

Learning path for patent administrators

Filing a European patent application: EPAC – entry level

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Introduction

This publication, "Filing a European patent application, 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.

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

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1. Learning objectives

Participants in this course will learn:

- claiming a priority right
- what information is required for a designation of inventor
- the different routes for filing an application
- how to file a European application at the EPO
- what are the minimum requirements on the date of filing
- which initial fees are due
- the definition of formal requirements on filing
- corrections and remedies at filing stage

2. Claiming a priority right

A priority right, as defined by Art. 87(1) EPC, is triggered by the first filing of an application for the protection of an invention and allows filing of a subsequent application for the same invention during the 12 months from the date of filing of the first application, which is the priority date.

If an application for a patent, a utility model or a utility certificate has been filed in or for any state party to the Paris Convention for the Protection of Industrial Property or any member of the World Trade Organization, it may be claimed as priority when filing a European patent application in respect of the same invention.

Multiple priorities can be claimed, even if they originate from different countries. Time limits which run from the date of priority are calculated from the earliest priority date.

The effect of a priority right, as mentioned in Art. 89 EPC, is such that the priority date is considered as the "effective date of filing" of the European application for the assessment of novelty (Art. 54(2), (3) EPC) and for the right to a European patent (Art. 60 EPC).

A priority can be claimed from first filings in Paris Convention states and member states of the World Trade Organisation. Such a priority claim can be added/corrected within 16 months of the earliest priority date (at least 4 months from the date of filing).

The European patent application must be filed no later than twelve months after filing the first application. The earlier application whose priority is claimed may also be a European or an international (PCT) application.

Should an EP application not be filed within the 12-month priority period, re-establishment may be requested within 2 months of the expiry of that said period.

Legal references:

Art. 54(2) EPC; Art. 54(3) EPC; Art. 60 EPC; Art. 87 EPC; Art. 87(1) EPC; Art. 89 EPC
GL A-III, 6; GL F-VI

3. WIPO DAS (Digital Access Service)

The WIPO Digital Access Service (DAS) is a platform provided by the World Intellectual Property Organization (WIPO). Its purpose is to simplify and improve the sharing of priority documents related to intellectual property (IP) rights among participating offices worldwide.

The EPO, as office of first filing (OFF), will automatically generate a DAS access code free of charge for every request for the grant of a European patent (EPO Form 1001). This DAS access code will allow the applicant to authorise an office of second filing (OSF) participating in DAS to retrieve a priority document via DAS.

When the EPO acts as office of first filing (OFF) and the request for the grant of a European patent is filed via the EPO Online Filing System (OLF), the code is automatically generated and sent together with the acknowledgement of receipt to the applicant. The code is only valid if the application is accorded a date of filing.

When the EPO acts as office of second filing (OSF), at the request of the applicant the EPO obtains the priority document from the office of first filing (OFF) via DAS, free of charge. The scope of applications eligible are EP or Euro-PCT applications claiming priority from a previous application filed with one of the offices participating in DAS (including IP5, FI, UK, DK, ES, SE). The applicant may file the request by indicating the access code given by the OFF on the EPO Form 1001 or on the new EPO Form 1013. Should the EPO not be able to retrieve the priority document from DAS or if no such request was submitted by the applicant, the EPO will automatically include the priority document, should it be available.

More information on the participating offices can be found on [the WIPO website](#).

Legal references:

OJ EPO 2018, A78; OJ EPO 2018, A79; OJ EPO 2020, A57; OJ EPO 2020, A58;

4. Who can file an EP application?

An applicant for a European patent application can be any natural or legal person, or anybody equivalent to a legal person according to [Art. 58 EPC](#), irrespective of nationality and place of residence or business. For the purposes of proceedings before the EPO, the applicant is deemed to be entitled to exercise the right to the European patent as explained in [Art. 60\(3\) EPC](#).

The application may be filed in the name of one person or several persons named as joint applicants ([Art. 59 EPC](#)). The application may also be filed by two or more applicants designating different contracting states. It may arise that a first applicant designates a first group of contracting states and a second designates a different group of contracting states, while both applicants jointly designate a third group of contracting states. In such a case the applicants will be regarded as joint applicants for the purposes of the proceedings before the EPO ([Art. 118 EPC](#)).

Legal references:

Art. 58 EPC; Art. 59 EPC; Art. 60(3) EPC; Art. 118 EPC; Art. 134 EPC
GL A-II, 2

5. Ownership and inventorship

The applicant must designate the inventor(s) for each European application. Should the applicant not be the sole inventor, a designation of inventor has to be filed accordingly.

The designation must state the family name and given names, the country and place of residence of the inventor, include a statement indicating the origin of the right to the European Patent (as mentioned in Art. 81 EPC) and bear the signature of the applicant or their representative.

An inventor may waive their right to be mentioned as inventor. Consequently, provided that the request is received on time, their name will not be mentioned in the European patent specification or in the Register of European Patents (Rule 143(1)(g) 3 EPC). It will also not be mentioned in the European Patent Bulletin. In this case, the designation of the inventor, the request to be mentioned as inventor and all correspondence relating to it will be excluded from the file inspection (provisions according to Art. 128(4) EPC and Rule 144 EPC).

If the applicant does not designate the inventor when filing the European patent application, the applicant will be invited to correct this deficiency within sixteen months after the date of filing or, if priority is claimed, the earliest priority date, and in any event no later than five weeks prior to the intended date of publication of the application (see guidelines point 5.3.001). If the applicant fails to submit the designation of inventor within the specified period, the application will be refused (see guidelines point 5.2.005), Rule 60 EPC.

An incorrect designation may be rectified, provided that a request is received together with the consent of the wrongly designated person and that of the patent's applicant or proprietor where the request is not filed by that party (Rule 21 EPC).

If a further inventor is to be designated, the consent of the inventor(s) previously designated is not necessary (see decision J 0008/82).

Rectification may also be requested after the proceedings before the EPO are terminated.

Where an incorrect designation has been rectified and where the incorrect designation was recorded in the European Patent Register or published in the European Patent Bulletin, its rectification or cancellation will also be recorded or published there. Rectification of the designation of an inventor falls under the responsibility of the Legal Division.

Legal references:

Art. 81 EPC; Art 128 EPC

Rule 19 EPC; Rule 20 EPC; Rule 21 EPC; Rule 60 EPC; Rule 144 EPC

GL A-III, 5

J 0008/82

OJ EPO 2021, A12; OJ EPO 2013, 600; OJ EPO 2013, 601

6. Transfer of rights and assignments

A patent application or a patent itself may be transferred in whole or in part by the proprietor for one or more of the countries where the patent application/patent is valid. In this case the Legal Division will bear sole responsibility for it. The Legal Division will also bear sole responsibility for decisions in

respect of suspension/interruption and resumption of proceedings as stated in Rule 14 EPC and Rule 142 EPC.

The formal requirements for transfers is laid down in Article 72 EPC, which requires that the assignment is made in writing and bears the signature of the parties to the contract.

A transfer of rights in respect of a pending European patent application is registered by the EPO on request and is entered in the European Patent Register, upon fulfilment of the conditions for registration as prescribed by Rule 22 EPC.

As additional information, a transfer of the European patent will also be registered during the opposition period or during opposition proceedings (Rule 85 EPC).

A request for a transfer of rights is not deemed to have been filed until an administrative fee has been paid in full (Rule 22(2) EPC). It is free of charge for MyEPO Portfolio user since 01.04.2024. The request must be supported by evidence (Rule 22(1) EPC). Any kind of written evidence suitable for proving the transfer is admissible provided it immediately verifies the transfer. It is not sufficient if the document mentions the transfer but does not directly verify the transfer itself (J 38/92, J 39/92, J 12/00, J 4/10). Acceptable proof of the transfer would be (non-exhaustive list):

- assignment agreement, i.e. the instrument of transfer itself (the original or copy of the contract, signed by the assignor and the assignee)
- official documents, or extracts thereof (provided they immediately verify the transfer)
- certificate of inheritance
- commercial register extract (in case of merger)
- court decision

Legal references:

Art. 71 EPC; Art. 72 EPC; Art 74 EPC; Art 127 EPC

Rule 14 EPC; Rule 22 EPC; Rule 85 EPC; Rule 142 EPC; Rule 143 EPC; Rule 151 – 154 EPC

GL E-XIV, 3; GL A-II, 1.1.1

J 38/92; J 39/92; J 12/00; J 4/10

7. Where to file an EP application?

European patent applications can be filed in electronic form using the web-based Online Filing 2.0, which can be accessed from most browsers. Alternatively, the EPO Online Filing software can be used. Filings using this software may be made online or on electronic data carriers admitted by the EPO. If the main online filing services are not available, the EPO Contingency Upload Service can be used as a fallback.

Online Filing 2.0 and the EPO Contingency Upload Service are provided free of charge via the EPO website (epo.org). Links to the online filing services are given in Annex III.

European patent applications can also be filed in electronic via Online Filing form with the competent national authorities of the contracting states which so permit. Divisional applications must, however, be filed directly with the EPO.

An European patent application can be filed in person or by postal services at the EPO's filing offices in Munich, The Hague or Berlin. It is not possible to file an application with the EPO's sub-office in Vienna, since it is not a filing office.

Another option is the filing via automated mailboxes, which can be used at any time, and are located in Munich and Berlin. There is no automated mailbox in The Hague, but documents may be handed in to the porter at any time outside office hours.

Upon receipt of the application and after performance of the check under Rule 35(2) EPC, the EPO issues a receipt to the applicant (see last page of EPO Form 1001).

Legal references:

Art. 75(1)(b) EPC

Rule 35 EPC

GL A-II

8. Filing at a national patent office

Pursuant to Art. 75(1)(b) EPC, if the law of a contracting state so permits, an EP application may be filed with the central industrial property office or other competent authority of that state.

However, national law may require that nationals (natural persons) of that contracting state must file EP applications with a national authority and that "first filings" (applications without priority) are initially filed with a national authority. The national law of the contracting states lays down the details with regard to the filing of EP applications with a national authority (GL B-II).

Applications may be filed electronically (OJ EPO 2009, 182), by facsimile if allowable (see special edition No. 3 OJ EPO 2007, A.3), by delivery by hand or by post.

On receipt of an EP application, the national office will issue a receipt to the applicant which, among other things, contains the date of receipt and the allocated EP number (Rule 35(2) EPC) and will forward the application to the EPO within time limits set by Art. 77(1) EPC and Rule 37(1)(a) EPC. Should, under national law, examination as to secrecy be required, the time limits set by Rule 37(1)(b) EPC and Art. 77(2) EPC may apply instead.

Legal references:

Art. 75 EPC; Art. 76 EPC; Art. 77 EPC

Rule 35(2) EPC; Rule 37 EPC

Special edition No. 3 OJ EPO 2007, A.3

9. Filing at the EPO: online filing

Applications can be filed online using the software Online Filing (OLF) or via the web-based Online Filing 2.0

Online filing replaces the traditional paper method and requires an electronic signature. This method can be used to file electronically with both the EPO and national offices and provides a confirmation thereof by means of an instant receipt. It is available free of charge from the EPO and national offices

or accessible via epo.org. The most common electronic forms for online filing are Forms 1001, 1200 and 2300.

See the online filing options comparison table.

For information: eOLF will be decommissioned at the end of 2025.

Legal references:

Rule 2(1) EPC

OJ EPO 2021, A20; OJ EPO 2021, A21; OJ EPO 2021, A45

GL A-II, 1.1.2; GL A-II, 1.1.1

10. Filing at the EPO: other ways of filing

A European patent application may be filed by delivery by hand or by post at the EPO's filing offices in Munich, The Hague or Berlin. It is not possible to file an application at the Vienna sub-office since it is not a filing office. Applications may also be filed at a national industrial property office or other competent authority of a contracting state, provided that national law of that state so allows.

When filing applications on paper, the application documents (description, claims, drawings, abstract) need no longer be filed in triplicate. In accordance with the decision of the President of the EPO dated 15 November 2001 (OJ EPO 2001, 563), only one set of application documents is necessary for applications filed as from 2 January 2002.

Filing by FAX has been abolished on 01.07.2024, therefore it is not a way of filing anymore.

The filing of European patent applications by other means such as email is at present not allowed (see the notice dated 12 September 2000, OJ EPO 2000, 458).

The various options for filing European patent applications with the European Patent Office are detailed on the EPO website.

Legal references:

Rule 2 EPC

GL A-II, 1.1.2; GL A-II, 1.1.1

OJ EPO 2001, 563; OJ EPO 2000, 458

11. The content of an EP application

All requests must be duly signed. They may be signed by the representative if one has been appointed. Where the request is signed on behalf of a legal person, the signatory's position within the legal entity must also be indicated.

In the case of co-applicants and not an appointed European representative, the request for grant must be signed by all of the applicants. If filed on paper, one copy of the request itself must be filed. The receipt of documents (page 9 of the request for grant form) must be filed in triplicate, or in quadruplicate if filed with a national authority. If the application is filed electronically, no additional copies are necessary.

The documents making up the European patent application consist of a description, claims, drawings and abstract. These documents must be filed in a single copy and, in the case of paper filings, must be on strong, pliable, white A4 paper (portrait format). The documents must begin on a new sheet and must be numbered on all sheets in consecutive Arabic numerals, which must be positioned top centre but not in the top margin. In addition to this, all documents must contain minimum blank margins (type area of top: 2 cm, left: 2.5 cm, right: 2 cm, bottom: 2 cm).

Additionally, the lines of each sheet of the description and the claims should be numbered in sets of five, the numbers appearing on the left side, to the right of the margin with a line spacing of 1.5. The documents must be typed or printed, with a minimum character height of 0.21 cm for capital letters (normally font size 9 or 10). There must be no handwritten additions to the text.

Legal references:

Art. 83 EPC; Art. 84 EPC; Art.85 EPC

Rule 42 EPO to Rule 50 EPC

GL A-VIII, 2; GL A-IX

OJ EPO 2023, A108

12. Time limit for forwarding a nationally-filed EP application to the EPO

The central industrial property office of a contracting state is obliged to forward to the EPO, in the shortest time compatible with national law concerning the secrecy of inventions, the applications filed with that office or with other competent authorities in that state.

A time limit of six weeks after filing is specified for the onward transmission to the EPO of applications not classified as secret. This is extended to four months or, where priority has been claimed, to 14 months after the date of priority, for applications requiring further examination as to their classification as secret.

An application received outside the specified time limits, either six weeks or four months, must be processed, provided it is received in Munich, The Hague or Berlin before the end of the 14th month after filing or, where appropriate, after the date of priority. Applications received after 14 months are deemed withdrawn.

Re-establishment of rights and further processing in respect of the period under Rule 37(2) EPC are not possible, since the loss of rights does not result from the applicant's failure to observe a time limit (see J 3/80). However, the applicant may file a request for conversion under Art. 135(1)(a) EPC.

Legal references

Art. 135(1)(a) EPC

Rule 37(2) EPC

GL A-II, 1.5; GL A-II, 1.6; GL A-II, 3.2

J 3/80

13. Conversion of European applications into national patent applications

The central industrial property office of a contracting state must apply the procedure for the grant of a national patent or another protective right provided for by the legislation of that state at the request of the applicant for or the proprietor of the European patent under the circumstances specified in Art. 135(1) EPC. If the request for conversion is not filed within the three-month period specified in Rule 155(1) EPC, the effect referred to in Art. 66 EPC will lapse (i.e. the European patent application will cease to be equivalent to a regular national filing in the designated contracting states).

The request for conversion is to be made to the EPO, except where the application is deemed withdrawn under Art. 77(3) EPC; in this case the request is filed with the central industrial property office with which the application was filed. That office will, subject to national security provisions, transmit the request direct to the central industrial property offices of the contracting states specified in it, together with a copy of the file relating to the European patent application. If the central industrial property office with which the application was filed does not transmit the request before the expiry of 20 months from the filing date, or if claimed, from the priority date, then Art. 135(4) EPC applies (i.e. the effect of Art. 66 EPC lapses).

If a request for conversion is filed with the EPO, it must specify the contracting states in which the application of national procedures is desired. In the absence of the fee the applicant or proprietor is notified that the request will not be deemed filed until the fee is paid. The EPO transmits the request to the central industrial property offices of the specified contracting states accompanied by a copy of the files relating to the European patent application or patent.

Legal references:

Art. 66 EPC; Art. 77(3) EPC; Art. 135 EPC; Art. 137 EPC; Art. 140 EPC; Art. 149a EPC

Rule 3 EPC; Rule 37(2) EPC; Rule 155(2) EPC; Rule 156 EPC

GL A-IV, 6

OJ EPO 2024, A3

Brochure "National Law relating to the EPC", Chapter VII, tables 1 and 5

14. Fees due at the filing stage

The due filing fee (fee code 001) is EUR 135 for online filing and EUR 285 for paper filing. There is also an additional fee of EUR 17 for the 36th and each subsequently filed page. These fees are due within one month of the filing date. A search fee (fee code 002) of EUR 1 520 is payable for an extended European search report.

Within one month of the date of receipt of the claims, other fees are due, such as claims fees (fee code 015) of EUR 275 (for the 16th and each subsequent claim up to 50) or EUR 685 (for the 51st and each subsequent claim).

The amounts for all EPO fees can be found under EPO Website: <https://my.epoline.org/epoline-portal/classic/epoline.Scheduleoffees>

Legal references:

Art. 78(2) EPC; Art. 79(2) EPC

Rule 38 EPC; Rule 39 EPC

15. Languages, translations and fee reductions

The official languages of the European Patent Office shall be English, French and German (Art. 14(1) EPC).

The official language in which the application is filed or translated serves as the procedural language in proceedings before the EPO. This language cannot be subsequently changed.

If the application is filed in any non-EPO language, a translation into English, German or French is to be provided within two months of filing Rule 6(1) EPC. If it is not filed, the EPO invites the applicant to submit a translation within two months of notification. If the translation is still not filed after this period, the application is deemed to be withdrawn (re-establishment of rights available).

Applicants with a residence/principal place of business in an EPC contracting state with an official language other than DE, EN, FR (admissible non-EPO language) and nationals of such states living abroad who wish to benefit from a 30% reduction of the filing or examination fee, according to the provisions of Rule 7a(1) EPC, must expressly declare according to Rule 7b EPC that they fall into one of the categories of Rule 7a(2) EPC. In addition, the European patent application or the examination request has to be filed in an admissible non-EPO language (Art. 14(4) EPC).

The reduction of fees shall be available to all applicants whom declare that belong to one of the following categories under Rule 7a(2) EPC:

- microenterprises,
- small and medium-sized enterprises (SMEs),
- natural persons,
- non-profit organisations or universities or public research organisations.

If there are multiple applicants, each one must be an entity or a natural person within the meaning of Rule 7a(2) for the fee reduction to apply; it is however sufficient for only one of them to be entitled to use an admissible non-EPO language (Art. 14(4), Rule 7a(1)).

For example, the examination fee will be reduced when a request for examination is filed in Dutch by two applicants, an SME with place of business in the Netherlands and an SME with place of business in Germany, even though the German co-applicant may not file a document in Dutch under Art. 14(4).

It is advisable to make use of EPO Forms 1001 (Request for grant of a European patent) and Form 1200 (Entry into the European phase), as they contain drop-down menus/pre-printed boxes where the request for examination in an admissible non-EPO language and the declaration under Rule 6(6) EPC can be selected/entered. In these cases, the filing of a translation of the request is not needed.

On 01 April 2024, amended Rule 6 EPC, Article 14 of the Rules relating to Fees (RFees) and adopted new Rule 7a EPC and Rule 7b EPC are applicable. These changes introduce a new fee reduction scheme specifically for micro-entities.

The amended Rule 6 and 14 EPC and new Rule 7a and 7b EPC will apply to fee payments made on or after that date for European patent applications and Euro-PCT applications which have entered the European phase, irrespective of their filing date.

By contrast, the new fee reduction scheme under Rule 7a(3) EPC applies to micro-entities only, irrespective of their nationality or domicile and two reductions will apply :

- The reduction of fees under both the language- and micro-entity-related support scheme (Rule 7a(1) and (3) EPC) is 30% of the relevant fee.
- The language-related reduction for small applicants under Rule 7a(1) EPC applies to the filing fee, including any additional fees part of the filing fee, and the examination fee.

The fee reduction for micro-entities under Rule 7a(3) EPC applies to:

- the filing fee, including any additional fees part of the filing fee;
- the fee for a European search or the fee for a supplementary European search in the case of a Euro-PCT application searched by an International Searching Authority (ISA) other than the EPO;
- the examination fee, and in addition, if applicable, the previously paid international search fee where the EPO acted as ISA;
- the designation fee;
- the fee for grant;
- the renewal fees for the European patent application

The definition of SME, non-profit organisations, universities, public research organisations and Micro-enterprise is to be found on the website of the European Commission.

Legal references:

Art. 14(1) EPC; Art. 14(3) EPC

Rule 6 EPC; Rule 7a EPC; Rule 7b EPC

GL A-VII; GL A-X

OJ EPO 2024, A8

SME definition

16. Requirements for the accordane of a date of filing

After the applicant prepares a description of the invention, one or more claims, an abstract and drawings (optional), the EPO checks the documentation for compliance as well as the method of filing. Only after this is the application accorded a date of filing.

A minimum number of requirements are needed for the accordane of a date of filing, such as:

- an indication that a European patent is sought (R. 40(1)(a) EPC),
- information identifying the applicant or allowing the applicant to be contacted (R. 40(1)(b) EPC)
- A description which may be in any language or a reference to a previously-filed application which may also be in any language (R. 40(1)(c) EPC).

Additional information: It is not necessary for the applicant to provide any claims to obtain a filing date. If the application is filed without claims but satisfies all other requirements for obtaining a filing date, the applicant will be requested to provide at least one claim later.

Legal references:

Art. 80 EPC; Art. 90(1) EPC; Art. 90(3) EPC
Rule 35(2) EPC; Rule 40 EPC
GL A-II, 4.1

17. Legal effect of a filing date

According a date of filing generates the legal existence of a European patent application and is relevant for the patent granting procedure e.g. for assessing what belongs or not to the state of the art (Art. 54(2) EPC), the publication, the provisional protection.

Important time limits are calculated on the basis of the date of filing, such as the 20-year term of a European patent or the due date of renewal fees. The filing date is crucial in establishing the applicant's right to the grant of a patent. It effectively freezes the state of the art at a point in time, against which the application will be judged.

The date of filing of the application is the date on which the European patent application meets the minimum requirements of Rule 40 EPC. If, on receipt, the application meets the above minimum requirements for according a date of filing, the date of receipt of the application will be the date of filing. The date of receipt can either be the date of receipt of the application at the national office or the date of receipt at the EPO.

Legal references:

Rule 40 EPC
GL A-II, 4.1.5

18. Examination of further formal requirements

The EPO checks that the application meets the requirements under the EPC in order to give the applicant the chance to correct deficiencies and ensure a valid basis for the patent grant process.

If the application has been accorded a date of filing and is not deemed to be withdrawn, the Receiving Section checks for compliance with the provisions governing translations, the content of the request for grant, the presence of claims, the filing of the abstract, representation, physical requirements of the application documents (including any sequence listings and disclosure of biological material), any priority claimed, the designation of the inventor and the filing of any drawings.

If the Receiving Section finds any deficiencies, it will invite the applicant to remedy them in accordance with the Implementing Regulations.

Legal references:

Art. 80 EPC; Art. 90(2) EPC; Art. 90(4) EPC; Art. 90(5) EPC
Rule 55 EPC
GL A-II, 4.1.4; GL A-II, 4.1.5; GL A-III

19. Correction of defects

In the event that the application does not meet the minimum requirements, it cannot be dealt with as an EP application unless the deficiencies are remedied under Rule 55 EPC. Consequently, the applicant is invited to remedy the deficiency within a non-extendable period of two months from notification via EPO Form 1042. The date on which the deficiency is remedied is accorded as the date of filing.

If the deficiencies are not remedied in a timely manner, the application will not be treated as a European patent application. A noting of loss of rights pursuant to Rule 112 EPC (EPO Form 1043) will be issued to inform the applicant accordingly. Once the loss of rights takes legal effect, any fees paid in respect of the application will be refunded.

Legal references:

Rule 55 EPC; Rule 112 EPC

20. Remedies at the filing stage

If an application is filed without any claims, the applicant is invited with EPO Form 1061 to file one or more claims.

Should an application be filed without an abstract, the applicant is invited with EPO Form 1050A to file one. The definitive content of the abstract is the responsibility of the EPO.

For any physical deficiencies or missing numbering, EPO Form 1050 is sent to the applicant.

Where the application is filed by reference to a previously filed application and if the applicant files the certified copy of the earlier application (EAPP) within the period set in the invitation pursuant to Rule 55 EPC (EPO Form 1042), the application maintains its original date of filing, provided that all other requirements for the accordance of a date of filing are met.

Legal references:

Rule 55 EPC; Rule 112 EPC

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