, 88, 90, 123
R. 45, 55-60, 111-113, 138, 139, 142, 152

Rule 57
Examination as to formal requirements

If the European patent application has been accorded a date of filing, the European Patent Office shall examine, in accordance with Article 90, paragraph 3, whether:

(a)[93] a translation of the application required under Article 14, paragraph 2, under Rule 36, paragraph 2, second sentence, or under Rule 40, paragraph 3, second sentence, has been filed in due time;

(b) the request for grant of a European patent satisfies the requirements of Rule 41;

(c) the application contains one or more claims in accordance with Article 78, paragraph 1(c), or a reference to a previously filed application in accordance with Rule 40, paragraphs 1(c), 2 and 3, indicating that it replaces also the claims;

(d) the application contains an abstract in accordance with Article 78, paragraph 1(e);

(e) the filing fee and the search fee have been paid in accordance with Rule 17, paragraph 2, Rule 36, paragraph 3, or Rule 38;

(f) the designation of the inventor has been made in accordance with Rule 19, paragraph 1;

(g) where appropriate, the requirements laid down in Rules 52 and 53 concerning the claim to priority have been satisfied;

(h) where appropriate, the requirements of Article 133, paragraph 2, have been satisfied;

[93] Amended by decision of the Administrative Council CA/D 2/09 of 25.03.2009 (OJ EPO 2009, 296), which entered into force on 01.04.2010.

(i)[94] the application meets the requirements laid down in Rule 49, paragraph 1, and the applicable requirements prescribed by the President of the European Patent Office under Rule 49, paragraph 2;

(j)[95] the application meets the requirements laid down in Rule 30.

Rule 58
Correction of deficiencies in the application documents

Art. 123
R. 137

If the European patent application does not comply with the requirements of Rule 57(a) to (d), (h) and (i), the European Patent Office shall inform the applicant accordingly and invite them to correct the deficiencies noted within two months. The description, claims and drawings may be amended only to an extent sufficient to remedy such deficiencies.

Rule 59
Deficiencies in claiming priority

Art. 87-89

If the file number of the previous application under Rule 52, paragraph 1, or the copy of that application under Rule 53, paragraph 1, has not been filed in due time, the European Patent Office shall inform the applicant accordingly and invite them to file that file number or copy within a period to be specified.

Rule 60
Subsequent designation of the inventor

Art. 62, 76, 80, 81, 88, 90
R. 16

(1) If the designation of the inventor has not been made in accordance with Rule 19, the European Patent Office shall inform the applicant that the European patent application will be refused unless the designation is made within sixteen months of the date of filing of the application or, if priority is claimed, of the date of priority, this period being deemed to have been observed if the information is communicated before completion of the technical preparations for the publication of the European patent application.

(2) Where, in a divisional application or a new application under Article 61, paragraph 1(b), the designation of the inventor has not been made in accordance with Rule 19, the European Patent Office shall invite the applicant to make the designation within a period to be specified.

Chapter II
European search report

Art. 14, 54, 56, 89, 92
R. 8, 65

[94] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023.

[95] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

Rule 61[96]
Content of the European search report

(1) The European search report shall mention those documents, available to the European Patent Office at the time of drawing up the report, which may be taken into consideration in deciding whether the invention to which the European patent application relates is new and involves an inventive step.

(2) Each citation shall be referred to the claims to which it relates. Where appropriate, relevant parts of the documents cited shall be identified.

(3) The European search report shall distinguish between cited documents published before the date of priority claimed, between such date of priority and the date of filing, and on or after the date of filing.

(4) Any document which refers to an oral disclosure, a use or any other means of disclosure which took place before the date of filing of the European patent application shall be mentioned in the European search report, together with an indication of the date of publication, if any, of the document and the date of the non-written disclosure.

(5) The European search report shall be drawn up in the language of the proceedings.

(6) The European search report shall contain the classification of the subject-matter of the European patent application in accordance with the international classification.

Rule 62[97]
Extended European search report

Art. 92
R. 65, 70a, 137

(1) The European search report shall be accompanied by an opinion on whether the application and the invention to which it relates seem to meet the requirements of this Convention, unless a communication under Rule 71, paragraph 1 or 3, can be issued.

(2) The opinion under paragraph 1 shall not be published together with the search report.

Rule 62a[98]
Applications containing a plurality of independent claims

Art. 84, 92,
R. 65, 135, 137

(1) If the European Patent Office considers that the claims as filed do not comply with Rule 43, paragraph 2, it shall invite the applicant to indicate, within a period of two months, the claims complying with Rule 43,

[96] See information from the EPO concerning the annex to the European search report (OJ EPO 1982, 448 ff; 1984, 381; 1999, 90) and the pilot programme on search strategies (OJ EPO 2015, A86).

[97] Inserted by decision of the Administrative Council of 09.12.2004 (OJ EPO 2005, 5), which entered into force on 01.07.2005.

[98] Inserted by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

paragraph 2, on the basis of which the search is to be carried out. If the applicant fails to provide such an indication in due time, the search shall be carried out on the basis of the first claim in each category.

(2) The Examining Division shall invite the applicant to restrict the claims to the subject-matter searched unless it finds that the objection under paragraph 1 was not justified.

Rule 63[99]
Incomplete search

Art. 83, 84, 92
R. 65, 135, 137

(1) If the European Patent Office considers that the European patent application fails to such an extent to comply with this Convention that it is impossible to carry out a meaningful search regarding the state of the art on the basis of all or some of the subject-matter claimed, it shall invite the applicant to file, within a period of two months, a statement indicating the subject-matter to be searched.

(2) If the statement under paragraph 1 is not filed in due time, or if it is not sufficient to overcome the deficiency noted under paragraph 1, the European Patent Office shall either issue a reasoned declaration stating that the European patent application fails to such an extent to comply with this Convention that it is impossible to carry out a meaningful search regarding the state of the art on the basis of all or some of the subject-matter claimed or, as far as is practicable, draw up a partial search report. The reasoned declaration or the partial search report shall be considered, for the purposes of subsequent proceedings, as the European search report.

(3) When a partial search report has been drawn up, the Examining Division shall invite the applicant to restrict the claims to the subject-matter searched unless it finds that the objection under paragraph 1 was not justified.

Rule 64[100]
European search report where the invention lacks unity

Art. 92
R. 65, 164

(1)[101] If the European Patent Office considers that the European patent application does not comply with the requirement of unity of invention, it shall draw up a partial search report on those parts of the application which relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims. It shall inform the applicant that, for the European search report to cover the other inventions, a further search fee must be paid, in respect of each invention involved, within a period of two months. The European search report shall be drawn up for the parts of the application relating to inventions in respect of which search fees have been paid.

[99] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[100] See opinion of the Enlarged Board of Appeal G 2/92 (Annex I).

[101] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

(2)[102] Any fee paid under paragraph 1 shall be refunded if, during the examination of the European patent application, the applicant requests a refund and the Examining Division finds that the communication under paragraph 1 was not justified.

Rule 65[103]
Transmittal of the European search report

Art. 17, 92, 153
R. 61-66, 69-70b, 137

Immediately after it has been drawn up, the European search report shall be transmitted to the applicant. The European Patent Office shall make available copies of any cited documents.

Rule 66
Definitive content of the abstract

Art. 85, 92, 93
R. 47, 65, 68

Upon drawing up the European search report, the European Patent Office shall determine the definitive content of the abstract and transmit it to the applicant together with the search report.

Chapter III
Publication of the European patent application

Rule 67[104]
Technical preparations for publication

Art. 93
R. 31-33

(1) The President of the European Patent Office shall determine when the technical preparations for publication of the European patent application are deemed to have been completed.

(2) The application shall not be published if it has been finally refused or withdrawn or is deemed to be withdrawn before the termination of the technical preparations for publication.

Rule 68[105]
Form of the publication of European patent applications and European search reports

Art. 14, 67, 93, 128, 153
R. 52, 66

(1) The publication of the European patent application shall contain the description, the claims and any drawings as filed, and the abstract, or, if these documents making up the application were not filed in an official language of the European Patent Office, a translation in the language of the proceedings, and, in an annex, the European search report, where it is

[102] See decision of the Enlarged Board of Appeal G 1/11 (Annex I).

[103] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.02.2023.
See notice from the EPO of 02.07.2024 concerning a change of practice in access to patent literature documents cited in search and examination proceedings (OJ EPO 2024, A68).

[104] See decision of the President of the EPO (Special edition No. 3, OJ EPO 2007, D.1).

[105] See decisions of the President of the EPO of 12.07.2007 concerning the form of publication of European patent applications, European search reports and European patent specifications (Special edition No. 3, OJ EPO 2007, D.3) and on the summary listing of references cited by the applicant in European patent applications and European patent specifications (Special edition No. 3, OJ EPO 2007, D.4).

available before the termination of the technical preparations for publication. If the search report or the abstract is not published at the same time as the application, it shall be published separately.

(2) The President of the European Patent Office shall determine the form of the publication of the application and the data to be included. The same shall apply where the European search report and the abstract are published separately.

(3) The designated Contracting States shall be indicated in the published application.

(4)[106] If the claims were not filed on the date of filing of the application, this shall be indicated when the application is published. If, before the termination of the technical preparations for publication of the application, the claims have been amended under Rule 137, paragraph 2, the new or amended claims shall be included in the publication in addition to the claims as filed.

Rule 69[107]
Information about publication

Art. 93, 94, 129

(1) The European Patent Office shall inform the applicant of the date on which the European Patent Bulletin mentions the publication of the European search report and shall draw their attention to Rule 70, paragraph 1, Article 94, paragraph 2, and Rule 70a, paragraph 1.

(2) If a date of publication is specified in the communication under paragraph 1 which is later than the actual date of publication, that later date shall be the decisive date as regards the periods referred to in Rule 70, paragraph 1, and Rule 70a, paragraph 1, unless the error is obvious.

Rule 70
Request for examination

Art. 14, 16, 18, 94, 121, 129
R. 6, 10, 65, 69, 112, 113, 142, 159

(1) The applicant may request examination of the European patent application up to six months after the date on which the European Patent Bulletin mentions the publication of the European search report. The request may not be withdrawn.

(2) If the request for examination has been filed before the European search report has been transmitted to the applicant, the European Patent Office shall invite the applicant to indicate, within a period to be specified, whether they wish to proceed further with the application, and shall give them the opportunity to comment on the search report and to amend, where appropriate, the description, claims and drawings.

(3) If the applicant fails to reply in due time to the invitation under paragraph 2, the application shall be deemed to be withdrawn.

[106] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[107] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

Chapter IV
Examination by the Examining Division

Rule 70a[108]
Response to the extended European search report

Art. 94, 121, 123
R. 62, 132, 135, 137, 161

(1) In the opinion accompanying the European search report the European Patent Office shall give the applicant the opportunity to comment on the extended European search report and, where appropriate, invite them to correct any deficiencies noted in the opinion accompanying the European search report and to amend the description, claims and drawings within the period referred to in Rule 70, paragraph 1.

(2) In the case referred to in Rule 70, paragraph 2, or if a supplementary European search report is drawn up on a Euro-PCT application, the European Patent Office shall give the applicant the opportunity to comment on the extended European search report and, where appropriate, invite them to correct any deficiencies noted in the opinion accompanying the European search report and to amend the description, claims and drawings within the period specified for indicating whether they wish to proceed further with the application.

(3) If the applicant neither complies with nor comments on an invitation in accordance with paragraph 1 or 2, the application shall be deemed to be withdrawn.

Rule 70b[109]
Request for a copy of search results

Art. 124
R. 10

(1) Where the European Patent Office notes, at the time the Examining Division assumes responsibility, that a copy referred to in Rule 141, paragraph 1, has not been filed by the applicant and is not deemed to be duly filed under Rule 141, paragraph 2, it shall invite the applicant to file, within a period of two months, the copy or a statement that the results of the search referred to in Rule 141, paragraph 1, are not available to them.

(2) If the applicant fails to reply in due time to the invitation under paragraph 1, the European patent application shall be deemed to be withdrawn.

Art. 86, 97, 123
R. 70, 71a

[108] Inserted by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[109] Inserted by decision of the Administrative Council CA/D 18/09 of 28.10.2009 (OJ EPO 2009, 585), which entered into force on 01.01.2011.
See notices from the EPO of 28.07.2010 concerning amended Rule 141 EPC and new Rule 70b EPC – utilisation scheme (OJ EPO 2010, 410) and of 11.07.2022 concerning exemption under Rule 141(2) EPC from filing a copy of the search results – utilisation scheme (OJ EPO 2022, A80).

Rule 71[110, 111, 112]
Examination procedure

(1) In any communication under Article 94, paragraph 3, the Examining Division shall, where appropriate, invite the applicant to correct any deficiencies noted and to amend the description, claims and drawings within a period to be specified.

(2) Any communication under Article 94, paragraph 3, shall contain a reasoned statement covering, where appropriate, all the grounds against the grant of the European patent.

(3)[113] Before the Examining Division decides to grant the European patent, it shall inform the applicant of the text in which it intends to grant it and of the related bibliographic data. In this communication the Examining Division shall invite the applicant to pay the fee for grant and publishing and to file a translation of the claims in the two official languages of the European Patent Office other than the language of the proceedings within four months.

(4) If the European patent application in the text intended for grant comprises more than fifteen claims, the Examining Division shall invite the applicant to pay claims fees in respect of the sixteenth and each subsequent claim within the period under paragraph 3 unless the said fees have already been paid under Rule 45 or Rule 162.

(5) If the applicant, within the period laid down in paragraph 3, pays the fees under paragraph 3 and, where applicable, paragraph 4 and files the translations under paragraph 3, they shall be deemed to have approved the text communicated to them under paragraph 3 and verified the bibliographic data.

(6) If the applicant, within the period under paragraph 3, requests reasoned amendments or corrections to the communicated text or keeps to the latest text submitted by them, the Examining Division shall issue a new communication under paragraph 3 if it gives its consent; otherwise it shall resume the examination proceedings.

(7) If the fee for grant and publishing or the claims fees are not paid in due time, or if the translations are not filed in due time, the European patent application shall be deemed to be withdrawn.

[110] See decisions of the Enlarged Board of Appeal G 10/93, G 1/02, G 1/10 (Annex I).

[111] Paragraphs 3-7 amended, paragraphs 8-11 deleted and Rule 71a inserted by decision of the Administrative Council CA/D 2/10 of 26.10.2010 (OJ EPO 2010, 637), which entered into force on 01.04.2012.

[112] See notice from the EPO of 13.12.2011 (OJ EPO 2012, 52).

[113] See notice from the EPO of 26.05.2020 (OJ EPO 2020, A73).
See notice from the EPO of 02.07.2024 concerning a change of practice in access to patent literature documents cited in search and examination proceedings (OJ EPO 2024, A68).

Rule 71a[114]
Conclusion of the grant procedure

(1) The decision to grant the European patent shall be issued if all fees have been paid, a translation of the claims in the two official languages of the European Patent Office other than the language of the proceedings has been filed and there is agreement as to the text to be granted. It shall state which text of the European patent application forms the basis for the decision.

(2) Until the decision to grant the European patent, the Examining Division may resume the examination proceedings at any time.

(3) If the designation fee becomes due after the communication under Rule 71, paragraph 3, the mention of the grant of the European patent shall not be published until the designation fee has been paid. The applicant shall be informed accordingly.

(4) If a renewal fee becomes due after the communication under Rule 71, paragraph 3, and before the next possible date for publication of the mention of the grant of the European patent, the mention shall not be published until the renewal fee has been paid. The applicant shall be informed accordingly.

(5) If, in response to an invitation under Rule 71, paragraph 3, the applicant has already paid the fee for grant and publishing or the claims fees, the paid amount shall be credited if a further such invitation is issued.

(6) If the European patent application is refused, withdrawn prior to notification of the decision on the grant of a European patent or, at that time, deemed to be withdrawn, the fee for grant and publishing shall be refunded.

Rule 72
Grant of the European patent to different applicants

Art. 59, 97
R. 92

Where different persons are recorded in the European Patent Register as applicants in respect of different Contracting States, the European Patent Office shall grant the European patent for each Contracting State accordingly.

Chapter V
The European patent specification

Art. 98, 99
R. 74, 87

[114] Inserted by decision of the Administrative Council CA/D 2/10 of 26.10.2010 (OJ EPO 2010, 637), which entered into force on 01.04.2012.
See notice from the EPO of 13.12.2011 (OJ EPO 2012, 52).

Rule 73[115]
Content and form of the specification

(1) The specification of the European patent shall include the description, the claims and any drawings. It shall also indicate the period for opposing the European patent.

(2) The President of the European Patent Office shall determine the form of the publication of the specification and the data to be included.

(3) The designated Contracting States shall be indicated in the specification.

Rule 74[116]
Certificate for a European patent

Art. 98
R. 87

As soon as the specification of the European patent has been published, the European Patent Office shall issue to the proprietor of the patent a certificate for a European patent. The President of the European Patent Office shall prescribe the content, form and means of communication of the certificate and determine the circumstances in which an administrative fee is payable.

[115] See decisions of the President of the EPO of 12.07.2007 concerning the form of publication of European patent applications, European search reports and European patent specifications (Special edition No. 3, OJ EPO 2007, D.3) and on the summary listing of references cited by the applicant in European patent applications and European patent specifications (Special edition No. 3, OJ EPO 2007, D.4).

[116] See decision of the President of the EPO of 17.12.2021 concerning the content, form and means of communication of the certificate for a European patent (OJ EPO 2021, A94) and notice from the EPO of 17.12.2021 concerning communication of the certificate for a European patent (OJ EPO 2021, A95).

PART V
IMPLEMENTING REGULATIONS TO PART V OF THE CONVENTION

Chapter I
Opposition procedure

Rule 75
Surrender or lapse of the patent

Art. 99
R. 98, 143

An opposition may be filed even if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States.

Rule 76[117]
Form and content of the opposition

Art. 99, 100, 105, 133
R. 77, 89

(1) Notice of opposition shall be filed in a written reasoned statement.

(2) The notice of opposition shall contain:

(a) particulars of the opponent as provided in Rule 41, paragraph 2(c);

(b) the number of the European patent against which opposition is filed, the name of the proprietor of the patent and the title of the invention;

(c) a statement of the extent to which the European patent is opposed and of the grounds on which the opposition is based, as well as an indication of the facts and evidence presented in support of these grounds;

(d) if the opponent has appointed a representative, particulars as provided in Rule 41, paragraph 2(d).

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the notice of opposition.

Rule 77[118]
Rejection of the opposition as inadmissible

Art. 99, 101, 105
R. 78, 89

(1)[119] If the Opposition Division notes that the notice of opposition does not comply with Article 99, paragraph 1, or Rule 76, paragraph 2(c), or does not sufficiently identify the patent against which opposition has been filed, it shall reject the opposition as inadmissible, unless these deficiencies have been remedied before expiry of the opposition period.

(2) If the Opposition Division notes that the notice of opposition does not comply with provisions other than those referred to in paragraph 1, it shall communicate this to the opponent and shall invite them to remedy the

[117] See decisions of the Enlarged Board of Appeal G 9/91, G 10/91, G 1/95, G 7/95, G 4/97, G 3/99, G 1/04 (Annex I).

[118] See decisions of the Enlarged Board of Appeal G 9/91, G 10/91, G 1/95, G 7/95, G 3/99, G 1/02 (Annex I).

[119] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

deficiencies noted within a period to be specified. If the deficiencies are not remedied in due time, the Opposition Division shall reject the opposition as inadmissible.

(3) The decision to reject an opposition as inadmissible shall be communicated to the proprietor of the patent, together with a copy of the notice of opposition.

Rule 78[120]
Procedure where the proprietor of the patent is not entitled

Art. 60, 99, 101, 105, 118, 123
R. 16, 77, 89, 138, 143

(1) If a third party provides evidence, during opposition proceedings or during the opposition period, that they have instituted proceedings against the proprietor of the European patent, seeking a decision within the meaning of Article 61, paragraph 1, opposition proceedings shall be stayed unless the third party communicates to the European Patent Office in writing their consent to the continuation of such proceedings. Such consent shall be irrevocable. However, proceedings shall not be stayed until the Opposition Division has deemed the opposition admissible. Rule 14, paragraphs 2 to 4, shall apply mutatis mutandis.

(2) Where a third party has, in accordance with Article 99, paragraph 4, replaced the previous proprietor for one or some of the designated Contracting States, the patent as maintained in opposition proceedings may, for these States, contain claims, a description and drawings different from those for the other designated States.

Rule 79[121]
Preparation of the examination of the opposition

Art. 101, 123
R. 89

(1) The Opposition Division shall communicate the notice of opposition to the proprietor of the patent and shall give them the opportunity to file observations and to amend, where appropriate, the description, claims and drawings within a period to be specified.

(2) If several notices of opposition have been filed, the Opposition Division shall communicate them to the other opponents at the same time as the communication under paragraph 1.

(3) The Opposition Division shall communicate any observations and amendments filed by the proprietor of the patent to the other parties, and shall invite them, if it considers this expedient, to reply within a period to be specified.

(4) In the case of an intervention under Article 105, the Opposition Division may dispense with the application of paragraphs 1 to 3.

Art. 101, 105, 123
R. 89, 137

[120] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

[121] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

Rule 80[122]
Amendment of the European patent

Without prejudice to Rule 138, the description, claims and drawings may be amended, provided that the amendments are occasioned by a ground for opposition under Article 100, even if that ground has not been invoked by the opponent.

Rule 81[123]
Examination of opposition

Art. 101, 105, 123
R. 89

(1)[124] The Opposition Division shall examine those grounds for opposition which are invoked in the opponent's statement under Rule 76, paragraph 2(c). Grounds for opposition not invoked by the opponent may be examined by the Opposition Division of its own motion if they would prejudice the maintenance of the European patent.

(2) Communications under Article 101, paragraph 1, second sentence, and all replies thereto shall be sent to all parties. If the Opposition Division considers this expedient, it shall invite the parties to reply within a period to be specified.

(3) In any communication under Article 101, paragraph 1, second sentence, the proprietor of the European patent shall, where necessary, be given the opportunity to amend, where appropriate, the description, claims and drawings. Where necessary, the communication shall contain a reasoned statement covering the grounds against the maintenance of the European patent.

Rule 82[125]
Maintenance of the European patent in amended form

Art. 65, 101, 105, 123
R. 89

(1) Before the Opposition Division decides to maintain the European patent as amended, it shall inform the parties of the text in which it intends to maintain the patent, and shall invite them to file their observations within two months if they disapprove of that text.

(2)[126] If a party disapproves of the text communicated by the Opposition Division, examination of the opposition may be continued. Otherwise, the Opposition Division shall, on expiry of the period under paragraph 1, invite the proprietor of the patent to file a translation of any amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months. Where, in oral

[122] See decisions of the Enlarged Board of Appeal G 1/99, G 3/14 (Annex I).

[123] See decisions of the Enlarged Board of Appeal G 9/92, G 1/99 (Annex I).

[124] See notice from the EPO of 07.11.2023 concerning accelerated processing of oppositions where an infringement or revocation action has been instituted before the Unified Patent Court or a national court or competent authority of a contracting state (OJ EPO 2023, A99).

[125] See decisions of the Enlarged Board of Appeal G 1/88, G 1/90 (Annex I).

[126] Last amended by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.

proceedings, decisions under Article 106, paragraph 2, or Article 111, paragraph 2, have been based on documents not complying with the applicable requirements prescribed by the President of the European Patent Office under Rule 49, paragraph 2, the proprietor of the patent shall be invited to file the amended text in a form compliant with those requirements within the three-month period.

(3)[127] If the acts required under paragraph 2 are not performed in due time, they may still be performed within two months of a communication concerning the failure to observe the time limit. Otherwise, the patent shall be revoked.

(4) The decision to maintain the European patent as amended shall state which text of the patent forms the basis for the decision.

Rule 83
Request for documents

Art. 101, 105
R. 1, 2, 3, 89

Documents referred to by a party to opposition proceedings shall be filed together with the notice of opposition or the written submissions. If such documents are neither enclosed nor filed in due time upon invitation by the European Patent Office, it may decide not to take into account any arguments based on them.

Rule 84[128]
Continuation of the opposition proceedings by the European Patent Office of its own motion

Art. 99, 101, 105
R. 75, 89

(1) If the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the European Patent Office informing them of the surrender or lapse.

(2) In the event of the death or legal incapacity of an opponent, the opposition proceedings may be continued by the European Patent Office of its own motion, even without the participation of the heirs or legal representatives. The same shall apply where the opposition is withdrawn.

Rule 85
Transfer of the European patent

Art. 2, 99, 127

Rule 22 shall apply to any transfer of the European patent made during the opposition period or during opposition proceedings.

Art. 99, 101, 105
R. 89

[127] Amended by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.

[128] See decisions of the Enlarged Board of Appeal G 4/88, G 7/91, G 8/91, G 8/93, G 3/99 (Annex I).

Rule 86[129]
Documents in opposition proceedings

Part III of the Implementing Regulations shall apply mutatis mutandis to documents filed in opposition proceedings.

Rule 87 *Art. 103*
Content and form of the new specification of the European patent

The new specification of the European patent shall include the description, claims and drawings as amended. Rule 73, paragraphs 2 and 3, and Rule 74 shall apply.

Rule 88 *Art. 104, 106*
Costs *R. 97*

(1) The apportionment of costs shall be dealt with in the decision on the opposition. Such apportionment shall only take into consideration the expenses necessary to assure proper protection of the rights involved. The costs shall include the remuneration of the representatives of the parties.

(2) The Opposition Division shall, on request, fix the amount of costs to be paid under a final decision apportioning them. A bill of costs, with supporting evidence, shall be attached to the request. Costs may be fixed once their credibility is established.

(3) A request for a decision by the Opposition Division may be filed within one month of the communication on the fixing of costs under paragraph 2. The request shall be filed in writing and state the grounds on which it is based. It shall not be deemed to be filed until the prescribed fee has been paid.

(4) The Opposition Division shall decide on the request under paragraph 3 without oral proceedings.

Rule 89[130] *Art. 99*
Intervention of the assumed infringer *R. 3, 6, 76-86, 112*

(1) Notice of intervention shall be filed within three months of the date on which proceedings referred to in Article 105 are instituted.

(2) Notice of intervention shall be filed in a written reasoned statement; Rules 76 and 77 shall apply mutatis mutandis. The notice of intervention shall not be deemed to have been filed until the opposition fee has been paid.

Chapter II
Procedure for limitation or revocation

Art. 2, 105a

[129] See decision of the Enlarged Board of Appeal G 1/91 (Annex I).

[130] See decisions of the Enlarged Board of Appeal G 4/91, G 1/94, G 2/04, G 3/04, G 1/05 (Annex I).

Rule 90
Subject of proceedings

The subject of limitation or revocation proceedings under Article 105a shall be the European patent as granted or as amended in opposition or limitation proceedings before the European Patent Office.

Rule 91 *Art. 105b*
Responsibility for proceedings

Decisions on requests for limitation or revocation of the European patent under Article 105a shall be taken by the Examining Division. Article 18, paragraph 2, shall apply mutatis mutandis.

Rule 92 *Art. 2, 14, 105a*
Requirements of the request *R. 6, 94, 95*

(1)[131] The request for limitation or revocation of a European patent shall be filed in writing in one of the official languages of the European Patent Office. It may also be filed in an official language of a Contracting State, provided that a translation is filed in one of the official languages of the European Patent Office within the period specified in Rule 6, paragraph 2. Part III of the Implementing Regulations shall apply mutatis mutandis to documents filed in limitation or revocation proceedings.

(2) The request shall contain:

(a) particulars of the proprietor of the European patent making the request (the requester) as provided in Rule 41, paragraph 2(c), and an indication of the Contracting States for which the requester is the proprietor of the patent;

(b) the number of the patent whose limitation or revocation is requested, and a list of the Contracting States in which the patent has taken effect;

(c) where appropriate, the names and addresses of the proprietors of the patent for those Contracting States in which the requester is not the proprietor of the patent, and evidence that the requester is entitled to act on their behalf in the proceedings;

(d) where limitation of the patent is requested, the complete version of the amended claims and, as the case may be, of the amended description and drawings;

(e) where the requester has appointed a representative, particulars as provided in Rule 41, paragraph 2(d).

Art. 105a

[131] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

Rule 93
Precedence of opposition proceedings

(1) The request for limitation or revocation shall be deemed not to have been filed if opposition proceedings in respect of the patent are pending at the time of filing the request.

(2)[132] If, at the time of filing an opposition to a European patent, limitation proceedings in respect of that patent are pending, the Examining Division shall terminate the limitation proceedings and order the reimbursement of the limitation fee.

Rule 94
Rejection of the request as inadmissible

Art. 105b
R. 92, 95

If the Examining Division finds that the request for limitation or revocation fails to comply with the requirements of Rule 92, it shall invite the requester to correct the deficiencies noted, within a period to be specified. If the deficiencies are not corrected in due time, the Examining Division shall reject the request as inadmissible.

Rule 95
Decision on the request

Art. 2, 105b
R. 92, 94

(1) If a request for revocation is admissible, the Examining Division shall revoke the patent and communicate this to the requester.

(2) If a request for limitation is admissible, the Examining Division shall examine whether the amended claims constitute a limitation vis-à-vis the claims as granted or amended in opposition or limitation proceedings and comply with Article 84 and Article 123, paragraphs 2 and 3. If the request does not comply with these requirements, the Examining Division shall give the requester one opportunity to correct any deficiencies noted, and to amend the claims and, where appropriate, the description and drawings, within a period to be specified.

(3)[133] If a request for limitation is allowable under paragraph 2, the Examining Division shall communicate this to the requester and invite them to file a translation of the amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months; Rule 82, paragraph 3, first sentence, shall apply mutatis mutandis. If the requester performs these acts in due time, the Examining Division shall limit the patent.

(4) If the requester does not respond in due time to the communication issued under paragraph 2, or if the request for limitation is not allowable, or if the requester fails to perform the acts required under paragraph 3 in due time, the Examining Division shall reject the request.

[132] Amended by decision of the Administrative Council CA/D 9/25 of 11.12.2025 (OJ EPO 2026, A2), which entered into force on 01.04.2026.

[133] Last amended by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.

Rule 96 *Art. 65, 105c*
Content and form of the amended European patent specification

The amended European patent specification shall include the description, claims and drawings as amended. Rule 73, paragraphs 2 and 3, and Rule 74 shall apply.

PART VI
IMPLEMENTING REGULATIONS TO PART VI OF THE CONVENTION

Chapter I
Appeals procedure

Rule 97[134] *Art. 104*
Appeal against apportionment and fixing of costs *R. 88, 101*

(1) The apportionment of costs of opposition proceedings cannot be the sole subject of an appeal.

(2) A decision fixing the amount of costs of opposition proceedings cannot be appealed unless the amount exceeds that of the fee for appeal.

Rule 98 *R. 75*
Surrender or lapse of the patent

The decision of an Opposition Division may be appealed even if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States.

Rule 99[135] *Art. 108*
Content of the notice of appeal and the statement of grounds *R. 101*

(1) The notice of appeal shall contain:

(a) the name and the address of the appellant as provided in Rule 41, paragraph 2(c);

(b) an indication of the decision impugned; and

(c) a request defining the subject of the appeal.

(2) In the statement of grounds of appeal the appellant shall indicate the reasons for setting aside the decision impugned, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based.

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the notice of appeal, the statement of grounds and the documents filed in appeal proceedings.

Rule 100[136] *Art. 110, 111*
Examination of appeals *R. 102, 111*

(1)[137] Unless otherwise provided, the provisions relating to proceedings before the department which has taken the decision impugned shall apply to appeal proceedings.

[134] See decision of the Enlarged Board of Appeal G 3/03 (Annex I).

[135] See decisions of the Enlarged Board of Appeal G 9/92, G 1/99, G 1/12 (Annex I).

[136] See decisions of the Enlarged Board of Appeal G 7/91, G 8/91, G 9/91, G 10/91, G 9/92, G 8/93, G 10/93, G 6/95, G 1/99, G 3/99 (Annex I).

(2) In the examination of the appeal, the Board of Appeal shall invite the parties, as often as necessary, to file observations, within a period to be specified, on communications issued by itself or observations submitted by another party.

(3) If the applicant fails to reply in due time to an invitation under paragraph 2, the European patent application shall be deemed to be withdrawn, unless the decision impugned was taken by the Legal Division.

Rule 101[138]
Rejection of the appeal as inadmissible

Art. 106-108, 110, 111
R. 97

(1) If the appeal does not comply with Articles 106 to 108, Rule 97 or Rule 99, paragraph 1(b) or (c) or paragraph 2, the Board of Appeal shall reject it as inadmissible, unless any deficiency has been remedied before the relevant period under Article 108 has expired.

(2) If the Board of Appeal notes that the appeal does not comply with Rule 99, paragraph 1(a), it shall communicate this to the appellant and shall invite them to remedy the deficiencies noted within a period to be specified. If the deficiencies are not remedied in due time, the Board of Appeal shall reject the appeal as inadmissible.

Rule 102[139]
Form of decision of the Board of Appeal

Art. 110, 111

The decision shall be authenticated by the Chair of the Board of Appeal and by the competent employee of the registry of the Board of Appeal, either by their signature or by any other appropriate means.[140] The decision shall contain:

(a) a statement that it was delivered by the Board of Appeal;

(b) the date when the decision was taken;

(c) the names of the Chair and of the other members of the Board of Appeal taking part;

(d) the names of the parties and their representatives;

(e) the requests of the parties;

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[137] See notice of the President of the Boards of Appeal of 31.10.2020 on introducing a consolidated list of documents submitted by parties during inter partes appeal proceedings and on discontinuing the forwarding of cited documents to the other parties (OJ EPO 2020, A131).
See notice of the President of the Boards of Appeal of 01.05.2022 on informing the parties of submissions made by other parties to the proceedings and by third parties (OJ EPO 2022, A57).
See notice from the Boards of Appeal of 19.01.2024 on accelerating proceedings (supplementary publication 1, OJ EPO 2024, 79).

[138] See decisions of the Enlarged Board of Appeal G 9/92, G 2/04, G 1/12 (Annex I).

[139] See decision of the Enlarged Board of Appeal G 1/05 (Annex I).

[140] See notice from the Vice-President DG 3 of 15.12.2011 (OJ EPO 2012, 14).

(f) a summary of the facts;

(g) the reasons;

(h) the order of the Board of Appeal, including, where appropriate, a decision on costs.

Rule 103[141, 142] *Art. 109, 111*
Reimbursement of appeal fees

(1) The appeal fee shall be reimbursed in full

(a) in the event of interlocutory revision or where the Board of Appeal deems an appeal to be allowable, if such reimbursement is equitable by reason of a substantial procedural violation, or

(b) if the appeal is withdrawn before the filing of the statement of grounds of appeal and before the period for filing that statement has expired.

(2) The appeal fee shall be reimbursed at 75% if, in response to a communication from the Board of Appeal indicating its intention to start substantive examination of the appeal, the appeal is withdrawn within two months of notification of that communication.

(3) The appeal fee shall be reimbursed at 50% if the appeal is withdrawn after expiry of the period under paragraph 1(b), provided withdrawal occurs:

(a) if a date for oral proceedings has been set, within one month of notification of a communication issued by the Board of Appeal in preparation for these oral proceedings;

(b) if no date for oral proceedings has been set, and the Board of Appeal has issued a communication inviting the appellant to file observations, before expiry of the period set by the Board for filing observations;

(c) in all other cases, before the decision is issued.

(4) The appeal fee shall be reimbursed at 25%

(a) if the appeal is withdrawn after expiry of the period under paragraph 3(a) but before the decision is announced at oral proceedings;

(b) if the appeal is withdrawn after expiry of the period under paragraph 3(b) but before the decision is issued;

(c) if any request for oral proceedings is withdrawn within one month of notification of the communication issued by the Board of Appeal in preparation for the oral proceedings, and no oral proceedings take place.

[141] See decision of the Enlarged Board of Appeal G 3/03 (Annex I).

[142] Amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

(5) The appeal fee shall be reimbursed under only one of the above provisions. Where more than one rate of reimbursement applies, reimbursement shall be at the higher rate.

(6) The department whose decision is impugned shall order the reimbursement if it revises its decision and considers reimbursement equitable by reason of a substantial procedural violation. In all other cases, matters of reimbursement shall be decided by the Board of Appeal.

Chapter II
Petitions for review by the Enlarged Board of Appeal

Rule 104
Further fundamental procedural defects

Art. 112a

A fundamental procedural defect under Article 112a, paragraph 2(d), may have occurred where the Board of Appeal,

(a) contrary to Article 116, failed to arrange for the holding of oral proceedings requested by the petitioner, or

(b) decided on the appeal without deciding on a request relevant to that decision.

Rule 105
Criminal acts

Art. 112a

A petition for review may be based on Article 112a, paragraph 2(e), if a competent court or authority has finally established that the criminal act occurred; a conviction is not necessary.

Rule 106
Obligation to raise objections

R. 108

A petition under Article 112a, paragraph 2(a) to (d), is only admissible where an objection in respect of the procedural defect was raised during the appeal proceedings and dismissed by the Board of Appeal, except where such objection could not be raised during the appeal proceedings.

Rule 107
Contents of the petition for review

Art. 112a
R. 2

(1) The petition shall contain:

(a) the name and the address of the petitioner as provided in Rule 41, paragraph 2(c);

(b) an indication of the decision to be reviewed.

(2) The petition shall indicate the reasons for setting aside the decision of the Board of Appeal, and the facts and evidence on which the petition is based.

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the petition for review and the documents filed in the proceedings.

Rule 108
Examination of the petition

(1) If the petition does not comply with Article 112a, paragraphs 1, 2 or 4, Rule 106 or Rule 107, paragraph 1(b) or 2, the Enlarged Board of Appeal shall reject it as inadmissible, unless any defect has been remedied before the relevant period under Article 112a, paragraph 4, expires.

(2) If the Enlarged Board of Appeal notes that the petition does not comply with Rule 107, paragraph 1(a), it shall communicate this to the petitioner and shall invite them to remedy the deficiencies noted within a period to be specified. If the deficiencies are not remedied in due time, the Enlarged Board of Appeal shall reject the petition as inadmissible.

(3)[143] If the petition is allowable, the Enlarged Board of Appeal shall set aside the decision of the Board of Appeal and order the re-opening of the proceedings before the Board of Appeal responsible under Rule 12b, paragraph 4. The Enlarged Board of Appeal may order that members of the Board of Appeal who participated in taking the decision set aside shall be replaced.

Rule 109 *Art. 22*
Procedure in dealing with petitions for review

(1) In proceedings under Article 112a, the provisions relating to proceedings before the Boards of Appeal shall apply, unless otherwise provided. Rule 115, paragraph 1, second sentence, Rule 118, paragraph 2, first sentence, and Rule 132, paragraph 2, shall not apply. The Enlarged Board of Appeal may specify a period deviating from Rule 4, paragraph 1, first sentence.

(2) The Enlarged Board of Appeal

(a) consisting of two legally qualified members and one technically qualified member shall examine all petitions for review and shall reject those which are clearly inadmissible or unallowable; such decision shall require unanimity;

(b) consisting of four legally qualified members and one technically qualified member shall decide on any petition not rejected under sub-paragraph (a).

(3) The Enlarged Board of Appeal composed according to paragraph 2(a) shall decide without the involvement of other parties and on the basis of the petition.

Art. 112a

[143] Amended by Article 2 of the decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

Rule 110
Reimbursement of the fee for petitions for review

The Enlarged Board of Appeal shall order the reimbursement of the fee for a petition for review if the proceedings before the Boards of Appeal are reopened.

PART VII
IMPLEMENTING REGULATIONS TO PART VII OF THE CONVENTION

Chapter I
Decisions and communications of the European Patent Office

Rule 111[144]
Form of decisions

Art. 90, 97, 101, 104, 105b, 110-112a
R. 97

(1) Where oral proceedings are held before the European Patent Office, the decision may be given orally. The decision shall subsequently be put in writing and notified to the parties.

(2) Decisions of the European Patent Office which are open to appeal shall be reasoned and shall be accompanied by a communication pointing out the possibility of appeal and drawing the attention of the parties to Articles 106 to 108, the text of which shall be attached. The parties may not invoke the omission of the communication.

Rule 112[145]
Noting of loss of rights

Art. 14, 77, 79, 86, 90, 94, 97, 99, 105, 106, 110, 119, 124, 136, 140
R. 135, 136, 142, 152, 155, 160

(1) If the European Patent Office notes that a loss of rights has occurred, without any decision concerning the refusal of the European patent application or the grant, revocation or maintenance of the European patent, or the taking of evidence, it shall communicate this to the party concerned.

(2) If the party concerned considers that the finding of the European Patent Office is inaccurate, it may, within two months of the communication under paragraph 1, apply for a decision on the matter. The European Patent Office shall take such decision only if it does not share the opinion of the party requesting it; otherwise, it shall inform that party.

Rule 113[146]
Signature, name, seal

Art. 90, 94, 97, 101, 110, 115, 128, 153

(1) Any decisions, summonses, notices and communications from the European Patent Office shall be signed by, and state the name of, the employee responsible.

(2) Where a document referred to in paragraph 1 is produced by the employee responsible using a computer, a seal may replace the signature. Where the document is produced automatically by a computer, the employee's name may also be dispensed with. The same shall apply to pre-printed notices and communications.

[144] See decision of the Enlarged Board of Appeal G 12/91 (Annex I).

[145] See decisions of the Enlarged Board of Appeal G 1/90, G 2/97, G 1/02 (Annex I).

[146] See notice from the EPO of 27.03.2020 (OJ EPO 2020, A37).

Chapter II
Observations by third parties

Rule 114[147]
Observations by third parties

Art. 93, 105, 115
R. 1, 2

(1) Any observations by a third party shall be filed in writing in an official language of the European Patent Office and state the grounds on which they are based. Rule 3, paragraph 3, shall apply.

(2) Any such observations shall be communicated to the applicant for or proprietor of the patent, who may comment on them.

Chapter III
Oral proceedings and taking of evidence

Rule 115[148]
Summons to oral proceedings

(1) The parties shall be summoned to oral proceedings under Article 116, drawing their attention to paragraph 2 of this Rule. At least two months' notice of the summons shall be given, unless the parties agree to a shorter period.

(2)[149] If a party duly summoned to oral proceedings before the European Patent Office does not appear as summoned, the proceedings may continue without that party.

Rule 116[150]
Preparation of oral proceedings

Art. 114, 116

(1) When issuing the summons, the European Patent Office shall draw attention to the points which in its opinion need to be discussed for the purposes of the decision to be taken. At the same time a final date for making written submissions in preparation for the oral proceedings shall be fixed. Rule 132 shall not apply. New facts and evidence presented after that date need not be considered, unless admitted on the grounds that the subject of the proceedings has changed.

(2) If the applicant or patent proprietor has been notified of the grounds prejudicing the grant or maintenance of the patent, they may be invited to submit, by the date specified in paragraph 1, second sentence, documents which meet the requirements of the Convention. Paragraph 1, third and fourth sentences, shall apply mutatis mutandis.

[147] See decision of the President of the EPO of 10.05.2011 (OJ EPO 2011, 418) and notice from the EPO of 16.12.2025 (OJ EPO 2025, A71) concerning the filing and processing of third-party observations under Article 115 EPC.

[148] See decision/opinion of the Enlarged Board of Appeal G 6/95, G 4/92 (Annex I).

[149] See notice from the EPO of 10.11. 2020 concerning non-attendance at oral proceedings in the examination procedure (OJ EPO 2020, A124).

[150] See decision of the Enlarged Board of Appeal G 6/95 (Annex I).

Rule 117[151]
Decision on taking of evidence

Art. 117, 131
R. 120

Where the European Patent Office considers it necessary to hear a party, witness or expert, or to carry out an inspection, it shall take a decision to this end, setting out the investigation which it intends to carry out, relevant facts to be proved and the date, time and place of the investigation and whether it will be conducted by videoconference. If the hearing of a witness or expert is requested by a party, the decision shall specify the period within which the requester must make known the name and address of any witness or expert concerned.

Rule 118[152]
Summons to give evidence before the European Patent Office

Art. 117, 131
R. 120

(1) A summons to give evidence before the European Patent Office shall be issued to the parties, witnesses or experts concerned.

(2) At least two months' notice of a summons issued to a party, witness or expert to testify shall be given, unless they agree to a shorter period. The summons shall contain:

(a) an extract from the decision under Rule 117, indicating the date, time and place of the investigation ordered, specifying whether it will be conducted by videoconference and stating the facts in respect of which parties, witnesses or experts are to be heard;

(b) the names of the parties and particulars of the rights which the witnesses or experts may invoke under Rule 122, paragraphs 2 to 4;

(c) an indication that a party, witness or expert who has been summoned to appear before the European Patent Office on its premises may, on request, be heard by videoconference;

(d) an indication that the party, witness or expert may request to be heard by a competent court of their country of residence under Rule 120, and an invitation to inform the European Patent Office, within a period to be specified, whether they are prepared to appear before it.

Rule 119
Examination of evidence before the European Patent Office

Art. 117, 131
R. 4, 117-124, 150

(1) The Examining Division, Opposition Division or Board of Appeal may commission one of its members to examine the evidence adduced.

(2) Before parties, witnesses or experts may be heard, they shall be informed that the European Patent Office may request the competent court

[151] Amended by decision of the Administrative Council CA/D 12/20 of 15.12.2020 (OJ EPO 2020, A132), which entered into force on 01.01.2021.
See notice from the EPO of 17.12.2020 concerning the taking of evidence by videoconference by examining and opposition divisions (OJ EPO 2020, A135).

[152] Amended by decision of the Administrative Council CA/D 12/20 20 of 15.12.2020 (OJ EPO 2020, A132), which entered into force on 01.01.2021.

in their country of residence to re-examine their testimony under oath or in an equally binding form.

(3) The parties may attend an investigation and may put relevant questions to the testifying party, witness or expert.

Rule 120
Hearing by a competent national court

Art. 117
R. 4, 117-124

(1) A party, witness or expert who is summoned before the European Patent Office may request the latter to allow them to be heard by a competent court in their country of residence. If this is requested, or if no reply is received within the period specified in the summons, the European Patent Office may, in accordance with Article 131, paragraph 2, request the competent court to hear the person concerned.

(2) If a party, witness or expert has been heard by the European Patent Office, the latter may, if it considers it advisable for the testimony to be given under oath or in an equally binding form, issue a request under Article 131, paragraph 2, to the competent court in the country of residence of the person concerned to re-examine the testimony under such conditions.

(3) When the European Patent Office requests a competent court to take evidence, it may request the court to take the evidence under oath or in an equally binding form and to permit a member of the department concerned to attend the hearing and question the party, witness or expert, either through the intermediary of the court or directly.

Rule 121
Commissioning of experts

Art. 117
R. 120

(1) The European Patent Office shall decide in what form the opinion of an expert whom it appoints shall be submitted.

(2) The terms of reference of the expert shall include:

(a) a precise description of the task;

(b) the period specified for the submission of the opinion;

(c) the names of the parties to the proceedings;

(d) particulars of the rights which the expert may invoke under Rule 122, paragraphs 2 to 4.

(3) A copy of any written opinion shall be submitted to the parties.

(4) The parties may object to an expert. The department of the European Patent Office concerned shall decide on the objection.

Art. 33, 117
R. 117-121

Rule 122
Costs of taking of evidence

(1) The taking of evidence by the European Patent Office may be made conditional upon deposit with it, by the party requesting the evidence to be taken, of an amount to be fixed by reference to an estimate of the costs.

(2) Witnesses or experts who are summoned by and appear before the European Patent Office shall be entitled to appropriate reimbursement of expenses for travel and subsistence. An advance for these expenses may be granted to them. This shall also apply to persons who appear before the European Patent Office without being summoned by it and are heard as witnesses or experts.

(3) Witnesses entitled to reimbursement under paragraph 2 shall also be entitled to appropriate compensation for loss of earnings, and experts to fees for their work. These payments shall be made to the witnesses and experts after they have fulfilled their duties or tasks.

(4)[153] The Administrative Council shall lay down the details implementing paragraphs 2 and 3. Any amounts due under these provisions shall be paid by the European Patent Office.

Rule 123[154] *Art. 117, 120*
Conservation of evidence

(1) On request, the European Patent Office may, without delay, take measures to conserve evidence of facts liable to affect a decision which it may be called upon to take with regard to a European patent application or a European patent, where there is reason to fear that it might subsequently become more difficult or even impossible to take evidence. The date on which the measures are to be taken shall be communicated to the applicant for or proprietor of the patent in sufficient time to allow them to attend. They may ask relevant questions.

(2) The request shall contain:

(a) particulars of the requester as provided in Rule 41, paragraph 2(c);

(b) sufficient identification of the European patent application or European patent in question;

(c) an indication of the facts in respect of which evidence is to be taken;

(d) particulars of the means of giving or obtaining evidence;

(e) a statement establishing a prima facie case for fearing that it might subsequently become more difficult or impossible to take evidence.

[153] See regulation of the Administrative Council of 21.10.1977 on compensation and fees payable to witnesses and experts (OJ EPO 1983, 102).

[154] Amended by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.

(3) The decision on the request and any resulting taking of evidence shall be incumbent upon the department of the European Patent Office which would have to take the decision liable to be affected by the facts to be established. The provisions with regard to the taking of evidence in proceedings before the European Patent Office shall apply.

Rule 124 *Art. 116, 117*
Minutes of oral proceedings and of taking of evidence

(1)[155] Minutes of oral proceedings and of the taking of evidence shall be drawn up, containing the essentials of the oral proceedings or of the taking of evidence, the relevant statements made by the parties, the testimony of the parties, witnesses or experts and the result of any inspection.

(2) The minutes of the testimony of a witness, expert or party shall be read out, submitted to them, so that they may examine them or, where they are recorded by technical means, played back to them, unless they waive this right. It shall be noted in the minutes that this formality has been carried out and that the person who gave the testimony approved the minutes. If approval is not given, the objections shall be noted. It is not necessary to play back the minutes or to obtain approval of them if the testimony has been recorded verbatim and directly using technical means.

(3)[156] The minutes shall be authenticated by the employee responsible for drawing them up and by the employee who conducted the oral proceedings or taking of evidence, either by their signature or by any other appropriate means.

(4) The parties shall be provided with a copy of the minutes.

Chapter IV
Notifications

Rule 125[157] *Art. 119*
General provisions

(1) The European Patent Office shall, as a matter of course, notify those concerned of decisions and summonses, and of any notice or other communication from which a time limit is reckoned, or of which those concerned must be notified under the Convention, or of which notification has been ordered by the President of the European Patent Office. Any notification to be made shall take the form of the original document, a copy

[155] See decisions of the President of the EPO of 07.04.2025 concerning the audio recording of oral proceedings for the purpose of preparing the minutes of oral proceedings with the assistance of artificial intelligence (OJ EPO 2025, A32) and of 18.02.2026 concerning the audio recording of oral proceedings before the Unitary Patent Protection Division for the same purpose (OJ EPO 2026, A18). See notice of the EPO of 07.04.2025 concerning the preparation of these minutes (OJ EPO 2025, A34).

[156] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[157] Paragraphs 1 and 2(a) and (b) amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

thereof certified by or bearing the seal of the European Patent Office, a computer print-out bearing such seal or an electronic document containing such seal or otherwise certified. Copies of documents emanating from the parties themselves shall not require such certification.

(2) Notification shall be made:

(a) by postal services in accordance with Rule 126;

(b) by means of electronic communication in accordance with Rule 127;

(c) by delivery on the premises of the European Patent Office in accordance with Rule 128; or

(d) by public notice in accordance with Rule 129.

(3) Notification through the central industrial property office of a Contracting State shall be made in accordance with the law applicable to that office in national proceedings.

(4) Where a document has reached the addressee, if the European Patent Office is unable to prove that it has been duly notified, or if provisions relating to its notification have not been observed, the document shall be deemed to have been notified on the date established by the European Patent Office as the date of receipt.

Rule 126[158] *Art. 119*
Notification by postal services

(1)[159] All notifications by postal services shall be by registered letter.[160]

(2)[161] Where notification is effected in accordance with paragraph 1, the document shall be deemed to be delivered to the addressee on the date it bears, unless it has failed to reach the addressee. In the event of any dispute concerning the delivery of the document, it shall be incumbent on the European Patent Office to establish that the document has reached its destination and to establish the date on which the document was delivered to the addressee. If the European Patent Office establishes that the document was delivered to the addressee more than seven days after the

[158] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[159] Amended by decision of the Administrative Council CA/D 2/19 of 28.03.2019 (OJ EPO 2019, A31), which entered into force on 01.11.2019.
See notice from the EPO of 06.12.2023 concerning the abolition of the practice of requesting and sending paper-based acknowledgements of receipt (OJ EPO 2023, A108).
See decision of the Enlarged Board of Appeal G 1/14 (Annex I).

[160] See notice from the EPO of 04.09.2014 concerning the use of an address for correspondence (OJ EPO 2014, A99).

[161] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.11.2023.
See notice from the EPO of 25.11.2022 concerning legal changes to support digital transformation in the patent grant procedure (OJ EPO 2022, A114) and of 06.03.2023 concerning amended Rules 126, 127 and 131 EPC (OJ EPO 2023, A29).

date it bears, a period for which the deemed receipt of that document is the relevant event under Rule 131, paragraph 2, shall expire later by the number of days by which the seven days were exceeded.

(3) Notification in accordance with paragraph 1 shall be deemed to have been effected even if acceptance of the letter has been refused.

(4) To the extent that notification by postal services is not covered by paragraphs 1 to 3, the law of the State in which the notification is made shall apply.

Rule 127[162] *Art. 119*
Notification by means of electronic communication

(1) Notification may be effected by means of electronic communication as determined by and under the conditions laid down by the President of the European Patent Office.

(2)[163] Where notification is effected by means of electronic communication, the electronic document shall be deemed to be delivered to the addressee on the date it bears, unless it has failed to reach its destination. In the event of any dispute concerning the delivery of the electronic document, it shall be incumbent on the European Patent Office to establish that the document has reached its destination and to establish the date on which it reached its destination. If the European Patent Office establishes that the electronic document has reached its destination more than seven days after the date it bears, a period for which the deemed receipt of that document is the relevant event under Rule 131, paragraph 2, shall expire later by the number of days by which the seven days were exceeded.

Art. 119

[162] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).
See decision of the President of the EPO of 25.03.2026 concerning the web-based service MyEPO and electronic notification to the Mailbox in proceedings under the EPC and the PCT (OJ EPO 2026, A20) and decision of the President of the EPO of 09.02.2024 concerning the same services in proceedings related to European patents with unitary effect (OJ EPO 2024, A19).

See decision of the President of the EPO of 22.04.2026 (OJ EPO 2026, A28) and notice of the EPO of the same date (OJ EPO 2026, A29) concerning electronic notification using ePCT.

See notice of the President of the Boards of Appeal of 27.10.2025 concerning the electronic notification via the EPO Mailbox in proceedings before the Enlarged Board of Appeal, the Legal Board of Appeal and the Technical Boards of Appeal (OJ EPO 2025, A67).

[163] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.11.2023.
See notice from the EPO of 25.11.2022 concerning legal changes to support digital transformation in the patent grant procedure (OJ EPO 2022, A114) and of 06.03.2023 concerning amended Rules 126, 127 and 131 EPC (OJ EPO 2023, A29).

Rule 128
Notification by delivery by hand

Notification may be effected on the premises of the European Patent Office by delivery by hand of the document to the addressee, who shall on delivery acknowledge its receipt. Notification shall be deemed to have been effected even if the addressee refuses to accept the document or to acknowledge receipt thereof.

Rule 129 *Art. 119*
Public notification

(1)[164] If the address of the addressee cannot be established, or if notification in accordance with Rule 126, paragraph 1, has proved to be impossible even after a second attempt, notification shall be effected by public notice.

(2)[165] The President of the European Patent Office shall determine how the public notice is to be given and the beginning of the period of one month on expiry of which the document shall be deemed to have been notified.

Rule 130 *Art. 119, 133*
Notification to representatives

(1) If a representative has been appointed, notifications shall be addressed to that representative.

(2) If several representatives have been appointed for a single party, notification to any one of them shall be sufficient.

(3) If several parties have a common representative, notification to the common representative shall be sufficient.

Chapter V
Time limits

Rule 131 *Art. 120*
Calculation of periods

(1) Periods shall be laid down in terms of full years, months, weeks or days.

(2)[166] Computation shall start on the day following the day on which the relevant event occurred, the event being either a procedural step or the expiry of another period. Where the procedural step is a notification, the

[164] German version of paragraph 1 amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.

[165] See decision of the President of the EPO of 14.07.2007 (Special edition No. 3, OJ EPO 2007, K.1).

[166] Amended by decision of the Administrative Council CA/D 10/22 of 13.10.2022 (OJ EPO 2022, A101), which entered into force on 01.11.2023.
See notice from the EPO of 25.11.2022 concerning legal changes to support digital transformation in the patent grant procedure (OJ EPO 2022, A114) and of 06.03.2023 concerning amended Rules 126, 127 and 131 EPC (OJ EPO 2023, A29).

relevant event shall be the deemed receipt of the document notified, unless otherwise provided.

(3) When a period is expressed as one year or a certain number of years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred; if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(4) When a period is expressed as one month or a certain number of months, it shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred; if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(5) When a period is expressed as one week or a certain number of weeks, it shall expire in the relevant subsequent week on the day having the same name as the day on which the said event occurred.

Rule 132
Periods specified by the European Patent Office

Art. 120
R. 109, 116

(1) Where the Convention or these Implementing Regulations refer to "a period to be specified", this period shall be specified by the European Patent Office.

(2) Unless otherwise provided, a period specified by the European Patent Office shall be neither less than two months nor more than four months; in certain circumstances it may be up to six months. In special cases, the period may be extended upon request, presented before the expiry of such period.

Rule 133[167]
Late receipt of documents

Art. 120
R. 2

(1)[168] A document received late at the European Patent Office shall be deemed to have been received in due time if it was delivered to a recognised postal service provider in due time before expiry of the period in accordance with the conditions laid down by the President of the European Patent Office, unless the document was received later than three months after expiry of the period.

(2) Paragraph 1 shall apply mutatis mutandis to any period where transactions are carried out with the competent authority in accordance with Article 75, paragraphs 1(b) or 2(b).

[167] See decision of the President of the EPO of 11.03.2015 (OJ EPO 2015, A29).

[168] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.

Rule 134[169] *Art. 77, 120*
Extension of periods

(1)[170] If a period expires on a day on which one of the filing offices of the European Patent Office under Rule 35, paragraph 1, is not open for receipt of documents or on which, for reasons other than those referred to in paragraph 2, mail is not delivered there, the period shall extend to the first day thereafter on which all the filing offices are open for receipt of documents and on which mail is delivered. The first sentence shall apply mutatis mutandis if documents filed by one of the means of electronic communication permitted by the President of the European Patent Office under Rule 2, paragraph 1, cannot be received.

(2) If a period expires on a day on which there is a general dislocation in the delivery or transmission of mail in a Contracting State, the period shall extend to the first day following the end of the interval of dislocation for parties which are resident in the State concerned or have appointed representatives with a place of business in that State. Where the State concerned is the State in which the European Patent Office is located, this provision shall apply to all parties and their representatives. This paragraph shall apply mutatis mutandis to the period referred to in Rule 37, paragraph 2.

(3) Paragraphs 1 and 2 shall apply mutatis mutandis where acts are performed with the competent authority in accordance with Article 75, paragraphs 1(b) or 2(b).

(4) The date of commencement and the end of any dislocation under paragraph 2 shall be published by the European Patent Office.

(5) Without prejudice to paragraphs 1 to 4, a party concerned may produce evidence that on any of the ten days preceding the day of expiry of a period the delivery or transmission of mail was dislocated due to an exceptional occurrence such as a natural disaster, war, civil disorder, a general breakdown in any of the means of electronic communication permitted by the President of the European Patent Office under Rule 2, paragraph 1, or other like reasons affecting the locality where the party or their representative resides or has their place of business. If the evidence produced satisfies the European Patent Office, a document received late shall be deemed to have been received in due time, provided that the mailing or the transmission was effected at the latest on the fifth day after the end of the dislocation.

Art. 120
R. 112

[169] Paragraphs 1 and 5 amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[170] See list of days in 2026 on which EPO filing offices are closed (OJ EPO 2025, A40).
See notice from the EPO of 22.10.2020 concerning the safeguards available under the EPC and the PCT in case of unavailability of means of electronic communication (OJ EPO 2020, A120).

Rule 135
Further processing

(1) Further processing under Article 121, paragraph 1, shall be requested by payment of the prescribed fee within two months of the communication concerning either the failure to observe a time limit or a loss of rights. The omitted act shall be completed within the period for making the request.

(2)[171] Further processing shall be ruled out in respect of the periods referred to in Article 121, paragraph 4, and of the periods under Rule 6, paragraph 1, Rule 16, paragraph 1(a), Rule 31, paragraph 2, Rule 36, paragraph 2, Rule 40, paragraph 3, Rule 51, paragraphs 2 to 5, Rule 52, paragraphs 2 and 3, Rules 55, 56, Rule 56a, paragraphs 1 and 3 to 7, Rules 58, 59, 62a, 63, 64, Rule 112, paragraph 2, and Rule 164, paragraphs 1 and 2.

(3) The department competent to decide on the omitted act shall decide on the request for further processing.

Rule 136
Re-establishment of rights

Art. 120
R. 112, 143

(1) Any request for re-establishment of rights under Article 122, paragraph 1, shall be filed in writing within two months of the removal of the cause of non-compliance with the period, but at the latest within one year of expiry of the unobserved time limit. However, a request for re-establishment of rights in respect of any of the periods specified in Article 87, paragraph 1, and in Article 112a, paragraph 4, shall be filed within two months of expiry of that period. The request for re-establishment of rights shall not be deemed to have been filed until the prescribed fee has been paid.

(2) The request shall state the grounds on which it is based and shall set out the facts on which it relies. The omitted act shall be completed within the relevant period for filing the request according to paragraph 1.

(3) Re-establishment of rights shall be ruled out in respect of any period for which further processing under Article 121 is available and in respect of the period for requesting re-establishment of rights.

(4) The department competent to decide on the omitted act shall decide on the request for re-establishment of rights.

[171] Amended by decision of the Administrative Council CA/D 2/21 of 14.12.2021 (OJ EPO 2022, A3), which entered into force on 01.11.2022.
See notice from the EPO of 10.06.2014 (OJ EPO 2014, A70).

Chapter VI
Amendments and corrections

Rule 137[172, 173]
Amendment of the European patent application

Art. 90, 92, 94, 123
R. 57, 58, 62, 65, 68, 70, 71, 80, 161

(1) Before receiving the European search report, the applicant may not amend the description, claims or drawings of a European patent application unless otherwise provided.

(2) Together with any comments, corrections or amendments made in response to communications by the European Patent Office under Rule 70a, paragraph 1 or 2, or Rule 161, paragraph 1, the applicant may amend the description, claims and drawings of their own volition.

(3) No further amendment may be made without the consent of the Examining Division.

(4) When filing any amendments referred to in paragraphs 1 to 3, the applicant shall identify them and indicate the basis for them in the application as filed. If the Examining Division notes a failure to meet either requirement**,** it may request the correction of this deficiency within a period of one month.

(5) Amended claims may not relate to unsearched subject-matter which does not combine with the originally claimed invention or group of inventions to form a single general inventive concept. Nor may they relate to subject-matter not searched in accordance with Rule 62a or Rule 63.

Rule 138[174]
Different claims, description and drawings for different States

Art. 54, 94, 98, 101, 105a, 105b, 118, 123
R. 18, 78, 80

If the European Patent Office is informed of the existence of a prior right under Article 139, paragraph 2, the European patent application or European patent may, for such State or States, contain claims and, where appropriate, a description and drawings which are different from those for the other designated States.

Rule 139[175]
Correction of errors in documents filed with the European Patent Office

Art. 78, 90
R. 71

Linguistic errors, errors of transcription and mistakes in any document filed with the European Patent Office may be corrected on request. However, if the request for such correction concerns the description, claims or drawings, the correction must be obvious in the sense that it is immediately

[172] See opinion/decision of the Enlarged Board of Appeal G 3/89, G 11/91 (Annex I).

[173] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[174] See decision of the Enlarged Board of Appeal G 1/99 (Annex I).

[175] See decisions of the Enlarged Board of Appeal G 3/89, G 11/91, G 2/95, G 1/12 (Annex I).

evident that nothing else would have been intended than what is offered as the correction.

Rule 140[176]
Correction of errors in decisions

Art. 90, 97, 101, 104, 105b, 111, 112, 112a

In decisions of the European Patent Office, only linguistic errors, errors of transcription and obvious mistakes may be corrected.

Chapter VII
Information on prior art

Rule 141[177]
Information on prior art

Art. 124, 140
R. 70b, 112, 113

(1) An applicant claiming priority within the meaning of Article 87 shall file a copy of the results of any search carried out by the authority with which the previous application was filed together with the European patent application, in the case of a Euro-PCT application on entry into the European phase, or without delay after such results have been made available to them.

(2)[178] The copy referred to in paragraph 1 shall be deemed to be duly filed if it is available to the European Patent Office and to be included in the file of the European patent application under the conditions determined by the President of the European Patent Office.

(3) Without prejudice to paragraphs 1 and 2, the European Patent Office may invite the applicant to provide, within a period of two months, information on prior art within the meaning of Article 124, paragraph 1.

Chapter VIII
Interruption of proceedings

Rule 142[179]
Interruption of proceedings

Art. 86, 90, 94, 99, 106, 133, 134
R. 112, 143

(1) Proceedings before the European Patent Office shall be interrupted:

[176] See decisions of the Enlarged Board of Appeal G 8/95, G 1/10 (Annex I).

[177] Amended by decision of the Administrative Council CA/D 18/09 of 28.10.2009 (OJ EPO 2009, 585), which entered into force on 01.01.2011.

[178] See decision of the President of the EPO of 05.10.2010 on the filing of copies of search results under Rule 141(1) EPC – utilisation scheme (OJ EPO 2010, 600) and decisions of the President of the EPO exempting applicants claiming the priority of a first filing made in Austria, Japan, the United Kingdom, the United States of America, the Republic of Korea, Denmark, Spain, Switzerland, the People's Republic of China, Sweden or the Czech republic from filing a copy of the search results under Rule 141(1) EPC – utilisation scheme (OJ EPO 2011, 62; OJ EPO 2012, 540; OJ EPO 2013, 216; OJ EPO 2015, A2; OJ EPO 2016, A18; OJ EPO 2019, A55; OJ EPO 2021, A38 and A39; OJ EPO 2022, A79).
See notices from the EPO of 28.07.2010 (OJ EPO 2010, 410) and 11.07.2022 (OJ EPO 2022, A80).

[179] See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).

(a) in the event of the death or legal incapacity of the applicant for or proprietor of a European patent or of the person authorised by national law to act on their behalf. To the extent that the above events do not affect the authorisation of a representative appointed under Article 134, proceedings shall be interrupted only on application by such representative;

(b) in the event of the applicant for or proprietor of a patent, as a result of some action taken against their property, being prevented by legal reasons from continuing the proceedings;

(c) in the event of the death or legal incapacity of the representative of an applicant for or proprietor of a patent, or of their being prevented for legal reasons resulting from action taken against their property from continuing the proceedings.

(2)[180] When, in the cases referred to in paragraph 1(a) or (b), the European Patent Office has been informed of the identity of the person authorised to continue the proceedings, it shall notify such person and, where applicable, any third party, that the proceedings will be resumed as from a specified date. If, three years after the publication of the date of interruption in the European Patent Bulletin, the European Patent Office has not been informed of the identity of the person authorised to continue the proceedings, it may set a date on which it intends to resume the proceedings of its own motion.

(3) In the case referred to in paragraph 1(c), the proceedings shall be resumed when the European Patent Office has been informed of the appointment of a new representative of the applicant or when the Office has informed the other parties of the appointment of a new representative of the proprietor of the patent. If, three months after the beginning of the interruption of the proceedings, the European Patent Office has not been informed of the appointment of a new representative, it shall communicate to the applicant for or proprietor of the patent:

(a) where Article 133, paragraph 2, is applicable, that the European patent application will be deemed to be withdrawn or the European patent will be revoked if the information is not submitted within two months of this communication; or

(b) otherwise, that the proceedings will be resumed with the applicant for or proprietor of the patent as from the notification of this communication.

(4) Any periods, other than those for requesting examination and paying renewal fees, in force at the date of interruption of the proceedings, shall begin again as from the day on which the proceedings are resumed. If such date is less than two months before the end of the period within which the request for examination must be filed, such a request may be filed within two months of such date.

[180] Amended by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.
See notice from the EPO of 29.05.2020 (OJ EPO 2020, A76).

Chapter IX
Information to the public

Rule 143[181] *Art. 127, 129*
Entries in the European Patent Register

(1) The European Patent Register shall contain the following entries:

(a) number of the European patent application;

(b) date of filing of the application;

(c) title of the invention;

(d) classification symbols assigned to the application;

(e) the Contracting States designated;

(f) particulars of the applicant for or proprietor of the patent as provided in Rule 41, paragraph 2(c);

(g)[182] family name, given names and country and place of residence of the inventor designated by the applicant for or proprietor of the patent, unless the inventor has waived the right to be mentioned under Rule 20, paragraph 1;

(h) particulars of the representative of the applicant for or proprietor of the patent as provided in Rule 41, paragraph 2(d); in the case of several representatives only the particulars of the representative first named, followed by the words "and others" and, in the case of an association referred to in Rule 152, paragraph 11, only the name and address of the association;

(i) priority data (date, State and file number of the previous application);

(j) in the event of a division of the application, the numbers of all the divisional applications;

(k) in the case of a divisional application or a new application under Article 61, paragraph 1(b), the information referred to in sub-paragraphs (a), (b) and (i) with regard to the earlier application;

(l) date of publication of the application and, where appropriate, date of the separate publication of the European search report;

(m) date of filing of the request for examination;

[181] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

[182] Amended by decision of the Administrative Council CA/D 11/20 (Article 2) of 15.12.2020 (OJ EPO 2021, A3), which entered into force on 01.11.2021.
See notice from the EPO of 22.02.2021 (OJ EPO 2021, A12).

(n) date on which the application is refused, withdrawn or deemed to be withdrawn;

(o) date of publication of the mention of the grant of the European patent;

(p) date of lapse of the European patent in a Contracting State during the opposition period and, where appropriate, pending a final decision on opposition;

(q) date of filing opposition;

(r) date and purport of the decision on opposition;

(s) dates of stay and resumption of proceedings in the cases referred to in Rules 14 and 78;

(t) dates of interruption and resumption of proceedings in the case referred to in Rule 142;

(u) date of re-establishment of rights where an entry has been made under sub-paragraphs (n) or (r);

(v) the filing of a request for conversion under Article 135, paragraph 3;

(w) rights and transfer of such rights relating to an application or a European patent where these Implementing Regulations provide that they shall be recorded.

(x) date and purport of the decision on the request for limitation or revocation of the European patent;

(y) date and purport of the decision of the Enlarged Board of Appeal on the petition for review.

(2)[183] The President of the European Patent Office may decide that entries other than those referred to in paragraph 1 shall be made in the European Patent Register.

Rule 144[184]
Parts of the file excluded from inspection

Art. 24, 81
R. 146

The parts of the file excluded from inspection under Article 128, paragraph 4, shall be:

(a) the documents relating to the exclusion of or objections to members of the Boards of Appeal or of the Enlarged Board of Appeal;

(b) draft decisions and notices, and all other documents, used for the preparation of decisions and notices, which are not communicated to the parties;

[183] See decision of the President of the EPO of 15.07.2014 (OJ EPO 2014, A86).

[184] See decision of the President of the EPO of 13.11.2025 concerning inspection of files (OJ EPO 2025, A65).

(c) the designation of the inventor, if they have waived the right to be mentioned under Rule 20, paragraph 1;

(d) any other document excluded from inspection by the President of the European Patent Office on the ground that such inspection would not serve the purpose of informing the public about the European patent application or the European patent.

Rule 145[185] *Art. 128*
Procedures for the inspection of files *R. 149*

(1) Inspection of the files of European patent applications and patents shall either be of the original document, or of copies thereof, or of technical means of storage if the files are stored in this way.

(2) The President of the European Patent Office shall determine all file-inspection arrangements, including the circumstances in which an administrative fee is payable.

Rule 146[186]
Communication of information contained in the files

Subject to the restrictions laid down in Article 128, paragraphs 1 to 4, and in Rule 144, the European Patent Office may, upon request, communicate information concerning any file relating to a European patent application or European patent. However, the European Patent Office may refer to the option of file inspection where it deems this to be appropriate in view of the quantity of information to be supplied.

Rule 147[187, 188] *Art. 128*
Constitution, maintenance and preservation of files

(1) The European Patent Office shall constitute, maintain and preserve files relating to all European patent applications and patents in electronic form.

(2) The President of the European Patent Office shall determine all necessary technical and administrative arrangements relating to the management of electronic files according to paragraph 1.

[185] See decision of the President of the EPO of 13.11.2025 concerning inspection of files (OJ EPO 2025, A65).

[186] Amended by decision of the Administrative Council CA/D 16/23 of 14.12.2023 (OJ EPO 2024, A3), which entered into force on 01.04.2024.

[187] See decision of the President of the EPO of 25.03.2024 concerning use of the EPO electronic file system for the creation, maintenance and preservation of files (OJ EPO 2024, A31).

[188] Paragraphs 1-3 amended by decision of the Administrative Council CA/D 10/15 of 14.10.2015 (OJ EPO 2015, A83), which entered into force on 01.11.2016.
See notice from the EPO (OJ EPO 2016, A90).
Paragraph 3 last amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See notice from the EPO of 15.03.2024 concerning amended Rules 1, 41, 147 and 152 EPC (OJ EPO 2024, A34).

(3)(a) Documents incorporated in an electronic file shall be considered to be originals.

(b) The initial version of such documents filed on paper or on a data carrier shall only be destroyed after expiry of at least five years. This preservation period starts at the end of the year in which the document was incorporated in the electronic file.

(4) Any files shall be preserved for at least five years from the end of the year in which:

(a) the application is refused or withdrawn or is deemed to be withdrawn;

(b) the patent is revoked by the European Patent Office; or

(c) the patent or the corresponding protection under Article 63, paragraph 2, lapses in the last of the designated States.

(5) Without prejudice to paragraph 4, files relating to applications which have given rise to divisional applications under Article 76 or new applications under Article 61, paragraph 1(b), shall be preserved for at least the same period as the files relating to any one of these last applications. The same shall apply to files relating to any resulting European patents.

Chapter X
Legal and administrative co-operation

Rule 148
Art. 130, 131

Communications between the European Patent Office and the authorities of the Contracting States

(1) Communications between the European Patent Office and the central industrial property offices of the Contracting States which arise out of the application of this Convention shall be effected directly between these authorities. Communications between the European Patent Office and the courts or other authorities of the Contracting States may be effected through the intermediary of the said central industrial property offices.

(2) Expenditure in respect of communications under paragraph 1 shall be borne by the authority making the communications, which shall be exempt from fees.

Rule 149
Art. 131

Inspection of files by or via courts or authorities of the Contracting States

(1) Inspection of the files of European patent applications or of European patents by courts or authorities of the Contracting States shall be of the original documents or of copies thereof; Rule 145 shall not apply.

(2) Courts or Public Prosecutors' offices of the Contracting States may, in the course of their proceedings, communicate to third parties files or copies thereof transmitted to them by the European Patent Office. Such communications shall be effected in accordance with Article 128 and shall not be subject to any fee.

(3) The European Patent Office shall, when transmitting the files, draw attention to the restrictions which may, under Article 128, paragraphs 1 and 4, apply to file inspection by third parties.

Rule 150
Procedure for letters rogatory

Art. 117, 131

(1) Each Contracting State shall designate a central authority to receive letters rogatory issued by the European Patent Office and to transmit them to the court or authority competent to execute them.

(2) The European Patent Office shall draw up letters rogatory in the language of the competent court or authority or shall attach to such letters rogatory a translation into that language.

(3) Subject to paragraphs 5 and 6, the competent court or authority shall apply national law as to the procedures to be followed in executing such requests and, in particular, as to the appropriate measures of compulsion.

(4) If the court or authority to which the letters rogatory are transmitted is not competent to execute them, the letters rogatory shall be sent forthwith to the central authority referred to in paragraph 1. That authority shall transmit the letters rogatory either to the competent court or authority in that State, or to the European Patent Office where no court or authority is competent in that State.

(5) The European Patent Office shall be informed of the time when, and the place where, the enquiry or other legal measure is to take place and shall inform the parties, witnesses and experts concerned.

(6) If so requested by the European Patent Office, the competent court or authority shall permit the attendance of members of the department concerned and allow them to question any person giving evidence either directly or through the competent court or authority.

(7) The execution of letters rogatory shall not give rise to any reimbursement of fees or costs of any nature. Nevertheless, the State in which letters rogatory are executed has the right to require the Organisation to reimburse any fees paid to experts or interpreters and the costs arising from the procedure under paragraph 6.

(8) If the law applied by the competent court or authority obliges the parties to secure evidence and the competent court or authority is not able itself to execute the letters rogatory, that court or authority may, with the consent of the European Patent Office, appoint a suitable person to do so. When seeking such consent, the competent court or authority shall indicate the approximate costs which would result from this procedure. If the European Patent Office gives its consent, the Organisation shall reimburse any costs incurred; otherwise, the Organisation shall not be liable for such costs.

Chapter XI
Representation

Art. 59, 133

Rule 151[189]
Appointment of a common representative

(1) If there is more than one applicant and the request for grant of a European patent does not name a common representative, the applicant first named in the request shall be deemed to be the common representative. However, if one of the applicants is obliged to appoint a professional representative, this representative shall be deemed to be the common representative, unless the applicant first named has appointed a professional representative. The same shall apply to third parties acting in common in filing a notice of opposition or intervention and to joint proprietors of a European patent.

(2) If the European patent application is transferred to more than one person, and such persons have not appointed a common representative, paragraph 1 shall apply mutatis mutandis. If such application is not possible, the European Patent Office shall invite such persons to appoint a common representative within a period to be specified. If this invitation is not complied with, the European Patent Office shall appoint the common representative.

Rule 152 *Art. 90, 133, 134*
Authorisations

(1)[190] The President of the European Patent Office shall determine the cases in which a signed authorisation shall be filed by representatives acting before the European Patent Office.

(2)[191] Where a representative fails to file such an authorisation, the European Patent Office shall invite them to do so within a period to be specified. The authorisation may cover one or more European patent applications or European patents.

(3) Where the requirements of Article 133, paragraph 2, have not been satisfied, the same period shall be specified for the appointment of a representative and the filing of the authorisation.

(4)[192] A general authorisation may be filed enabling a representative to act in respect of all the patent transactions of a party.

[189] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

[190] See decisions of the President of the EPO of 07.07.2025 on the signing and filing of authorisations (OJ EPO 2025, A45) and on the signing and filing of authorisations in proceedings under the Rules relating to Unitary Patent Protection (OJ EPO 2025, A46).

[191] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See notice from the EPO of 15.03.2024 concerning amended Rules 1, 41, 147 and Rule 152 EPC (OJ EPO 2024, A34).

[192] Amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.
See notice from the EPO of 15.03.2024 concerning amended Rules 1, 41, 147 and Rule 152 EPC (OJ EPO 2024, A34).

(5) The President of the European Patent Office may determine the form and content of:

(a) an authorisation relating to the representation of persons under Article 133, paragraph 2;

(b) a general authorisation.

(6) If a required authorisation is not filed in due time, any procedural steps taken by the representative, other than the filing of a European patent application, shall be deemed not to have been taken, without prejudice to any other legal consequences provided for by this Convention.

(7) Paragraphs 2 and 4 shall apply to the withdrawal of an authorisation.

(8)[193] A representative shall be deemed to be authorised until the termination of their authorisation has been communicated to the European Patent Office.

(9) Unless it expressly provides otherwise, an authorisation shall not terminate vis-à-vis the European Patent Office upon the death of the person who gave it.

(10)[194] If a party appoints several representatives, they may act either jointly or singly, notwithstanding any provisions to the contrary in the communication of their appointment or in the authorisation.

(11)[195] The authorisation of an association of representatives shall be deemed to be an authorisation of any representative who is registered as a member of this association with the European Patent Office.

Rule 153
Attorney-client evidentiary privilege[196]

Art. 133, 134, 134a

(1)[197] Where advice is sought from a professional representative in their capacity as such, all communications between the professional rep-

See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).
See notice from the EPO of 07.07.2025 concerning the registration of general authorisations and related new MyEPO features (OJ EPO 2025, A47).

[193] English version amended by decision of the Administrative Council CA/D 26/23 of 14.12.2023 (OJ EPO 2024, A16), which entered into force on 01.04.2024.

[194] See notice from the EPO of 28.08.2013 (OJ EPO 2013, 535, section II).

[195] Last amended by decision of the Administrative Council CA/D 2/26 of 19.03.2026 (OJ EPO 2026, A27). The amendment to Rule 152(11) EPC entered into force on 01.06.2026.
See decision of the Administrative Council CA/D 9/13 of 16.10.2013 abrogating its 1978 decision relating to the interpretation of the term "association of representatives" (OJ EPO 2013, 500) and notice from the EPO of 08.07.2025 concerning associations of representatives: open to legal practitioners and managed via MyEPO (OJ EPO 2025, A48).
See decision of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600).

[196] Title amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[197] French version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

resentative and their client or any other person, relating to that purpose and falling under Article 2 of the Regulation on discipline for professional representatives, are permanently privileged from disclosure in proceedings before the European Patent Office, unless such privilege is expressly waived by the client.

(2) Such privilege from disclosure shall apply, in particular, to any communication or document relating to:

(a) the assessment of the patentability of an invention;

(b) the preparation or prosecution of a European patent application;

(c) any opinion relating to the validity, scope of protection or infringement of a European patent or a European patent application.

Rule 154[198]
Amendment of the list of professional representatives

(1)[199] The entry of a professional representative shall be deleted from the list of professional representatives if they so request or if, despite a reminder, they fail to pay the applicable annual subscription to the Institute within five months from either:

(a) 1 January for members on the list at that date; or

(b) the date of entry for members entered on the list after 1 January of the year for which the subscription is due.

(2) Without prejudice to any disciplinary measures taken under Article 134a, paragraph 1(c), the entry of a professional representative may be deleted ex officio only:

(a) in the event of their death or legal incapacity;

(b) where they are no longer a national of one of the Contracting States, unless they were granted an exemption under Article 134, paragraph 7(a);

(c) where they no longer have their place of business or employment within one of the Contracting States.

[198] See decision of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and notice from the EPO of 12.05.2015 concerning representation before the EPO (OJ EPO 2015, A55).

See decision of the President of the EPO of 17.11.2024 (OJ EPO 2024, A107) and notice from the EPO of 27.11.2024 (OJ EPO 2024, A109) concerning the publication of the list of professional representatives.

See notice from the EPO of 24.03.2025 concerning a simplified procedure for ex officio deletions from the list of professional representatives (OJ EPO 2025, A36).

[199] Amended by decision of the Administrative Council CA/D 6/18 of 28.06.2018 (OJ EPO 2018, A57), which entered into force on 01.01.2019.

(3)[200] Any person entered on the list of professional representatives under Article 134, paragraphs (2) or (3), whose entry has been deleted shall, upon request, be re-entered on that list if the conditions for deletion no longer exist.

[200] See notice from the EPO of 13.05.2024 concerning new features of MyEPO Portfolio: entries and re-entries on the list of professional representatives (OJ EPO 2024, A57).

PART VIII
IMPLEMENTING REGULATIONS TO PART VIII OF THE CONVENTION

Rule 155
Filing and transmission of the request for conversion

Art. 137, 140
R. 112, 156

(1) The request for conversion referred to in Article 135, paragraph 1(a) or (b), shall be filed within three months of the withdrawal of the European patent application, or of the communication that the application is deemed to be withdrawn, or of the decision refusing the application or revoking the European patent. The effect of the European patent application under Article 66 shall lapse if the request is not filed in due time.

(2) When transmitting the request for conversion to the central industrial property offices of the Contracting States specified in the request, the central industrial property office concerned or the European Patent Office shall attach to the request a copy of the file relating to the European patent application or European patent.

(3)[201] Article 135, paragraph 4, shall apply if the request for conversion referred to in Article 135, paragraphs 1(a) and (2), is not transmitted before the expiry of a period of twenty months from the date of filing or, if priority has been claimed, the date of priority.

Rule 156
Information to the public in the event of conversion

Art. 135, 140

(1) The documents accompanying the request for conversion under Rule 155, paragraph 2, shall be made available to the public by the central industrial property office under the same conditions and to the same extent as documents relating to national proceedings.

(2) The printed specification of the national patent resulting from the conversion of a European patent application shall mention that application.

[201] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

PART IX
IMPLEMENTING REGULATIONS TO PART X OF THE CONVENTION

Rule 157[202]
Art. 150, 151

The European Patent Office as a receiving Office

(1) The European Patent Office shall be competent to act as a receiving Office within the meaning of the PCT if the applicant is a resident or national of a Contracting State to this Convention and to the PCT. Without prejudice to paragraph 3, if the applicant chooses the European Patent Office as a receiving Office, the international application shall be filed directly with the European Patent Office. Article 75, paragraph 2, shall apply mutatis mutandis.

(2) Where the European Patent Office acts as a receiving Office under the PCT, the international application shall be filed in English, French or German. The President of the European Patent Office may determine that the international application and any related item shall be filed in more than one copy.

(3) If an international application is filed with an authority of a Contracting State for transmittal to the European Patent Office as the receiving Office, the Contracting State shall ensure that the application reaches the European Patent Office not later than two weeks before the end of the thirteenth month from filing or, if priority is claimed, from the date of priority.

(4) The transmittal fee for the international application shall be paid within one month of filing the application.

Rule 158
Art. 33, 35, 152

The European Patent Office as an International Searching Authority or International Preliminary Examining Authority

(1) In the case of Article 17, paragraph 3(a) PCT, an additional international search fee shall be paid for each further invention for which an international search is to be carried out.

(2) In the case of Article 34, paragraph 3(a) PCT, an additional fee for international preliminary examination shall be paid for each further invention for which the international preliminary examination is to be carried out.

(3)[203] Where an additional fee has been paid under protest, the European Patent Office shall examine the protest in accordance with Rule 40.2(c) to

[202] See notices from the EPO of 20.02.2019 concerning the procedure for acknowledging receipt of international applications (OJ EPO 2019, A19) and concerning the requirements to be observed when filing an international application with the EPO as a PCT receiving Office (OJ EPO 2014, A33) and decision of the President of the EPO of 24.10.2014 concerning the filing of international applications with the EPO acting as receiving Office using ePCT-Filing (OJ EPO 2014, A107).

[203] See decision of the President of the EPO of 09.06.2015 providing for review panels for the implementation of the protest and review procedures under the PCT (OJ EPO 2015, A59) and notice from the EPO of 24.03.2010 concerning the protest and review procedures under the PCT (OJ EPO 2010, 322).

(e) or Rule 68.3(c) to (e) PCT, subject to payment of the prescribed protest fee. Further details concerning the procedure shall be determined by the President of the European Patent Office.

Rule 159[204]
The European Patent Office as a designated or elected Office – Requirements for entry into the European phase

Art. 35, 150, 153
R. 10, 160-163

(1) In respect of an international application under Article 153, the applicant shall perform the following acts within thirty-one months from the date of filing of the application or, if priority has been claimed, from the priority date:

(a)[205] supply, where applicable, the translation of the international application required under Article 153, paragraph 4;

(b) specify the application documents, as originally filed or as amended, on which the European grant procedure is to be based;

(c) pay the filing fee provided for in Article 78, paragraph 2;

(d)[206, 207] pay the designation fee if the period under Rule 39 has expired earlier;

(e) pay the search fee, where a supplementary European search report has to be drawn up;

(f) file the request for examination provided for in Article 94, if the period under Rule 70, paragraph 1, has expired earlier;

(g) pay the renewal fee in respect of the third year provided for in Article 86, paragraph 1, if the fee has fallen due earlier under Rule 51, paragraph 1;

(h) file, where applicable, the certificate of exhibition referred to in Article 55, paragraph 2, and Rule 25.

(2) The Examining Division shall be competent to take decisions of the European Patent Office under Article 25, paragraph 2(a) PCT.

Art. 153
R. 159

[204] See notice from the EPO of 21.03.2013 (OJ EPO 2013, 156).

[205] See decision of the Enlarged Board of Appeal G 4/08 (Annex I).

[206] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[207] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

Rule 160[208]
Consequences of non-fulfilment of certain requirements and deemed withdrawal

(1) If either the translation of the international application or the request for examination is not filed in due time, or if the filing fee, the search fee or the designation fee is not paid in due time, the European patent application shall be deemed to be withdrawn.

(2)[209] If the European Patent Office notes that the application is deemed to be withdrawn under paragraph 1, it shall communicate this to the applicant. Rule 112, paragraph 2, shall apply mutatis mutandis.

(3)[210] On entry of a Euro-PCT application into the European phase, the designation of those Contracting States that are Member States of the European Union shall be deemed to be withdrawn in accordance with Rule 39, paragraph 2a.

Rule 161[211]
Amendment of the application

Art. 123, 152, 153
R. 70a

(1) If the European Patent Office has acted as the International Searching Authority and, where a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority for a Euro-PCT application, it shall give the applicant the opportunity to comment on the written opinion of the International Searching Authority or the International Preliminary Examination Report and, where appropriate, invite them to correct any deficiencies noted in the written opinion or in the International Preliminary Examination Report and to amend the description, claims and drawings within a period of six months from the respective communication. If the European Patent Office has drawn up a supplementary international search report, an invitation in accordance with the first sentence shall be issued in respect of the explanations given in accordance with Rule 45*bis*.7(e) PCT. If the applicant does not comply with or comment on an invitation in accordance with the first or second sentence, the application shall be deemed to be withdrawn.

(2) Where the European Patent Office draws up a supplementary European search report on a Euro-PCT application, the application may be

[208] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.
Title amended by decision of the Administrative Council CA/D 13/24 of 10.12.2024 (OJ EPO 2024, A105), which entered into force on 16.12.2024.

[209] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[210] Inserted by decision of the Administrative Council CA/D 13/24 of 10.12.2024 (OJ EPO 2024, A105), which entered into force on 16.12.2024. The version of Rule 160 which was in force prior to its amendment by decision CA/D 13/24 shall be reinstated on the date Article 5s(3) of Regulation (EU) No 833/2014 ceases to have effect.
See notice from the EPO of 10.12.2024 (OJ EPO 2024, A106).

[211] Amended by decision of the Administrative Council CA/D 12/10 of 26.10.2010 (OJ EPO 2010, 634), which entered into force on 01.05.2011.
See notice from the EPO of 29.06.2010 concerning communications under amended Rule 161 EPC (OJ EPO 2010, 406).

amended once within a period of six months from a communication informing the applicant accordingly. The application as amended shall serve as the basis for the supplementary European search.

Rule 162[212]
Claims incurring fees

Art. 153
R. 45

(1) If the application documents on which the European grant procedure is to be based comprise more than fifteen claims, claims fees shall be paid for the sixteenth and each subsequent claim as laid down in the Rules relating to Fees within the period under Rule 159, paragraph 1.

(2)[213] If the claims fees are not paid in due time, they may still be paid within the period under Rule 161, paragraph 1 or paragraph 2, as the case may be. If within this period amended claims are filed, the claims fees due shall be computed on the basis of such amended claims and shall be paid within this period.

(3) Any claims fees paid within the period under paragraph 1 and in excess of those due under paragraph 2, second sentence, shall be refunded.

(4) Where a claims fee is not paid in due time, the claim concerned shall be deemed to be abandoned.

Rule 163
Examination of certain formal requirements by the European Patent Office

Art. 81, 88, 153

(1) Where the designation of the inventor under Rule 19, paragraph 1, has not yet been made within the period under Rule 159, paragraph 1, the European Patent Office shall invite the applicant to make the designation within two months.

(2)[214] Where the priority of an earlier application is claimed and the file number of the previous application or the copy thereof provided for in Rule 52, paragraph 1, and Rule 53 have not yet been submitted within the period under Rule 159, paragraph 1, the European Patent Office shall invite the applicant to furnish that number or copy within two months. Rule 53, paragraph 2, shall apply.

[212] Amended by decision of the Administrative Council CA/D 12/10 of 26.10.2010 (OJ EPO 2010, 634), which entered into force on 01.05.2011.

[213] Amended by decision of the Administrative Council CA/D 17/16 of 14.12.2016 (OJ EPO 2016, A102), which entered into force on 01.01.2017.
See notice from the EPO of 16.12.2016 (OJ EPO 2016, A103).

[214] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.
See decision of the President of the EPO of 13.11.2021 on the filing of priority documents (OJ EPO 2021, A83), notice from the EPO of 22.02.2019 concerning priority document exchange via the WIPO Digital Access Service (OJ EPO 2019, A27) and notice from the EPO of 13.11.2021 concerning priority document exchange between the EPO and the USPTO, the KIPO and the CNIPA (OJ EPO 2021, A84).

(3)[215] Where, at the expiry of the period under Rule 159, paragraph 1, a sequence listing complying with the standard provided for in the Administrative Instructions under the PCT is not available to the European Patent Office, the applicant shall be invited to file a sequence listing complying with the rules laid down by the President of the European Patent Office within two months. Rule 30, paragraphs 2 and 3, shall apply mutatis mutandis.

(4) Where, at the expiry of the period under Rule 159, paragraph 1, the address, the nationality or the State in which their residence or principal place of business is located is missing in respect of any applicant, the European Patent Office shall invite the applicant to furnish these indications within two months.

(5) Where, at the expiry of the period under Rule 159, paragraph 1, the requirements of Article 133, paragraph 2, have not been satisfied, the European Patent Office shall invite the applicant to appoint a professional representative within two months.

(6) If the deficiencies noted under paragraphs 1, 4 or 5 are not corrected in due time, the European patent application shall be refused. If the deficiency noted under paragraph 2 is not corrected in due time, the right of priority shall be lost for the application.

Rule 164[216] *Art. 82, 153*
Unity of invention and further searches

(1) If the European Patent Office considers that the application documents which are to serve as the basis for the supplementary European search do not comply with the requirement of unity of invention, it shall:

(a) draw up a partial supplementary search report on those parts of the application which relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims;

(b) inform the applicant that, for the supplementary European search report to cover the other inventions, a further search fee must be paid, in respect of each invention involved, within a period of two months; and

(c) draw up the supplementary European search report for the parts of the application relating to inventions in respect of which search fees have been paid.

[215] See decision of the President of the EPO of 14.11.2025 on the filing of sequence listings (OJ EPO 2025, A64), notices from the EPO of 09.12.2021 (OJ EPO 2021, A97) and of 14.11.2025 (OJ EPO 2025, A66) concerning the filing of sequence listings and notice from the EPO of 28.09.2023 concerning the handling of ST.25 sequence listings filed as a safeguard as part of divisional applications to which WIPO Standard ST.26 applies (OJ EPO 2023, A98).
See decision of the President of the EPO of 14.05.2024 concerning the revision of WIPO Standard ST.26 (OJ EPO 2024, A54) and notice from the EPO of 14.05.2024 (OJ EPO 2024, A55).

[216] Amended by decision of the Administrative Council CA/D 17/13 of 16.10.2013 (OJ EPO 2013, 503), which entered into force on 01.11.2014.
See notice from the EPO of 10.06.2014 (OJ EPO 2014, A70).

(2) If the supplementary European search report is dispensed with and the Examining Division considers that in the application documents which are to serve as the basis for examination an invention, or a group of inventions within the meaning of Article 82, is claimed which was not searched by the European Patent Office in its capacity as International Searching Authority or Authority specified for supplementary international search, the Examining Division shall:

(a) inform the applicant that a search will be performed in respect of any such invention for which a search fee is paid within a period of two months;

(b)[217] issue the results of any search performed in accordance with paragraph (a) together with:

- a communication under Article 94, paragraph 3, and Rule 71, paragraphs 1 and 2, in which it shall give the applicant the opportunity to comment on these results and to amend the description, claims and drawings, or

- a communication under Rule 71, paragraph 3,

and

(c) where appropriate, in the communication issued under paragraph (b), invite the applicant to limit the application to one invention, or group of inventions within the meaning of Article 82, for which a search report was drawn up by the European Patent Office in its capacity either as International Searching Authority or as Authority specified for supplementary international search, or for which a search was performed in accordance with the procedure under paragraph (a).

(3) In the procedure under paragraph 2(a), Rules 62a and 63 shall apply mutatis mutandis.

(4) Rule 62 and Rule 70, paragraph 2, shall not apply to the results of any search performed in accordance with paragraph 2.

(5) Any fee paid under paragraphs 1 or 2 shall be refunded if the applicant requests a refund and the Examining Division finds that the communication under paragraphs 1(b) or 2(a) was not justified.

[217] See notice from the EPO of 02.07.2024 concerning a change of practice in access to patent literature documents cited in search and examination proceedings (OJ EPO 2024, A68).

Rule 165[218]
The Euro-PCT application as conflicting application under Article 54, paragraph 3

A Euro-PCT application shall be considered as comprised in the state of the art under Article 54, paragraph 3, if in addition to the conditions laid down in Article 153, paragraph 3 or 4, the filing fee under Rule 159, paragraph 1(c) has been paid.

[218] See notice from the EPO of 21.06.2021 on the information published in the European Patent Bulletin concerning Euro-PCT applications fulfilling the requirements of Rule 165 EPC and comprised in the state of the art under Article 54(3) EPC (OJ EPO 2021, A51).