

Learning path for patent examiners

Drafting the search report: Intermediate level

Version: May 2024



Introduction

This publication, "**Drafting the search report, Intermediate level**", is part of the "Learning path for patent examiners" series edited and published by the European Patent Academy. The series is intended for patent examiners at national patent offices who are taking part in training organised by the European Patent Office (EPO). It is also freely available to the public for independent learning.

Topics covered include novelty, inventive step, clarity, unity of invention, sufficiency of disclosure, amendments and search. Also addressed are patenting issues specific to certain technical fields:

- patentability exceptions and exclusions in biotechnology
- assessment of novelty, inventive step, clarity, sufficiency of disclosure and unity of invention for chemical inventions
- the patentability of computer-implemented inventions, business methods, game rules, mathematics and its applications, presentations of information, graphical user interfaces and programs for computers
- claim formulation for computer-implemented inventions

Each publication focuses on one topic at entry, intermediate or advanced level. The explanations and examples are based on the European Patent Convention, the Guidelines for Examination in the EPO and selected decisions of the EPO's boards of appeal. References are made to the Patent Cooperation Treaty and its Regulations whenever appropriate.

The series will be revised annually to ensure it remains up to date.

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All references to natural persons are to be understood as applying to all genders.

Contents

1.	Learning objectives	4
2.	Identification of the patent application	4
3.	Classification of the patent application	5
4.	Areas of technology searched	6
5.	Documents noted in the search	7
6.	Authentication and date	7
7.	Beyond the course	8

Legal references

GL B-X, 4	4
GL B-X, 5; GL B-V, 4	6
GL B-X, 6	6
GL B-X, 9	7
GL B-X, 10	8

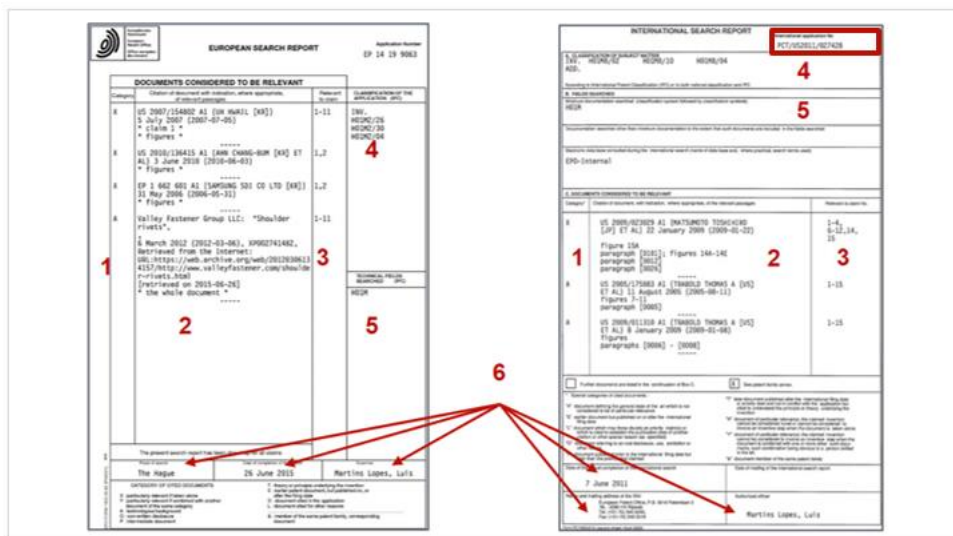
1. Learning objectives

Participants to this course will learn:

- The definition of classification of an application and where to find this information on a search report.
- How to identify relevant information on a search report.

2. Identification of the patent application

The application is identified by the application number in the top right corner (above the red number 4) in the following diagram:



On the main page and supplemental sheets, the European patent application is identified by its application number.

The type of the search report is indicated in the report (a European or an international search report, for example).

For joint publications of the application with the search report, the main page of the report is marked A1 (World Intellectual Property Organization (WIPO) Standard ST.16). If the application is due to be published before the search, the main page is marked A2 (WIPO Standard ST.16).

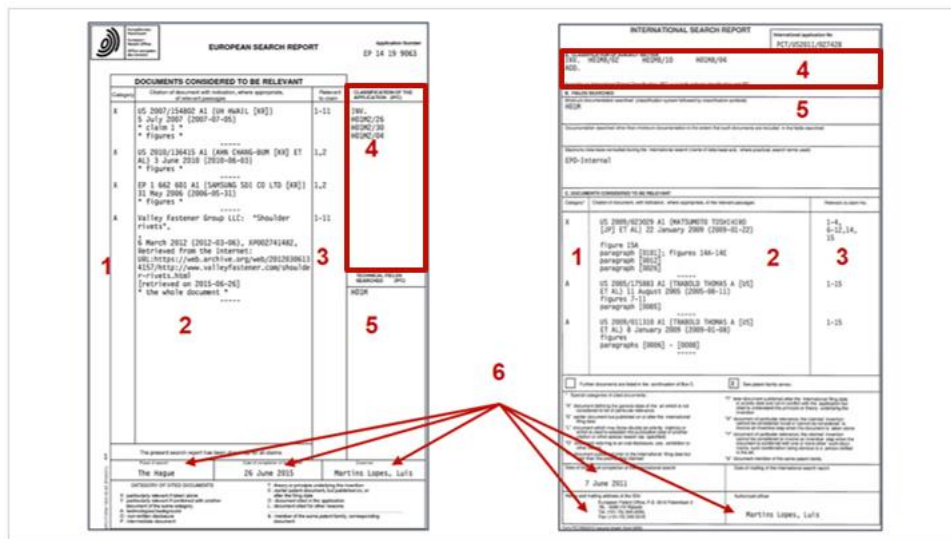
The subsequent search report is established on a new main page, which is marked A3 (WIPO Standard ST.16). Where the search report is a supplementary European search report in respect of an international application, this search report is established on a new main page marked A4 (WIPO Standard ST.16).

Legal references:

GL B-X_4

3. Classification of the patent application

The classification symbols allocated to the application are shown in the box containing the red number 4 below:



The main page of the search report gives the International Patent Classification (IPC) classification symbol(s) for the European patent application in accordance with the Guidelines (GL B-V, 3).

If the application is to be published before the search report is prepared (A2 publication; see GL B-X, 4), the search division prepares supplemental sheet A before publication. In these cases, supplemental sheet A will contain all the information indicated in GL B-X, 7, together with the IPC classification of the application (where the application lacks unity, see GL B-V, 3.3).

When the search report is subsequently drawn up (A3 publication; see GL B-X, 4), the application's IPC classification is repeated on the separately published A3 search report. If the search division has modified the IPC classification (i.e. when the IPC classification given in the A2 published application differs from that given on the later-published A3 search report; see GL B-V, 3), the amended classification will appear on the later-published A3 search report (see GL B-V, 3.1).

The search division classifies patent applications under the provisions of both the Cooperative Patent Classification (CPC) and the IPC. In practice, classification is first performed in the CPC, with the relevant IPC symbols then being generated from the CPC allocations by one-to-one concordance (see the CPC to IPC Concordance List (CICL) published on the CPC website).

The CPC classification system includes "invention information" symbols and "additional information" symbols (and possibly CPC indexing codes). Where it is necessary to assign more than one CPC classification symbol for the invention itself, the symbol indicated first is that which, in the search division's opinion, best identifies the invention. As with the IPC, CPC classification is preferably carried out when the search division has studied the content of the application to carry out the search. As with the IPC classification, the CPC classification is likewise determined without considering possible future amendments to the application since the classification relates to the disclosure of the published application (i.e. the application as filed).

However, if the search division's understanding of the invention alters during the search, the search division will amend the CPC classification accordingly. Unlike changes to the IPC classification (see

GL B-V..3), this amendment can be made even after the preparations for publication have been completed.

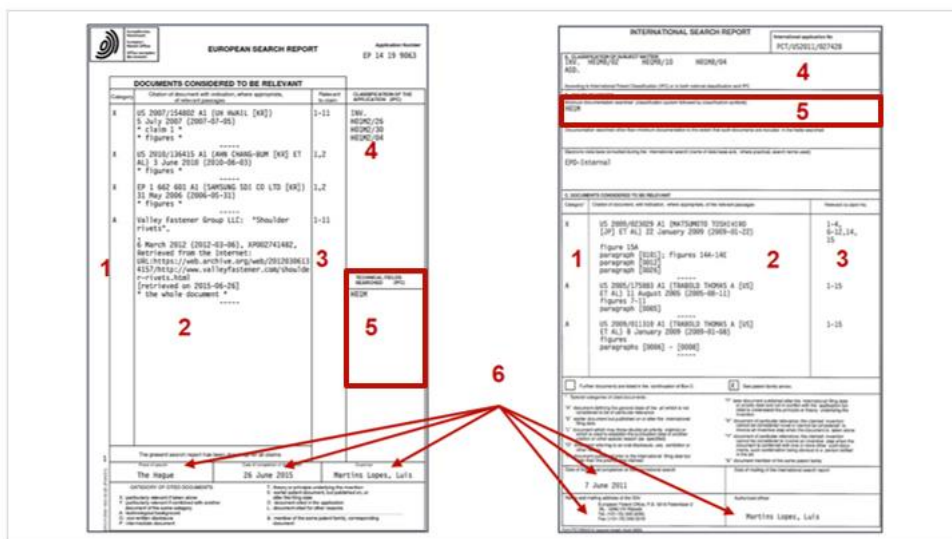
When the scope of the invention is not clear (for example when a partial search is necessary), or if the invention lacks unity, the principles described in GL B-V...3.2 and 3.3 for the IPC classification apply equally to the CPC classification.

Legal references:

GL B-X..5; GL B-V...4

4. Areas of technology searched

The areas of technology searched are shown in the box containing the red number 5 in the diagram (H01M in the following examples):



Although the EPC does not require the European search report to identify the areas of technology searched, this information is included in the report in the form of a list of IPC symbols down to the sub-class level.

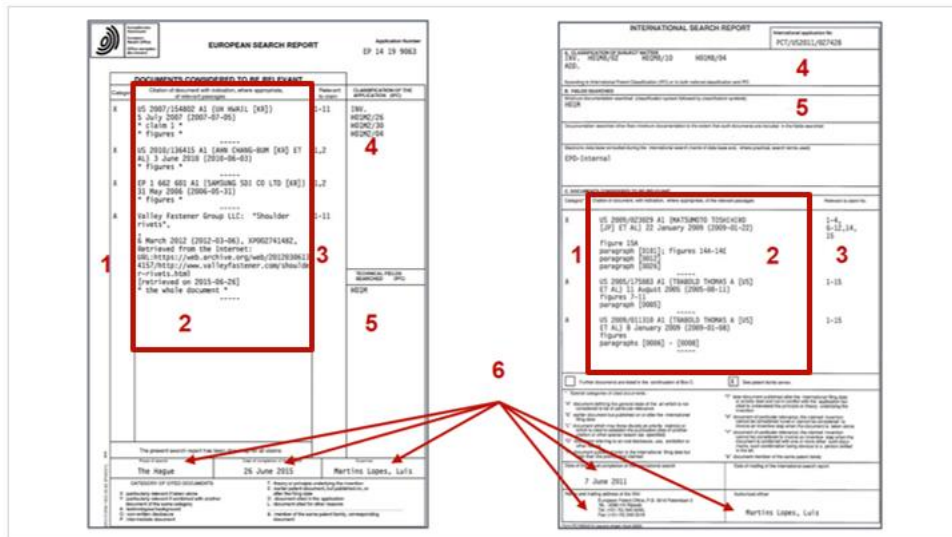
Where the search report is entirely or partly based on a previous search made for a related application, the sections of the documentation consulted for this previous search are also identified in the report as having been consulted for the application in question. This is done by indicating the appropriate IPC symbols.

Legal references:

GL B-X..6

5. Documents noted in the search

The documents retrieved during the search are shown in the box containing the red number 2 (these are the "documents considered to be relevant" in the following examples):



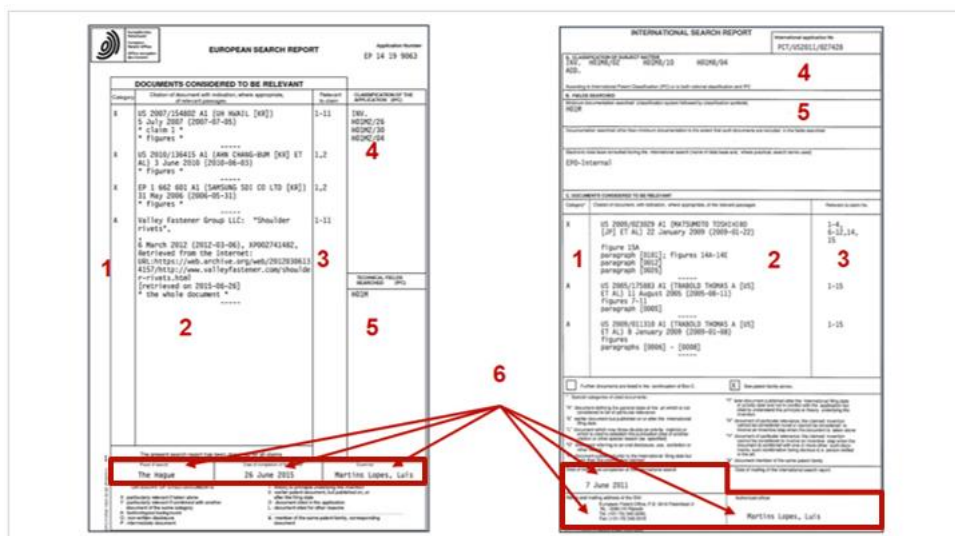
All documents cited in the search report are identified unambiguously by indicating the necessary bibliographic elements. The citations in the search report normally comply with WIPO Standards ST.14 (Recommendation for the inclusion of references cited in patent documents), ST.3 (Two-letter codes) and ST.16 (Standard code for identification of different kinds of patent documents).

Legal references:

GL B-X.9

6. Authentication and date

The examiner's signature and the date of search are indicated by arrows under the red number 6:



The report indicates the date on which the search report was drawn up. This date is the date on which the report was drafted by the member of the search division who carried out the search; this member's name also appears on the search report.

Legal references:

GL B-X, 10

7. Beyond the course

You can deepen what you have learned during this course with the following further readings:

- Guidelines for Examination in the European Patent Office, Part B: Guidelines for Search
- WIPO, PCT (Patent Cooperation Treaty) International Search and Preliminary Examination Guidelines

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