

Learning path for patent administrators

Entering national/regional phases: EPAC – entry level

Version: April 2026



Introduction

This publication, "Entering national/regional phases, EPAC – entry level", is part of the "Learning path for patent administrators" series is edited and published by the European Patent Academy. The series is intended for patent administrators who are taking part in training and certifications organised by the European Patent Office (EPO). It is also freely available to the public for independent learning.

Topics covered include: general aspects of the patent system; the European patent system and the European patent granting procedure; the International Patent System (PCT) and the PCT procedure; European and international publications; filing a European patent application and filing an international application; the formalities during the European and during the international search; the formalities during the European examination and during the international preliminary examination; the formalities during the appeal procedure after refusal (EPC), during the opposition procedure (EPC); national validation (EPC); entry into national/regional phases and entry into the European phase (PCT).

Each chapter focuses on one topic at entry, intermediate or advanced level, as appropriate. The series will be revised annually to ensure it remains up to date.

Disclaimer

This publication is for training and information purposes only. Although it has been prepared with great care, it cannot be guaranteed that the information it contains is accurate and up to date; nor is it meant to be a comprehensive study or a source of legal advice. The EPO is not liable for any losses, damages, costs, third-party liabilities or expenses arising from any error in data or other information provided in this publication.

The opinions expressed in this publication are not necessarily those of the EPO.

This publication may be used and reproduced for non-commercial purposes, provided that the EPO and the contributors are appropriately acknowledged. Reproduction for commercial purposes is not permitted.

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

Contents

1.	Learning objectives	4
2.	Entry into national or regional phase	4
3.	Entry into the European phase	4
4.	Early entry into the European phase	6
5.	Supplementary European search or not?	6
6.	Beyond the course	8

1. Learning objectives

Participants in this course will learn about:

- the end of the international phase of the PCT
- the time limits for entry into the national or regional phase
- the procedure for entry into the European phase
- the supplementary European search

2. Entry into national or regional phase

When the international phase of the PCT has ended, the national or regional phase begins: 30 months from the earliest priority date or the international filing date (whichever expires later). A national or regional office before which an international application (IA) continues is called the designated Office (DO), or, if an international preliminary examination (IPEA) took place, an elected Office (EO). The time limits for entry into the various national and regional phases differ from office to office. An [alphabetical list on the WIPO website](#) contains more detailed information. The 30-month period is incompatible with the national law of two PCT contracting states, Luxembourg (LU) and the United Republic of Tanzania (TZ). For those contracting states, national processing will therefore begin at 20 months (LU) or 21 months (TZ) from priority.

Legal references:

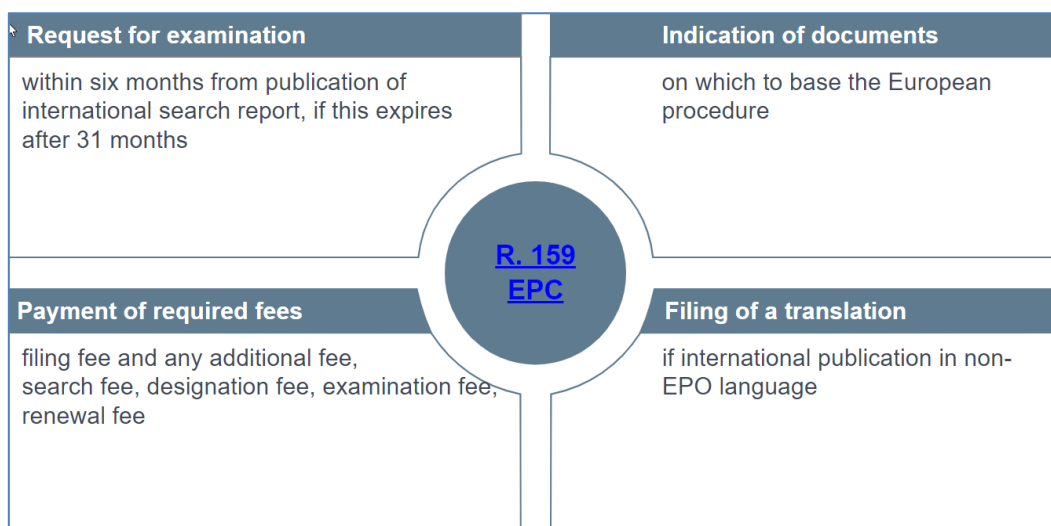
Article 22 PCT; Article 23 PCT; Article 40 PCT

3. Entry into the European phase

The regional phase before the EPO is called the European phase. An IA in the European phase is called a Euro-PCT application. Like any other office under the PCT, the EPO may not take up processing of the IA before expiry of the 30-month period. The EPO has extended that period to 31 months. Only if the applicant expressly requests early processing may the EPO deal with procedural acts and communications before 31 months from the date on which priority has expired.

On entry into the European phase, applicants must take the following procedural steps:

- file a request for examination within six months from publication of the international search report (ISR), where this term expires after 31 months
- indicate the documents on which to base the procedure in the European phase
- indicate any amendments made to the claims under [Article 19 PCT](#) or [Article 34 PCT](#) or amendments before entry into the regional phase
- pay the required fees: filing fee and any additional fee, search fee, designation fee, examination fee or renewal fee
- file a translation, if the international publication was in a language other than English (EN), French (FR) or German (DE) (Form 1200, Section 7).
- If the international application was published in (English, French or German), this language will be the language of the proceedings
- The language of the proceedings cannot be changed subsequently



Please find below an overview of the time limits for fees due on entry into the European phase.

Fee	Basic time limit	Legal basis
Filing fee	Date of filing or earliest date of priority+ 31 months	<u>Rule 159(1)(c) EPC</u>
Additional fee	Date of filing or earliest date of priority+ 31 months	<u>Rule 159(1)(c) EPC</u>
Search fee	Date of filing or earliest date of priority+ 31 months	<u>Rule 159(1)(e) EPC</u>
Designation fees	Date of publication of the international search report + six months or date of filing or earliest date of priority+ 31 months whichever expires later	<u>Article 79(2) EPC</u> <u>Rule 159(1) EPC</u>
Extension fees	Date of publication of the international search report + six months or date of filing or earliest date of priority + 31 months whichever expires later	Provisions under the Extension Ordinance (EO)
Examination fee	Date of publication of the international search report + six months or date of filing or earliest date of priority + 31 months whichever expires later	<u>Article 94 EPC</u>
Claims fee	Date of filing or earliest date of priority + 31 months	<u>Rule 152 (1) EPC</u>
Renewal fees	Date of filing or earliest date of priority + 31 months provided the time limit under <u>Article 86 (1) EPC</u> for the third renewal fee has already expired	<u>Article 86 (1) EPC</u> <u>Rule 51 (1) EPC</u>

Legal references:

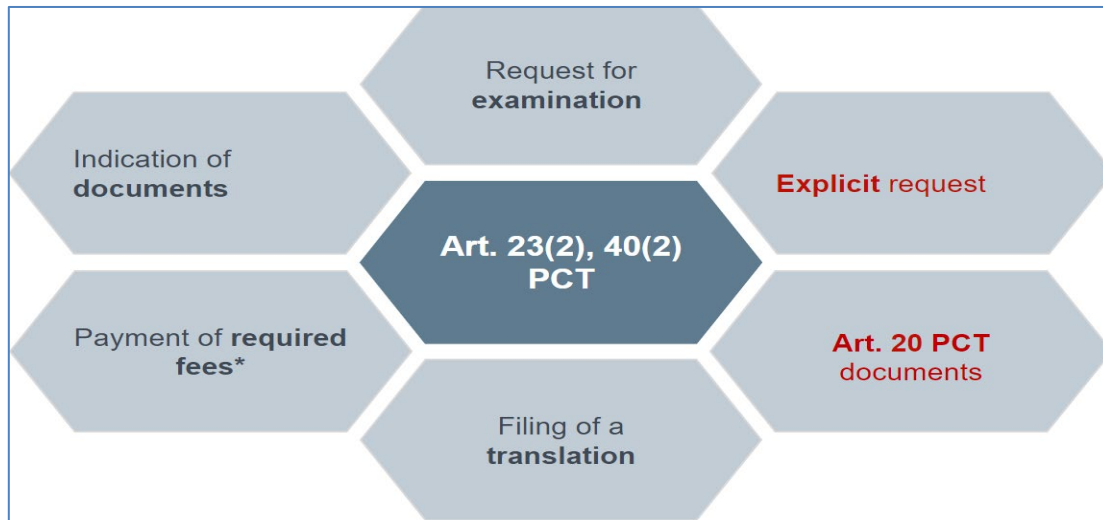
Article 52(2) EPC; Article 54(3) EPC;

Rule 159(1) EPC

Article 22 PCT; Article 23 PCT; Article 40 PCT

4. Early entry into the European phase

As mentioned previously, a valid entry into the European phase can also take place before 31 months from priority at the applicant's explicit request. Such an entry is referred to as a "request for early processing".



Legal references:

Article 20 PCT; Article 23(2) PCT; Article 40(2) PCT

5. Supplementary European search or not?

If the ISR or supplementary international search report (SISR) was drawn up by the EPO, there will be no supplementary European search. The examining division issues a combined communication under Rules 161 and 162 EPC. Depending on the situation, EPO Form 1226AA or 1226BB is used. The wording of the forms clearly states what is expected from the applicant. This may include requiring applicants to file amendments or comments on the IA.

If the ISR or SISR was **not** drawn up by the EPO, the EPO will issue a supplementary European search report. Applicants may file amendments to the IA within the 31-month time limit and, if desired, file (further) amendments within the time limit set in the Rule 161/162 communication, which is issued using EPO Form 1226CC.

The amended application will serve as the basis for the supplementary European search. Only amendments filed up to the end of the time limit set in said form are taken into account for the supplementary search.

Search fees for a supplementary European search

If a supplementary European search is required, the European search fee must be paid within 31 months from the date of filing or, where priority is claimed, from the earliest priority date.

Reduction of the search fee

Where the ISR or SISR was drawn up by a European ISA, the fee for the supplementary European search is reduced by a fixed amount (EUR 1 300 as of April 2024 and until 31.03.2028).

The following ISAs qualify:

- Austrian Patent Office (ISA/AT)
- Spanish Patent and Trademark Office (ISA/ES)
- Finnish Patent and Registration Office (ISA/FI)
- Swedish Intellectual Property Office (ISA/SE)
- Turkish Patent and Trademark Office (ISA/TR)
- Nordic Patent Institute (ISA/XN)
- Visegrad Patent Institute (ISA/XV)

Note that the reduction applies only to the search fee payable under [Rule 159\(1\)\(e\) EPC](#).

Additional search fees payable under [Rule 164\(1\) EPC](#) are not reduced and must always be paid in full.

If an ISA or SISA other than those listed above was selected, no reduction of the supplementary European search fee is available.

Refund of the supplementary European search fee

If the supplementary European search report is based on an earlier search report drawn up by the EPO, or if the application claims the priority of a previous application for which a search was carried out by the EPO, all or part of the supplementary European search fee may be refunded.

The amount of the refund depends on the type of earlier search and the extent to which the EPO relied on the earlier search report when performing the supplementary European search.

If the search fee is not paid in time, the Euro-PCT application is deemed withdrawn, and the EPO will notify the applicant of this under [Rule 112\(1\) EPC](#) and [Rule 60\(2\) EPC](#).

To restore this loss of rights, the applicant may request further processing within two months of this notification. This requires payment of the outstanding supplementary European search fee together with a further processing fee equal to 50% of the search fee.

If the application does not comply with the requirement of unity of invention, a partial supplementary European search report is issued, covering the invention first mentioned in the claims. In this case, the EPO informs the applicant that if the supplementary search report is to cover the other invention(s) a further search fee must be paid for each invention found.

Examples

- EPO Form 1226AA:

Form 1226 AA requires a mandatory response under Rule 161(1) EPC, and the penalty for not responding within the six-month time limit is a withdrawal of the European patent application.

- EPO Form 1226BB:
Form 1226 BB has a voluntary response under Rule 161(2) EPC, and the application is not withdrawn if no response is filed.
- EPO Form 1226CC:
Form 1226 CC is issued when the International Search Authority is not the European Patent Office and has a voluntary response under Rule 161(2) EPC and the application is not withdrawn but continues through to examination if no response is filed.

Legal references:

Article 28 PCT; Article 41 PCT

Article 153(7) EPC

Rule 62 EPC; Rule 159(1) EPC; Rule 161(1) EPC; [Rule 162 EPC](#)

6. Beyond the course

You can explore what you have learned during this course in greater depth by reading:

- [Guide for applicants \(Chapter 5 – Euro-PCT procedure before the EPO as a designated \(PCT Chapter I\) or elected \(PCT Chapter II\) Office, EPO website](#)
- [PCT Applicant's Guide, National Phase: EP, WIPO website](#)
- "The annotated European Patent Convention", Derk Visser

European Patent Academy
European Patent Office
Munich
Germany
© EPO 2026

Responsible for the content
European Patent Academy
academy@epo.org