

# 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:

- what claiming a priority right means
- 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 the minimum requirements are on the date of filing
- which initial fees are due
- the definition of formal requirements on filing
- about corrections and remedies at filing stage

## 2. Claiming a priority right

A priority right under [Art. 87\(1\) EPC](#), is available for 12 months from the priority date, i.e. the date of filing of the first application for the protection of an invention. This right allows the filing of a subsequent application for the same invention.

If an application for a patent, utility model or 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 Organisation, it may serve as a basis for claiming 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.

Under [Art. 89 EPC](#), the effect of a priority right is such that the priority date is treated as the "effective date of filing" of the European patent application for the assessment of novelty ([Art. 54\(2\)](#) and [\(3\) 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 four months from the date of filing).

The European patent application must be filed no later than 12 months after filing the first application. The earlier application for which 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 two months of the expiry of that 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) to simplify and improve the sharing of priority documents between participating intellectual property offices worldwide.

When the EPO acts as office of first filing (OFF), it automatically generates a DAS access code free of charge for every European patent application filed using EPO Form 1001. This access code enables the applicant to authorise any office of second filing (OSF) participating in DAS to retrieve the priority document electronically.

When the EPO acts as OFF and the request for the European patent application is filed using the EPO's Online Filing 2.0, the DAS access code is generated automatically and sent to the applicant together with the acknowledgement of receipt. The code becomes valid only once the application is accorded a date of filing.

When the EPO acts as OSF, it can, at the request of the applicant, retrieve the priority document from the OFF via DAS, free of charge. Eligible applications include EP and Euro-PCT applications claiming priority from an application filed with any office participating in DAS (such as the IP5 offices, FI, UK, DK, ES, SE, and others). The applicant may file the request by indicating the access code issued by the OFF on EPO Form 1001 or the new EPO Form 1013. If the EPO is unable to retrieve the priority document via DAS, or if no such request has been submitted by the applicant, the EPO will automatically add the priority document to the file if it is already available.

More information on DAS 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?

A European patent application may be filed by any natural or legal person, or any body equivalent to a legal person (Art. 58 EPC), irrespective of nationality and place of residence or business. For

proceedings before the EPO, the applicant is deemed to be entitled to exercise the right to a European patent (Art. 60(3) EPC).

The application may be filed by a single applicant, by joint applicants, or by two or more applicants designating different contracting states (Art. 59 EPC). In some cases, a first applicant may designate one group of contracting states and a second applicant a different group, while both jointly designate a third group. In such situations, the applicants are regarded as joint applicants for 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. Inventor designation

The applicant must designate the inventor(s) for each European application. If the applicant is not the sole inventor, the designation of the inventor must reflect this. It must include their family name and given names, their country and place of residence, a statement indicating the origin of the right to the European Patent (Art. 81 EPC) and the signature of the applicant or their representative.

An inventor may waive the right to be mentioned as inventor. That being so, if the request is received in time, their name will not appear in the European patent specification, the Register of European Patents (Rule 143(1)(g) EPC) or in the European Patent Bulletin. In such cases, the designation of the inventor, the waiver request and all related correspondence will be excluded from file inspection (Art. 128(4) EPC and Rule 144 EPC).

If the applicant does not designate the inventor when filing the European patent application, the EPO will invite them to correct this deficiency within sixteen months from the date of filing or, if priority is claimed, from the earliest priority date, but no later than five weeks before the intended date of publication of the application (Euro-PCT Guide, point 5.3.001). Failure to file the designation in time results in refusal of the application (Euro-PCT Guide, point 5.2.005 and Rule 60 EPC).

An incorrect designation may be rectified upon request, provided that the wrongly designated person and – if not the requester – the applicant or proprietor both consent (Rule 21 EPC).

If an additional inventor is to be designated, the consent of previously designated inventors is not required (decision J 0008/82).

Rectification may also be requested after the proceedings before the EPO have concluded.

If an incorrect designation has already been rectified and recorded in the European Patent Register or published in the European Patent Bulletin, its rectification or cancellation will likewise be recorded or published. Responsibility for such rectifications lies with 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 granted patent 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 such cases, the Legal Division has exclusive competence. It also bears sole responsibility for decisions relating to suspension/interruption and resumption of proceedings under [Rule 14 EPC](#) and [Rule 142 EPC](#).

The formal requirements for transfers are set out in [Article 72 EPC](#), which requires that an assignment is made in writing and signed by the parties to the contract.

A transfer of rights relating to a pending European patent application is registered (in the European Patent Register) by the EPO upon request provided the conditions of [Rule 22 EPC](#) are met.

Additionally, a transfer of a European patent is also recorded during the opposition period or during opposition proceedings ([Rule 85 EPC](#)).

A request for a transfer of rights is not deemed filed until the administrative fee has been paid in full ([Rule 22\(2\) EPC](#)). Since 1 December 2024, a request for a transfer of rights has been free of charge for MyEPO users. The request must be supported by evidence ([Rule 22\(1\) EPC](#)). Any form of written evidence that immediately verifies the transfer is admissible. It is insufficient for a document merely to mention a transfer without directly verifying it ([J 38/92](#), [J 39/92](#), [J 12/00](#), [J 4/10](#)).

Examples of acceptable evidence include:

- the assignment agreement (original or copy), i.e. the instrument of transfer itself, signed by the assignor and the assignee
- official documents, or extracts thereof, that immediately verify the transfer
- a certificate of inheritance
- a commercial register extract (in the case of a merger)
- a 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](#); Rules 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 can you file EP applications?

European patent applications may be filed electronically using Online Filing 2.0, accessible from most web browsers. If Online Filing 2.0 is unavailable, the EPO Contingency Upload Service can be used as a fallback.

Online Filing 2.0 and the EPO Contingency Upload Service are available free of charge via the EPO website ([epo.org](http://epo.org)).

[Online Filing 2.0](#)

European patent applications may also be filed using Online Filing 2.0 with the competent national authorities of the contracting states that allow it. Divisional applications must, however, be filed directly with the EPO.

European patent applications may additionally be filed in person or by postal delivery at the EPO's filing offices in Munich, The Hague or Berlin. It is not possible to file applications with the EPO's sub-office in Vienna, as it is not a filing office.

Another filing option is the use of automated mailboxes. These can be used at any time, and are located in Munich and Berlin. In The Hague, although there is no automated mailbox, documents may be handed to the porter at any time outside office hours.

Upon receipt of an application, the EPO marks all documents making up the application with the date of receipt and issues an official receipt to the applicant (Rule 35(2) EPC) – see last page of EPO Form 1001, "Receipt for documents".

[EPO Form 1001](#)

**Legal references:**

Art. 75(1)(b) EPC

Rule 35 EPC

GL A-II

## **8. Filing at a national patent office**

Under Art. 75(1)(b) EPC, an EP application may be filed with the central industrial property office or other competent authority of a contracting state, provided that the national law of that state allows it.

However, some contracting states require that their nationals (natural persons) 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 each contracting state governs the specific requirements for filing EP applications with a national authority:

Applications may be filed electronically (OJ EPO 2009, 182) and 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). The national office will forward the application to the EPO within specified time limits (Art. 77(1) EPC and Rule 37(1)(a) EPC). Should, under national law, examination as to secrecy be required, the time limits set under 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 Online Filing 2.0.

Filing online replaces the traditional paper-based method and requires an electronic signature. It allows electronic filing with both the EPO and national offices and provides immediate confirmation by way of an instant receipt. The service is available free of charge from the EPO and national offices or via [epo.org](http://epo.org). The most commonly used electronic forms for online filing are EPO Forms 1001, 1200 and 2300.

compare online filing options

Note: the eOLF online filing tool was 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 can also be filed in person or by making use of the postal service at the EPO's filing offices in Munich, The Hague or Berlin. It is not possible to file an application with the EPO's 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 the 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.

As of 1 July 2024, filing by fax is no longer permitted.

The filing of European patent applications by other means, for example by email, is currently not permitted (OJ EPO 2000, 458).

See [epo.org](http://epo.org) for the various options for filing European patent applications with the EPO.

**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

A European patent application comprises a description, claims, drawings and abstract. These must be filed in a single copy and, where submitted on paper, must be on strong, pliable, white A4 paper in portrait format. Each document must begin on a new sheet, and all sheets must be numbered consecutively using Arabic numerals placed at the top centre of the page, outside the top margin. In addition, all documents must comply with the prescribed minimum margin requirements (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 of the claims should be numbered in sets of five, with the numbers appearing on the left-hand side, to the right of the margin, and with a line spacing of 1.5. The documents must be typed or printed, using a minimum character height of 0.21 cm for capital letters (normally corresponding to font size 9 or 10). No handwritten additions to the text are permitted.

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.

Where there are co-applicants, and no European representative has been appointed, the request for grant must be signed by all applicants. If filed on paper, one copy of the request for grant must be submitted. 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. Where the application is filed electronically, no additional copies are required.

**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 required to forward to the EPO, as promptly as possible and in accordance with national laws on the secrecy of inventions, any applications filed with that office or with other competent authorities within that state.

The term "**central industrial property office**" generally denotes the **principal government authority within a country responsible for the administration of industrial property rights**, including patents, trademarks and industrial designs.

A time limit of six weeks after filing is prescribed for the transmission to the EPO of applications not classified as secret. This period is extended to four months, or, where priority has been claimed, to 14 months from the priority date, for applications requiring further examination to determine whether they are to be classified as secret.

An application received after the specified time limits – either six weeks or four months – will still be processed, provided it is received in Munich, The Hague or Berlin before the end of the fourteenth month after filing or, where applicable, after the priority date. Applications received after this 14-month period are deemed withdrawn.

Re-establishment of rights and further processing after the failure of a central industrial property office to forward an application within the periods defined under [Rule 37\(2\) EPC](#) are not possible, as 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, at the request of the applicant for or the proprietor of the European patent, apply the procedure for the grant of a national patent or other protective right provided for by the legislation of that state in the circumstances specified under 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 must be submitted to the EPO, except where the application is deemed withdrawn under Art. 77(3) EPC; in such cases, the request is filed with the central industrial property office where the application was filed. That office will, subject to national security provisions, forward the request directly 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 does not forward the request before the expiry of 20 months from the filing date, or if claimed, from the priority date, Art. 135(4) EPC shall apply (i.e. the effect of Art. 66 EPC lapses).

If a request for conversion is filed with the EPO, it must indicate the contracting states in which the applicant wishes the application to follow national procedures. If the required fee is not paid, the applicant or proprietor will be notified that the request will not be deemed filed until payment is made. Once the required fee is paid, the EPO forwards the request, together with a copy of the files relating to the European patent application or patent, to the central industrial property offices of the specified contracting states.

### 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 filing fee (fee code 001) is EUR 135 for online submissions and EUR 285 for paper submissions. An additional fee of EUR 17 applies for the 36th and each subsequent page. These fees must be paid within one month of the filing date. A search fee (fee code 002) of EUR 1 595 is payable for an extended European search report.

Within one month of the date of receipt of the claims, other fees are also due, such as claims fees (fee code 015) of EUR 290 (for the 16th and each subsequent claim up to the 50th), and EUR 720 (for the 51st and each subsequent claim).

The full schedule of EPO fees can be found at [epo.org](http://epo.org).

#### **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 EPO are English, French and German ([Art. 14\(1\) EPC](#)).

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

If the application is filed in a language other than English, French or German, a translation into one of these languages must be submitted within two months of filing ([Rule 6\(1\) EPC](#)). If no translation is submitted, the EPO will invite the applicant to provide one within two months of notification. Failure to submit the translation within this period will result in the application being deemed withdrawn, although re-establishment of rights may be requested.

Applicants who have their residence or principal place of business in an EPC contracting state whose official language is neither English, French nor German (nor an admissible non-EPO language), as well as nationals of such states residing abroad, may qualify for a 30% reduction to the filing or examination fee under [Rule 7a\(1\) EPC](#). To benefit from this reduction, they must explicitly declare, in accordance with [Rule 7b EPC](#), that they fall into one of the categories listed in [Rule 7a\(2\) EPC](#). In addition, the European patent application or the request for examination must be filed in an admissible non-EPO language ([Art. 14\(4\) EPC](#)).

The fee reduction is available to all applicants who declare that they belong to one of the following categories listed in [Rule 7a\(2\) EPC](#):

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

Where there are multiple applicants, each must qualify as an entity or a natural person within the meaning of [Rule 7a\(2\) EPC](#) for the fee reduction to apply. However, it is sufficient if only one applicant is entitled to file in an admissible non-EPO language ([Art. 14\(4\) EPC](#), [Rule 7a\(1\) EPC](#)).

For example, the examination fee is reduced when a request for examination is filed in Dutch by two applicants – an SME based in the Netherlands and an SME based in Germany – even though, under [Art. 14\(4\) EPC](#), the German co-applicant is not permitted to file documents in Dutch.

It is recommended to use [EPO Form 1001](#) (Request for grant of a European patent) and [EPO Form 1200](#) (Entry into the European phase) when filing online, as they include drop-down lists and checkboxes that allow the selection or entry of the request for examination in an admissible non-

EPO language, as well as the declaration under [Rule 6\(6\) EPC](#). When these forms are used, filing a translation of the request is not required.

As of 1 April 2024, the amended [Rule 6 EPC](#), [Article 14 of the Rules relating to Fees \(RFees\)](#) and the newly adopted [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 EPC and Article 14 RFees and the new Rules 7a and 7b EPC apply to fee payments made on or after 1 April 2024 for European patent applications and Euro-PCT applications which have entered the European phase, regardless of their filing date.

By contrast, the new fee reduction scheme under [Rule 7a\(3\) EPC](#) applies to micro-entities only, irrespective of nationality or domicile, and provides for two separate reductions:

- The fee reduction under both the language- and micro-entity-related support schemes (Rule 7a(1) and (3) EPC) amounts to 30% of the applicable fee.
- The language-related fee reduction for small applicants under Rule 7a(1) EPC applies to the filing fee, including any supplementary fees forming part of the filing fee, as well as to the examination fee.

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

- the filing fee, including any supplementary fees forming 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, where 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

Definitions of SMEs, non-profit organisations, universities, public research organisations and micro-enterprises can be found on the [European Commission's website](#).

#### **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 accordance 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 reviews the documentation for compliance and verifies the method of filing. Only once these checks are complete is the application accorded a date of filing.

A minimum set of requirements must be met for a filing date to be accorded, including:

- an indication that a European patent is sought ([Rule 40\(1\)\(a\) EPC](#))

- information identifying the applicant or allowing the applicant to be contacted (Rule 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 (Rule 40(1)(c) EPC)

Note: it is not necessary for the applicant to submit any claims to obtain a filing date. If the application is filed without claims but meets 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 establishes the legal existence of a European patent application and is relevant for the patent granting procedure, for example in determining what constitutes the state of the art (Art. 54(2) EPC), for publication, and for provisional protection.

Key time limits are calculated from the filing date, including the 20-year term of a European patent and the due dates for renewal fees. The filing date is also crucial for establishing the applicant's right to the grant of a patent, as it effectively "freezes" the state of the art at a specific point in time against which the application will be assessed.

The filing date of a European patent application is the date on which the application satisfies the minimum requirements of Rule 40 EPC. If, upon receipt, the application meets these minimum requirements, the date of receipt is considered the filing date. The date of receipt may correspond either to the date the application was received by the national office or by the EPO.

**Legal references:**

Rule 40 EPC

GL A-II, 4.1.5

## 18. Examination of further formal requirements

The EPO reviews the application to ensure it meets the requirements of the EPC, giving the applicant the opportunity to correct any deficiencies and also providing a valid basis for the patent grant process.

Once an application has been accorded a filing date and is not deemed withdrawn, the Receiving Section checks for compliance with the provisions governing:

- translations
- content of the request for grant
- presence of claims
- filing of the abstract
- representation

- physical requirements of the application documents, including any sequence listings and disclosure of biological material
- any claimed priority
- designation of the inventor
- filing of any drawings

If deficiencies are identified, the Receiving Section will invite the applicant to correct 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**

If an application does not meet the minimum requirements, it cannot be processed as an EP application unless the deficiencies are corrected (Rule 55 EPC). The applicant is invited to remedy the deficiencies, notified via EPO Form 1042, within a non-extendable period of two months from notification. The date on which the deficiencies are remedied is then accorded as the date of filing.

If the deficiencies are not remedied within the specified period, 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 for 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, via EPO Form 1061, to submit one or more claims.

If an application is filed without an abstract, the applicant is invited, via EPO Form 1050A, to provide one. The final content of the abstract is determined by the EPO.

For any physical deficiencies or missing page numbering, the applicant is notified via EPO Form 1050.

Where an application is filed by reference to a previously filed application, and the applicant submits the certified copy of the earlier application (EAPP) within the period specified in the invitation under Rule 55 EPC (EPO Form 1042), the application retains its original filing date, provided all other requirements for the accordance of a filing date are met.

**Legal references:**

Rule 55 EPC; Rule 112 EPC

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