

Table of contents of the new Guidelines (2012), indicating the source in the previous edition of the Guidelines (2010)

Note: Where a section is completely new, this is indicated as "New" in the right-hand column. "§" indicates a paragraph, "s" indicates a sentence

PART A Guidelines for Formalities Examination

PART A Guidelines 2012		Guidelines 2010
Chapt	er I - Introduction	
1.	Overview	A-I, 1
2.	Responsibility for formalities examination	A-I, 2
3.	Purpose of Part A	A-I, 3
4.	Other Parts relating to formalities	A-I, 4
Chapt	er II - Filing of Applications and Examination on Filing	
1.	Where and how applications may be filed	A-II, 1
1.1	Filing of applications by delivery by hand or by post	A-II, 1.1
1.2	Filing of applications by fax	A-II, 1.2
1.3	Filing of applications in electronic form	A-II, 1.3
1.4	Filing of applications by other means	A-II, 1.4
1.5	Subsequent filing of documents	A-II, 1.5
1.6	Debit orders for deposit accounts held with the EPO	A-II, 1.6
1.7	Forwarding of applications	A-II, 1.7
1.8	Application numbering systems	A-II, 1.8
1.8.1	Applications filed before 1 January 2002	A-II, 1.8.1
1.8.2	Applications filed on or after 1 January 2002	A-II, 1.8.2
2.	Persons entitled to file an application	A-II, 2
3.	Procedure on filing	A-II, 3
3.1	Receipt; confirmation	A-II, 3.1
3.2	Filing with a competent national authority	A-II, 3.2
4.	Examination on filing	A-II, 4
4.1	Minimum requirements for according a date of filing	A-II, 4.1
4.1.1	Indication that a European patent is sought	A-II, 4.1.1
4.1.2	Information concerning the applicant	A-II, 4.1.2
4.1.3	Description	A-II, 4.1.3
4.1.3.1	Reference to a previously filed application	A-II, 4.1.3.1
4.1.4	Deficiencies	A-II, 4.1.4
4.1.5	Date of filing	A-II, 4.1.5

PART Guide	A lines 2012	Guidelines 2010
5.	Late filing of drawings or parts of the description	A-II, 5
5.1	Late filing of drawings or parts of the description - on invitation	A-II, 5.1
5.2	Late filing of drawings or parts of the description - without invitation	A-II, 5.2
5.3	The filing date changes	A-II, 5.3
5.4	Missing parts based on priority, no change in filing date	A-II, 5.4
5.4.1	Late filed missing parts and the priority claim	A-II, 5.4.1
5.4.2	The missing parts are completely contained in the claimed priority	A-II, 5.4.2
5.4.3	Copy of the claimed priority	A-II, 5.4.3
5.4.4	Translation of the priority	A-II, 5.4.4
5.5	Withdrawal of late filed missing drawings/parts of the description	A-II, 5.5
Chap	ter III - Examination of Formal Requirements	
1.	General	A-III, 1
1.1	Formal requirements	A-III, 1.1
1.2	Further checks	A-III, 1.2
2.	Representation	A-III, 2
2.1	Requirements	A-III, 2.1
2.2	Non compliance	A-III, 2.2
3.	Physical requirements	A-III, 3
3.1	General remarks	A-III, 3.1
3.2	Documents making up the application, replacement documents, translations	A-III, 3.2
3.2.1	Physical requirements of applications filed by reference to a previously filed application	A-III, 3.2.1
3.2.2	Physical requirements of late filed application documents	A-III, 3.2.2
3.3	Other documents	A-III, 3.3
3.4	Signature	A-III, 3.4
4.	Request for grant	A-III, 4
4.1	General remarks	A-III, 4.1
4.2	Examination of the Request for Grant form	A-III, 4.2
4.2.1	Information on the applicant	A-III, 4.2.1
4.2.2	Signature	A-III, 4.2.2
5.	Designation of inventor	A-III, 5
5.1	General remarks	A-III, 5.1
5.2	Waiver of right to be mentioned as inventor	A-III, 5.2
5.3	Designation filed in a separate document	A-III, 5.3
5.4	Notification	A-III, 5.4
5.5	Deficiencies	A-III, 5.5
5.6	Incorrect designation	A-III, 5.6
6.	Claim to priority (see also F-VI)	A-III, 6
6.1	General remarks	A-III, 6.1
6.2	Applications giving rise to a right of priority	A-III, 6.2
6.3	Multiple priorities	A-III, 6.3
6.4	Examination of the priority document	A-III, 6.4
6.5	Declaration of priority	A-III, 6.5

PART A Guidelines 2012		Guidelines 2010
6.5.1	Filing a new priority claim	A-III, 6.5.1
6.5.2	Correcting an existing priority claim	A-III, 6.5.2
6.5.3	Deficiencies in the priority claim and loss of the priority right	A-III, 6.5.3
6.6	Priority period	A-III, 6.6
6.7	Copy of the previous application (priority document)	A-III, 6.7
6.8	Translation of the previous application	A-III, 6.8
6.9	Non entitlement to right to priority	A-III, 6.9
6.10	Loss of right to priority	A-III, 6.10
6.11	Notification	A-III, 6.11
6.12	Copy of the search results for the priority or priorities	New
7.	Title of the invention	A-III, 7
7.1	Requirements	A-III, 7.1
7.2	Responsibility	A-III, 7.2
8.	Prohibited matter	A-III, 8
8.1	Morality or "ordre public"	A-III, 8.1
8.2	Disparaging statements	A-III, 8.2
9.	Claims fee	A-III, 9
10.	Abstract	A-III, 10
10.1	General remark	A-III, 10.1
10.2	Content of the abstract	A-III, 10.2
10.2	Figure accompanying the abstract	A-III, 10.3
11.	Designation of Contracting States	A-III, 11
11.1	General remarks	A-III, 11.1
11.2	European patent applications filed on or after 1 April 2009	A-III, 11.2
11.2.1	Designation fee; time limits	A-III, 11.2.1
11.2.2	Payment of designation fee	A-III, 11.2.2
11.2.3	Consequences of non-payment of the designation fee	A-III, 11.2.3
11.2.4	Withdrawal of designation	A-III, 11.2.4
11.2.4	Euro PCT applications entering the European phase	A-III, 11.2.5
11.3	European patent applications filed before 1 April 2009	A-III, 11.3
11.3.1	Designation fee; time limits	A-III, 11.3.1
11.3.1	Consequences of non payment of designation fees	A-III, 11.3.2
		A-III, 11.3.3
11.3.3	Application deemed to be withdrawn	A-III, 11.3.4
11.3.4	Application deemed to be withdrawn	A-III, 11.3.5
11.3.5	Request for Grant form	A-III, 11.3.6
11.3.6	Indication of the Contracting States	A-III, 11.3.7
11.3.7	Amount payable	A-III, 11.3.8
11.3.8	Withdrawal of designation	A-III, 11.3.9
11.3.9 12.	Euro PCT applications entering the European phase Extension of European patent applications and patents to States not party to the EPC	A-III, 12
12.1	General remarks	A-III, 12.1
12.1	Time limit for payment of extension fee	A-III, 12.1
12.3	Withdrawal of extension	A-III, 12.2

PART A Guidelines 2012		Guidelines 2010
12.4	Extension deemed requested	A-III, 12.4
12.5	National register	A-III, 12.5
13.	Filing and search fees	A-III, 13
13.1	Payment of fees	A-III, 13.1
13.2	Additional fee (if application documents comprise more than thirty-five pages)	A-III, 13.2
14.	Translation of the application	A-III, 14
15.	Late filing of claims	A-III, 15
16.	Correction of deficiencies	A-III, 16
16.1	Procedure formalities officer	A-III, 16.1
16.2	Period allowed for remedying deficiencies	A-III, 16.2
Chapte	er IV - Special Provisions	
1.	European divisional applications (see also C-IX, 1)	A-IV, 1
1.1	General remarks	A-IV, 1.1
1.1.1	When may a divisional application be filed?	A-IV, 1.1.1
1.1.1.1	The earlier application must be pending	A-IV, 1.1.1.1
1.1.1.2	Voluntary division	A-IV, 1.1.1.2
1.1.1.3	Mandatory division	A-IV, 1.1.1.3
1.1.1.4	Second and subsequent-generation divisional applications	A-IV, 1.1.1.4
1.1.1.5	Legal remedies for late filing of a divisional application	A-IV, 1.1.1.5
1.1.2	Persons entitled to file a divisional application	A-IV, 1.1.2
1.2	Date of filing of a divisional application; claiming priority	A-IV, 1.2
1.2.1	Date of filing	A-IV, 1.2.1
1.2.2	Claiming priority	A-IV, 1.2.2
1.3	Filing a divisional application	A-IV, 1.3
1.3.1	Where and how to file a divisional application?	A-IV, 1.3.1
1.3.2	Request for grant	A-IV, 1.3.2
1.3.3	Language requirements	A-IV, 1.3.3
1.3.4	Designation of Contracting States	A-IV, 1.3.4
1.3.5	Extension States	A-IV, 1.3.5
1.4	Fees	A-IV, 1.4
1.4.1	Filing, search and designation fee(s)	A-IV, 1.4.1
1.4.2	Claims fees	A-IV, 1.4.2
1.4.3	Renewal fees	A-IV, 1.4.3
1.5	Designation of the inventor	A-IV, 1.5
1.6	Authorisations	A-IV, 1.6
1.7	Other formalities examination	A-IV, 1.7
1.8	Search, publication and request for examination of divisional applications	A-IV, 1.8
2.	Art. 61 applications	A-IV, 2
2.1	General	A-IV, 2.1
2.2	Staying the proceedings for grant	A-IV, 2.2
2.3	Resumption of the proceedings for grant	A-IV, 2.3
5	Interruption of time limits	A-IV, 2.4

	ΓA elines 2012	Guidelines 2010
2.5	Limitation of the option to withdraw the European patent application	A-IV, 2.5
2.6	Prosecution of the application by a third party	A-IV, 2.6
2.7	Filing a new application	A-IV, 2.7
2.8	Refusal of the earlier application	A-IV, 2.8
2.9	Partial transfer of right by virtue of a final decision	A-IV, 2.9
3.	Display at an exhibition	A-IV, 3
3.1	Certificate of exhibition; identification of invention	A-IV, 3.1
3.2	Defects in the certificate or the identification	A-IV, 3.2
4.	Applications relating to biological material	A-IV, 4
4.1	Biological material; deposit thereof	A-IV, 4.1
4.1.1	New deposit of biological material	A-IV, 4.1.1
4.1.2	The application was filed by reference to a previous application	A-IV, 4.1.2
4.2	Missing information; notification	A-IV, 4.2
4.3	Availability of deposited biological material to expert only	A-IV, 4.3
5.	Applications relating to nucleotide and amino acid sequences	A-IV, 5
5.1	Sequence information filed under Rule 56	A-IV, 5.1
5.2	Sequence listings of an application filed by reference to a previously filed application	A-IV, 5.2
6.	Conversion into a national application	A-IV, 6
appill	cation: correction of errors	
1.	Communicating the formalities report	A-V, 1
1. 2.	Communicating the formalities report Amendment of application	A-V, 2
1. 2. 2.1	Communicating the formalities report Amendment of application Filing of amendments	A-V, 2 A-V, 2.1
1. 2.	Communicating the formalities report Amendment of application	A-V, 2
1. 2. 2.1 2.2 3.	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities	A-V, 2 A-V, 2.1 A-V, 2.2
1. 2. 2.1 2.2 3. Chap	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3
1. 2. 2.1 2.2 3. Chap	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3
1. 2. 2.1 2.2 3. Chap and t 1.	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2
1. 2. 2.1 2.2 3. Chap and t 1.	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1
1. 2. 2.1 2.2 3. Chap and t 1. 1.1	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.4
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.4 A-VI, 1.5 A-VI, 2
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4 1.5 2.	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only Separate publication of the European search report Request for examination and transmission of the dossier to the	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.5 A-VI, 2.1 [1s, 3-4s]
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4 1.5 2.	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only Separate publication of the European search report Request for examination and transmission of the dossier to the Examining Division	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.4 A-VI, 1.5 A-VI, 2 A-VI, 2.1 [1s, 3-4s] A-VI, 2.2
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4 1.5 2.	Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only Separate publication of the European search report Request for examination and transmission of the dossier to the Examining Division Communication	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.5 A-VI, 2.1 [1s, 3-4s] A-VI, 2.2 A-VI, 2.3
1. 2. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4 1.5 2.	Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only Separate publication of the European search report Request for examination and transmission of the dossier to the Examining Division Communication Time limit for filing the request for examination	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.4 A-VI, 1.5 A-VI, 2.1 [1s, 3-4s] A-VI, 2.2 A-VI, 2.3 A-VI, 2.4
1. 2.1 2.2 3. Chap and t 1. 1.1 1.2 1.3 1.4 1.5 2. 2.1 2.2 2.3	Communicating the formalities report Amendment of application Filing of amendments Examination of amendments as to formalities Correction of errors in documents filed with the EPO ter VI - Publication of application; request for examination ransmission of the dossier to Examining Division Publication of application Date of publication No publication; preventing publication Content of the publication Publication in electronic form only Separate publication of the European search report Request for examination and transmission of the dossier to the Examining Division Communication Time limit for filing the request for examination Legal remedy	A-V, 2 A-V, 2.1 A-V, 2.2 A-V, 3 A-VI, 1 A-VI, 1.1 A-VI, 1.2 A-VI, 1.3 A-VI, 1.5 A-VI, 2.1 [1s, 3-4s] A-VI, 2.2 A-VI, 2.3

PART A Guidelines 2012		Guidelines 2010
3.	Response to the search opinion	A-VI, 3
-	ter VII - Languages	A MILL 4
1.	Provisions concerning the language of proceedings	A-VIII, 1
1.1	Admissible languages; time limit for filing the translation of the application	A-VIII, 1.1
1.2	Language of the proceedings	A-VIII, 1.2
1.3	European divisional applications; Art. 61 applications	A-VIII, 1.3
2.	Derogations from the language of the proceedings in written proceedings	A-VIII, 2
3.	Documents to be used as evidence	A-VIII, 3
4.	Documents filed in the wrong language	A-VIII, 4
4.1	Documents making up a European patent application	A-VIII, 4.1
4.2	Other documents	A-VIII, 4.2
5.	Translation of the priority document	A-VIII, 5
6.	Authentic text	A-VIII, 6
6.1	General remark	A-VIII, 6.1
6.2	Conformity of translation with the original text	A-VIII, 6.2
7.	Certificate of translation	A-VIII, 7
8.	Derogations from the language of the proceedings in oral proceedings	A-VIII, 8
Chap	eter VIII - Common Provisions	
1.	Representation	A-IX, 1
1.1	Representation by a professional representative	A-IX, 1.1
1.2	Representation by an employee	A-IX, 1.2
1.3	Common representative	A-IX, 1.3
1.4	List of professional representatives; legal practitioners	A-IX, 1.4
1.5	Signed authorisation	A-IX, 1.5
1.6	General authorisation	A-IX, 1.6
1.7	Invitation to file authorisation	A-IX, 1.7
2.	Form of documents	A-IX, 2
2.1	Documents making up the European patent application	A-IX, 2.1
2.2	Replacement documents and translations	A-IX, 2.2
2.3	Other documents	A-IX, 2.3
2.4	Number of copies	A-IX, 2.4
2.5	Filing of subsequent documents	A-IX, 2.5
3.	Signature of documents	A-IX, 3
3.1	Documents filed after filing the European patent application	A-IX, 3.1
3.2	Documents forming part of the European patent application	A-IX, 3.2
3.3	Form of signature	A-IX, 3.3
3.4	Joint applicants	A-IX, 3.4

PART Guidel	A ines 2012	Guidelines 2010
Chapt	er IX - Drawings	
1.	Graphic forms of presentation considered as drawings	A-X, 1
1.1	Technical drawings	A-X, 1.1
1.2	Photographs	A-X, 1.2
2.	Representation of drawings	A-X, 2
2.1	Grouping of drawings	A-X, 2.1
2.2	Reproducibility of drawings	A-X, 2.2
2.3	Figure accompanying the abstract	A-X, 2.3
3.	Conditions regarding the paper used	A-X, 3 [§ 1-3, § 4, 1s, 3s, § 5, 6]
4.	Presentation of the sheets of drawings	A-X, 4
4.1	Usable surface area of sheets	A-X, 4.1
4.2	Numbering of sheets of drawings	A-X, 4.2
5.	General layout of drawings	A-X, 5
5.1	Page setting	A-X, 5.1
5.2	Numbering of figures	A-X, 5.2
5.3	Whole figure	A-X, 5.3
6.	Prohibited matter	A-X, 6
7.	Executing of drawings	A-X, 7
7.1	Drawings of lines and strokes	A-X, 7.1 [§ 1, 2, 4, 5]
7.2	Shading	A-X, 7.2
7.3	Cross sections	A-X, 7.3
7.3.1	Sectional diagrams	A-X, 7.3.1
7.3.2	Hatching	A-X, 7.3.2
7.4	Scale of drawings	A-X, 7.4
7.5	Numbers, letters and reference signs	A-X, 7.5
7.5.1	Leading lines	A-X, 7.5.1
7.5.2	Arrows	A-X, 7.5.2
7.5.3	Height of the numbers and letters in the drawings	A-X, 7.5.3
7.5.4	Consistent use of reference signs as between description, claims and drawings	A-X, 7.5.4
7.5.5	Consistent use of reference signs as between drawings	A-X, 7.5.5
7.6	Variations in proportions	A-X, 7.6
8.	Text matter on drawings	A-X, 8
9.	Conventional symbols	A-X, 9
10.	Amendments to drawings	A-X, 10
11.	Graphic forms of representation not considered as drawings	A-X, 11
11.1	Chemical and mathematical formulae	A-X, 11.1
11.2	Tables	A-X, 11.2
11.2.1	Tables in the description	A-X, 11.2.1
11.2.2	Tables in the claims	A-X, 11.2.2

PART Guide	A lines 2012	Guidelines 2010
Chap	ter X - Fees	
1.	General	A-XI, 1
2.	Methods of payment	A-XI, 2
3.	Currencies	A-XI, 3
4.	Date considered as date on which payment is made	A-XI, 4
4.1	Payment or transfer to a bank account held by the European Patent Organisation	A-XI, 4.1
4.2	Deposit accounts with the EPO	A-XI, 4.2
4.2.1	General remarks	A-XI, 4.2.1
4.2.2	Inpayments to replenish a deposit account	A-XI, 4.2.2
4.2.3	Debiting the deposit account	A-XI, 4.2.3
4.2.4	Date of receipt of the debit order; insufficient funds	A-XI, 4.2.4
4.3	Automatic debiting procedure	A-XI, 4.3
5.	Due date for fees	A-XI, 5
5.1	General	A-XI, 5.1
5.1.1	Due date	A-XI, 5.1.1
5.1.2	Amount of the fee	A-XI, 5.1.2
5.2	Due date for specific fees	A-XI, 5.2
5.2.1	Filing fee, search fee, designation fee	A-XI, 5.2.1
5.2.2	Examination fee	A-XI, 5.2.2
5.2.3	Fee for grant and publishing	A-XI, 5.2.3
5.2.4	Renewal fees	A-XI, 5.2.4
5.2.5	Claims fees	A-XI, 5.2.5
5.2.6	Fees for limitation/revocation, opposition, appeal, petition for review	A-XI, 5.2.6
6.	Payment in due time	A-XI, 6
6.1	Basic principle	A-XI, 6.1
6.2	Ten-day fail-safe arrangement	A-XI, 6.2
6.2.1	Requirements	A-XI, 6.2.1
6.2.2	Application of the ten-day fail-safe arrangement to replenishment of deposit account	A-XI, 6.2.2
6.2.3	Debit orders	A-XI, 6.2.3
6.2.4	Payment of fee at the normal fee rate	A-XI, 6.2.4
6.2.5	Amount of fee payable	A-XI, 6.2.5
6.2.6	Noting of loss of rights	A-XI, 6.2.6
7.	Purpose of payment	A-XI, 7
7.1	General	A-XI, 7.1
7.1.1	Condition for valid payment	A-XI, 7.1.1
7.1.2	Purpose of payment	A-XI, 7.1.2
7.2	Indication of the purpose of the payment in the case of designation fees	A-XI, 7.2
7.3	Indication of the purpose of payment in the case of claims fees	A-XI, 7.3
7.3.1	Claims fees payable on filing the European patent application	A-XI, 7.3.1
7.3.2	Claims fees payable before the grant of the European patent	A-XI, 7.3.2

PART Guidel	A ines 2012	Guidelines 2010
8.	No deferred payment of fees, no legal aid, no discretion	A-XI, 8
9.	Reduction of fees	A-XI, 9
9.1	General	A-XI, 9.1
9.2	Reduction under the language arrangements	A-XI, 9.2
9.2.1	Conditions	A-XI, 9.2.1
9.2.2	Reduction of the filing fee	A-XI, 9.2.2
9.2.3	Reduction of the examination fee	A-XI, 9.2.3
9.2.4	Reduction of the opposition fee	A-XI, 9.2.4
9.2.5	Reduction of the appeal fee	A-XI, 9.2.5
9.2.6	Reduction of the fee for limitation and revocation	A-XI, 9.2.6
9.2.7	Reduction of the fee for the petition for review	A-XI, 9.2.7
9.3	Special reductions	A-XI, 9.3
9.3.1	Reduction of the search fee for a supplementary European search	A-XI, 9.3.1
9.3.2	Reduction of the examination fee where the international preliminary examination report is being drawn up by the EPO	A-XI, 9.3.2
9.3.3	Reduction of the fees for the international search and international preliminary examination of an international application	A-XI, 9.3.3
10.	Refund of fees	A-XI, 10
10.1	General remarks	A-XI, 10.1
10.1.1	Fee payments lacking a legal basis	A-XI, 10.1.1
10.1.2	Fee payments which are not valid	A-XI, 10.1.2
10.1.3	Insignificant amounts	A-XI, 10.1.3
10.2	Special refunds	A-XI, 10.2
10.2.1	Refund of the search fee	A-XI, 10.2.1
10.2.2	Refund of the further search fee	A-XI, 10.2.2
10.2.3	Refund of the international search fee	A-XI, 10.2.3
10.2.4	Refund of the examination fee	A-XI, 10.2.4
		[§ 1]
10.2.5	Refund of the international preliminary examination fee	A-XI, 10.2.5
10.2.6	Refund pursuant to Rule 37(2)	A-XI, 10.2.6
10.2.7	Refund of the fee for grant and publishing	A-XI, 10.2.7
		[adapted to new Rule 71/71a procedure]
10.3	Method of refund	A-XI, 10.3
10.4	Person to whom refund is payable	A-XI, 10.4
10.5	Re allocation instead of refund	A-XI, 10.5
11	Crediting of fees under Rule 71a(5)	New Rule 71/71a procedure
11.1	Crediting of the fee for grant and publishing	New Rule 71/71a procedure
11.2	Crediting of claims fees	New Rule 71/71a procedure
11.3	Separate crediting of the fee for grant and publishing and claims fees	New Rule 71/71a procedure
11.4	Further processing fee and crediting of fees	New Rule 71/71a procedure

PAR Guid	T A elines 2012	Guidelines 2010
cont	oter XI - Inspection of files; communication of information ained in files; consultation of the Register of European nts; issuance of certified copies	
1.	General	A-XII, 1
2.	Inspection of files	A-XII, 2
2.1	Extent of file inspection	A-XII, 2.1
2.2	Procedure for file inspection	A-XII, 2.2
2.3	Restrictions to file inspection	A-XII, 2.3
2.4	Confidentiality of the request	A-XII, 2.4
2.5	File inspection before publication of the application	A-XII, 2.5
2.6	Publication of bibliographic data before publication of the application	A-XII, 2.6
3.	Communication of information from the files	A-XII, 3
4.	Consultation of the European Patent Register	A-XII, 4
5.	Certified copies	A-XII, 5
6.	Priority documents issued by the EPO	A-XII, 6

PART B Guidelines for Search

PART B Guidelines 2012		Guidelines 2010	
Chan	ter I - Introduction		
1.	Purpose of Part B	B-I, 1	
2.	Search Division	B-I, 2	
		[§ 1, 1-2s, § 2]	
2.1	Consultation with other examiners	New	
2.2	Search Division consisting of more than one examiner	B-I, 2	
		[§ 1, 3s]	
Chap	ter II - General		
1.	Search and substantive examination	B-II, 1	
2.	Objective of the search	B-II, 2	
3.	Search documentation	B-II, 3	
4.	Search report	B-II, 4	
4.1	European searches	B-II, 4.1	
4.2	Additional European searches	B-II, 4.2	
4.3	Supplementary European searches	B-II, 4.3	
		[§ 1,2]	
4.3.1	Dispensing with the supplementary European search report	B-II, 4.3	
		[§ (i), (ii)]	
4.3.2	A supplementary European search report is required	B-II, 4.3	
		[§ (iii), (iv), 3,4]	
4.3.3	Application documents for the supplementary European search report	B-II, 4.3	
		[§ 5]	
4.4	International (PCT) searches	B-II, 4.4	
4.5	International-type searches	B-II, 4.5	
4.6	Searches on national applications	B-II, 4.6	
Chap	ter III - Characteristics of the search		
1.	Opinions of the Search Division	B-III, 1	
1.1	Opinions in relation to the search report	B-III, 1.1	
1.2	Opinions on matters relating to the limitation of the search	B-III, 1.2	
2.	Scope of the search	B-III, 2	
2.1	Completeness of the search	B-III, 2.1	
2.2	Effectiveness and efficiency of the search	B-III, 2.2	
2.3	Search in analogous fields	B-III, 2.4	
2.4	Search on the internet	B-III, 2.5	
3.	The subject of the search	B-III, 3	
3.1	Basis for the search	B-III, 3.1	

PART B Guidelines 2012		Guidelines 2010
3.2	Interpretation of claims	B-III, 3.2
2.0.4		[§ 1, 1-3s, § 2]
3.2.1	Claims with explicit references to the description or drawings	B-III, 3.2
2.2	Amounded alaims on missing parts (Dula EC)	[§ 1, 4s]
3.3	Amended claims or missing parts (Rule 56)	B-III, 3.3 [Title]
3.3.1	General considerations	B-III, 3.3
3.3.1	General considerations	[§ 1]
3.3.2	Specific rules applicable to Euro-PCT applications	B-III, 3.3
0.0.2	oposine raise applicable to Early 1 or applications	[§ 2]
3.4	Abandonment of claims	B-III, 3.4
3.5	Anticipation of amendments to claims	B-III, 3.5
3.6	Broad claims	B-III, 3.6
3.7	Independent and dependent claims	B-III, 3.7
3.8	Search on dependent claims	B-III, 3.8
3.9	Combination of elements in a claim	B-III, 3.9
3.10	Different categories	B-III, 3.10
3.11	Subject matter excluded from search	B-III, 3.11
3.12	Lack of unity	B-III, 3.12
3.13	Technological background	B-III, 3.13
Chap	ter IV - Search procedure and strategy Procedure prior to searching	B-IV, 1
1.1	Analysis of the application	B-IV, 1.1
1.2	Formal deficiencies	B-IV, 1.2
1.3	Documents cited or supplied by the applicant	B-IV, 1.3
2.	Search strategy	B-IV, 2
2.1	Subject of the search; restrictions	B-IV, 2.1
2.2	Formulating a search strategy	B-IV, 2.2 &
	, and a second of the second o	B-IV, 2.3
		[last §]
2.3	Carrying out the search; types of documents	B-IV, 2.3
	, ,	[all except last §]
2.4	Reformulation of the subject of the search	B-IV, 2.4
2.5	Closest prior art and its effects on the search	B-IV, 2.5
2.6	End of search	B-IV, 2.6
3.	Procedure after searching	B-IV, 3
3.1	Preparation of the search report	B-IV, 3.1
3.2	Documents discovered after completion of the search	B-IV, 3.2
		[1s, 5s]
3.3	Errors in the search report	B-IV, 3.3

PAR Guid	T B elines 2012	Guidelines 2010
	oter V - Preclassification (routing) and official classification of	
	pean patent applications	
1.	Definitions	B-V, 1
2.	Preclassification (routing and distribution)	B-V, 2
3.	Incorrect preclassification	B-V, 3
4.	Official classification of the application	B-V, 4
5.	Classification of late-published search reports	B-V, 5
6.	Classification when the scope of the invention is not clear (e.g. a partial search)	B-V, 6
7.	Classification in cases of a lack of unity of invention	B-V, 7
8.	Verification of official classification	B-V, 8
Cha	oter VI - The state of the art at the search stage	
1.	General	B-VI, 1
2.	State of the art - oral disclosure, etc.	B-VI, 2
3.	Priority	B-VI, 3
4.	Conflicting applications	B-VI, 4
4.1	Potentially conflicting European and international applications	B-VI, 4.1
4.2	National earlier rights	B-VI, 4.2
5.	Date of reference for documents cited in the search report; filing and priority date	B-VI, 5
5.1	Verification of claimed priority date(s)	B-VI, 5.1
5.2	Intermediate documents	B-VI, 5.2
5.3	Doubts as to the validity of the priority claim; extension of the search	B-VI, 5.3
5.4	Documents published after the filing date	B-VI, 5.4
5.5	Non-prejudicial disclosures	B-VI, 5.5
5.6	Matters of doubt in the state of the art	B-XII, 5
6.	Contents of prior-art disclosures	B-VI, 6
6.1	General remark	B-VI, 6.1
6.2	Citation of documents corresponding to documents not available or not published in one of the official EPO languages	B-VI, 6.2
6.3	Conflict between abstract and source document	New
6.4	Insufficient prior art disclosures	New
7.	Internet disclosures - technical journals	New
Cha	oter VII - Unity of invention	
1.	General remarks	B-VII, 1
1.1	Partial European search report	B-VII, 1.1
1.2	Invitation to pay further search fees	B-VII, 1.2
1.3	Documents relevant only to other inventions	B-VII, 1.3
1.4	Assessment and possible review of the unity requirement	B-VII, 2.2
		[§ 2]

PART Guide	B lines 2012	Guidelines 2010
2.	Procedures in cases of lack of unity	B-VII, 2
2.1	Request for refund of further search fee(s)	B-VII, 2.1
2.2	Complete search despite of lack of unity	B-VII, 2.3
2.3	Supplementary European search	B-VII, 2.4
3.	Lack of unity and Rule 62a or Rule 63	B-VII, 3
Chap	ter VIII – Subject-matter to be excluded from the search	
1.	General remarks	B-VIII, 1
2.	Considerations relating to certain technical fields	New
2.1	Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body	B-VIII, 2 [Title, § 2]
2.2	Computer-implemented inventions and business methods	New
3.	No meaningful search possible	B-VIII, 3
3.1	Invitation to indicate subject-matter for search	B-VIII, 3.1
3.2	Reply to the invitation under Rule 63(1)	B-VIII, 3.2 [Title]
3.2.1	Failure to reply in time or no reply	B-VIII, 3.2 [§ 1, 2-4s]
3.2.2	Reply in time	B-VIII, 3.2 [§ 1, 1s, § 2, 3]
3.3	The content of the extended European search report (EESR)	B-VIII, 3.3
3.4	Applications to which Rule 63 applies which also lack unity	B-VIII, 3.4
4.	More than one independent claim per category (Rule 62a)	B-VIII, 4
4.1	Invitation to indicate which independent claim to search	B-VIII, 4.1
4.2	Reply to the invitation under Rule 62a(1)	B-VIII, 4.2 [Title]
4.2.1	Failure to reply in time	B-VIII, 4.2 [§ 1, 2-4s]
4.2.2	Reply filed in time	B-VIII, 4.2 [§ 1, 1s, § 2, 3]
4.3	The content of the extended European search report (EESR)	B-VIII, 4.3
4.4	Cases under Rule 62a where claims fees are not paid	B-VIII, 4.4
4.5	Applications to which Rule 62a applies which also lack unity	B-VIII, 4.5
4.6	Treatment of dependent claims under Rule 62a	B-VIII, 4.6
5.	Invitation under both Rule 62a(1) and Rule 63(1)	B-VIII, 5
6.	Claims contravening Art. 123(2) or Art. 76(1)	New
Chap	ter IX – Search documentation	
1.	General	B-IX, 1
1.1	Organisation and composition of the documentation available to the Search Divisions	B-IX, 1.1 [§ 1]
1.2	Systematic access systems	B-IX, 1.2 [§ 1]

PAR ⁻ Guide	ΓB elines 2012	Guidelines 2010
2.	Patent documents arranged for systematic access	B-IX, 2
2.1	PCT minimum documentation	B-IX, 2.1
		[§ 1, 2]
2.2	Unpublished patent applications	B-IX, 2.3
2.3	Search reports	B-IX, 2.4
2.4	Patent family system	B-IX, 2.6
		[§ 1]
3.	Non-patent literature arranged for systematic access	B-IX, 3
3.1	Periodicals, records, reports, books, etc.	B-IX, 3.1
4.	Non-patent literature arranged for library-type access	B-IX, 4
4.1	Composition	B-IX, 4.1
5.	Access to EPO documentation for the national patent offices	B-IX, 6.1
	,	
Chap	ter X – Search report	
1.	General	B-X, 1
2.	Different types of search reports drawn up by the EPO	B-X, 2
3.	Form and language of the search report	B-X, 3
3.1	Form	B-X, 3.1
3.2	Language	B-X, 3.2
3.3	Account of the search	New
4.	Identification of the patent application and type of search report	B-X, 4
5.	Classification of the patent application	B-X, 5
6.	Areas of technology searched	B-X, 6
7.	Title, abstract and figure(s) to be published with the abstract (as indicated on supplemental sheet A)	B-X, 7 &
•	, ,	B-IV, 1.4
8.	Restriction of the subject of the search	B-X, 8
9.	Documents noted in the search	B-X, 9
9.1	Identification of documents in the search report	B-X, 9.1
9.1.1	Bibliographic elements	B-X, 9.1.1
9.1.2	"Corresponding documents"	B-X, 9.1.2
9.1.3	Languages of the documents cited	B-X, 9.1.3
9.1.4	Supplementary European search report	B-X, 9.1.4
9.2	Categories of documents (X, Y, P, A, D, etc.)	B-X, 9.2
		[§ 1]
9.2.1	Particularly relevant documents	B-X, 9.2
		[(i)]
9.2.2	Documents defining the state of the art and not prejudicing novelty or	B-X, 9.2
	inventive step	[(ii)]
9.2.3	Documents which refer to a non-written disclosure	B-X, 9.2
		[(iii)]
9.2.4	Intermediate documents	B-X, 9.2
		[(iv)]
9.2.5	Documents relating to the theory or principle underlying the invention	B-X, 9.2
		[(v)]

PART Guide	B lines 2012	Guidelines 2010
9.2.6	Potentially conflicting patent documents	B-X, 9.2 [(vi)]
9.2.7	Documents cited in the application	B-X, 9.2 [(vii)]
9.2.8	Documents cited for other reasons	B-X, 9.2 [(viii)]
9.3	Relationship between documents and claims	B-IX, 9.3
9.4	Identification of relevant passages in prior art documents	New
10.	Authentication and dates	B-X, 10
11.	Copies to be attached to the search report	B-X, 11
11.1	General remarks	B-X, 11.1
11.2	Electronic version of document cited	B-X, 11.2
11.3	Patent family members; the "&" sign	B-X, 11.3
11.4	Reviews or books	B-X, 11.4
11.5	Summaries, extracts or abstracts	B-X, 11.5
12.	Transmittal of the search report and search opinion	B-X, 12
Chan	ter XI - The search opinion	
1.	Search opinion is part of the EESR	B-XII, 1
1.1	The search opinion	B-XII, 1.1
1.2	Position of the Examining Division	B-XII, 1.1
2.	Basis of the search opinion	B-XII, 1.2
2.1	Applications containing missing parts of description and/or drawings filed under Rule 56 EPC or Rule 20 PCT	B-XII, 2.1
2.2	Applications containing claims filed after the accorded date of filing	B-XII, 2.2
3.	Analysis of the application and content of the search opinion	B-XII, 3
3.1	The examiner's dossier	B-XII, 3.1
3.2	Reasoned objections	B-XII, 3.2
3.3	Comments and amendments in response to the search opinion	B-XII, 3.3
3.4	Extent of first analysis	B-XII, 3.4
3.5	Contribution to the known art	B-XII, 3.5
3.6	EPC requirements	B-XII, 3.6
3.7	Examiner's approach	B-XII, 3.7
3.8	Making suggestions	B-XII, 3.8
3.9	Positive opinion	B-XII, 3.9
4.	Priority claim and the search opinion	B-XII, 4
4.1	Use of "P" and "E" documents in the search opinion	New
5.	Unity in relation to the search opinion	B-XII, 6
6.	The search opinion in cases of a limitation of the search	B-XII, 7
7.	No search opinion is issued	B-XII, 8
8.	Reaction to the extended European search report (EESR)	B-XII, 9
9.	Art. 124 and the utilisation scheme	New
<u> </u>		

PART C Guidelines for Substantive Examination

Guidelines 2012 PART C		Guidelines 2010
Chap	ter I - Introduction	
1.	General remark	C-I, 1
2.	Work of an examiner	C-I, 2
3.	Overview	C-I, 3
4.	Purpose of examination	C-VI, 2.1 [§ 1, 1-3s, § 2]
	ter II - Formal requirements to be met before the Division substantive examination	
1.	Request for examination	C-VI, 1.1
1.1	Confirmation of an early request for examination	C-VI, 1.1.1
1.2	Euro-PCT applications	C-VI, 1.1.3
1.3	Invention to be examined	C-VI, 1.1.4
2.	Allocation of the application	C-VI, 1.2
3.	Response filed before first communication in examination	New
3.1	Response to the search opinion	C-VI, 3.2 [§ 1] & C-VI, 3.5 [§ 4]
3.2	Response to PCT actions prepared by the EPO	New
3.3	The invitation under Rule 70a(1)	New
4.	Designation fees; extension fees	C-VI, 1.4
5.	Copy of the search results on the priority or priorities	New
Chap	ter III - The first stage of examination	
1.	Missing drawings or parts of the description filed under Rule 56 or claims filed after accordance of a date of filing	C-VI, 3.1
2.	Amendments made by the applicant of his own volition	C-VI, 3.3 [§ 1, 4s, (i),(ii), § 2,3]
2.1	Amendments made in response to the search opinion	C-VI, 3.3 [§ 1, 1-2s]
2.2	Amendments made in response to the WO-ISA, IPER or supplementary international search report	New
3.	Unity of invention	C-VI, 3.4 [Title]
3.1	Relation to unity in search; limitation to searched invention	C-VI, 3.4 [§ 1, 1-2s]
3.1.1	No additional search fees paid	C-III, 7.10 [§ 3]
3.1.2	Additional search fees paid	C-III, 7.10 [§ 4, 1-2s]

Guid PAR	elines 2012 Γ C	Guidelines 2010
3.2	Excision of other inventions; filing divisional applications	C-III, 7.10 [§ 4, 3s] & C-VI, 3.4 [§ 3,4]
3.3	Refund of additional search fees	C-VI, 3.4 [§ 1, 3s]
3.4	Changing from one searched invention to another	New
4.	First communication	C-VI, 2.3 & C-VI, 3.5 [§ 1, 3]
4.1	Reasoned objections	C-VI, 3.6 [§ 1, 1s]
4.2	Invitation to file comments and amendments	C-VI, 3.7
5.	Request for information on prior art (not confined to priority)	C-VI, 2.3.1
6.	Evaluation of prior art documents cited in search report and late priority claim	New
	oter IV - Examination of replies and further stages of nination	
1.	General procedure	C-VI, 4.1
2.	Extent of examination of replies	C-VI, 4.2
3.	Further action upon examination of replies	C-VI, 4.3 & C-VI, 2.4 [1-2s]
4.	Later stages of examination	C-VI, 4.4
5.	Examination of amendments	C-VI, 4.6
6.	Admisibility of amendments made by the applicant	C-VI, 4.7
7.	Search related issues in examination	C-VI, 8
7.1	Search for conflicting European applications	C-VI, 8.1 & C-VI, 2.2
7.2	Additional searches during examination	C-VI, 8.2
7.3	Search at the examination stage	C-VI, 8.3
7.4	Citing documents not mentioned in the search report	C-VI, 8.4
Chap	oter V - The final stage of examination	
1.	Communication under Rule 71(3)	C-VI, 14.1 [Title] & C-VI, 2.5 [Title]
1.1	Text for approval	C-VI, 14.1 [§ 1, 2, 1s, § 3] C-VI, 14.1
1.2	Grant and publishing fee	[§ 2]
1.3	Translations of the claims	C-VI, 14.1 [§ 2, 1s, § 4-6] & C-VI, 2.5
		[§ 1, 3s]
1.4	Claims fees due in response to Rule 71(3) communication	C-VI, 14.1 [§ 7]

Guide PART	elines 2012 C	Guidelines 2010
2.	Grant of a patent	C-VI, 14.2
3.	Application deemed withdrawn	C-VI, 14.3 [§ 1, 1s]
4.	Amendments or corrections filed in reply to a Rule 71(3) communication	C-VI,4.9 [Title] & C-VI, 14.4 [Title]
4.1	No payment of fees or filing of translations necessary	New Rule 71/71a procedure
4.2	Crediting of fees paid voluntarily	n n n
4.3	Amendments or corrections should be reasoned	н н н
4.4	Admissibility of amendments	н н н
4.5	Adaptation of the description	n H
4.6	Amendments/corrections admitted and allowable - second Rule 71(3) communication sent	п п п
4.6.1	Applicant rejects amendments proposed by the Examining Division in first Rule 71(3) communication	п п п
4.6.2	Second Rule 71(3) invitation based on higher request initially rejected in first Rule 71(3) invitation	п " "
4.6.3	Examining Division proposes amendments in second Rule 71(3) communication	п п п
4.7	Amendments not admitted and/or not allowable, examination resumed	п п п
4.7.1	Communications/oral proceedings after resumption	п п п
4.7.2	Agreement reached on a text - second Rule 71(3) communication	п п п
4.7.3	No agreement reached on a text - refusal	n H H
4.8	Fees to be paid within the second Rule 71(3) period	n II II
4.8.1	Claims fees	n H H
4.8.2	Fee for grant and publishing	п п п
4.9	Applicant disapproves of the text proposed for grant	n H H
4.10	Amendments/corrections filed in second Rule 71(3) period	п п п
5.	Further requests for amendment after approval	C-VI, 4.10 [Title]
6.	The Examining Division resumes examination after approval of the text	C-VI, 14.5 [Title]
6.1	When does the Examining Division resume examination after approval?	C-VI, 14.5 [§ 1, 1-2s]
6.2	A further communication under Rule 71(3)	C-VI, 14.5 [§ 1, 3s]
6.3	Crediting of fees under Rule 71a(5)	New Rule 71/71a procedure
7.	Correction of errors in the decision to grant	New C-VI, 14.6
8.	Further processing	New Rule 71/71a
9.	Refund of the fee for grant and publishing	procedure
10.	Publication of the patent specification	C-VI, 14.8
11.	Withdrawal before publication of the patent specification	C-VI, 14.9
12.	Certificate	C-VI, 14.10
13.	European Patent Bulletin	C-VI, 14.11

Guide PAR1	elines 2012 C	Guidelines 2010
14.	Refusal	C-VI, 2.4 [3-11s] & C-VI, 7.6 [§ 2]
15.	Decision according to the state of the file	C-VI, 4.5 [1-2s]
15.1	The request for a decision on the state of the file	New
15.2	Decision by means of a standard form	New
15.3	Issuing a self-contained decision	New
15.4	Issuing a further communication (no refusal)	New
Chap	ter VI - Time limits and acceleration of examination	
1.	Time limits for response to communications from the examiner	C-VI, 10
1.1	General considerations	C-VI, 10.1
1.2	Special circumstances	C-VI, 10.2
2.	PACE	C-VI, 3.2 [§ 2]
3.	Further ways to accelerate examination	C-VI, 1.1.2 [1-7s]
Chap	ter VII - Other procedures in examination	C-VI, 6.1
	General remark Talanhana convergation, personal interview, a mail	C-VI, 6.2
2.	Telephone conversation, personal interview, e-mail	[Title]
2.1	Request for an interview; arranging an interview	C-VI, 6.2 [§ 1, 2]
2.2	Persons attending the interview	New
2.3	Conduct of an interview or telephone conversation	C-VI, 6.2 [§ 3, 1-2s, 5s, § 4, 5]
2.4	Effect of statements made in an interview or by telephone	New
2.5	Minutes of an interview or telephone conversation	C-VI, 6.2 [§ 3, 3-4s, § 6, (i)- (iii)]
2.6	Use of e-mail	New
2.6.1	Examples of where e-mail could be used	New
2.6.2	Initiation of e-mail	New
2.6.3	Confidentiality	New
2.6.4	Filing of amended documents and new requests	New
2.6.5	Inclusion in the file of any e-mail exchange	New
3.	Taking of evidence	C-VI, 13
3.1	General remark	C-VI, 13.1
3.2	Producing evidence	C-VI, 13.2
3.3	Written evidence	C-VI, 13.3
4.	Oral proceedings	C-VI, 12
5.	Examination of observations by third parties	C-VI, 11

Guid PAR	elines 2012 ΓC	Guidelines 2010
Chap	oter VIII - Work within the Examining Division	
1.	General remarks	C-VI, 1.3, C-VI, 2.1 [§ 1, 4-5s] & C-VI, 7.1
2.	Recommendation to grant	C-VI, 7.2
3.	Recommendation to refuse	C-VI, 7.3
4.	Tasks of the other members of the Examining Division	C-VI, 7.4
5.	Further communication with the applicant	C-VI, 7.5
6.	Decision	C-VI, 7.7
7.	Enlargement of the Examining Division; consultation of a legally qualified examiner	C-VI, 7.8
Ohan	ton IV. On said annihations	
	oter IX - Special applications	C-VI, 9.1
1.	Divisional applications (see also A-IV, 1) General remarks	C-VI, 9.1.1
1.1	Voluntary and mandatory division	C-VI, 9.1.2
1.3	Time limit; abandonment of subject matter	C-VI, 9.1.3
1.4	Examination of a divisional application	C-VI, 9.1.4
1.5	Description and drawings	C-VI, 9.1.5
1.6	Claims	C-VI, 9.1.6
2.	Applications resulting from a decision under Art. 61	C-VI, 9.2
2.1	General remarks	C-VI, 9.2.1
2.2	Original application no longer pending	C-VI, 9.2.2
2.3	Partial entitlement	C-VI, 9.2.3
2.4	Entitlement for certain designated States only	C-VI, 9.2.4
3.	Applications where a reservation has been entered in accordance with Article 167(2)(a) EPC 1973	C-VI, 9.3
4.	International applications (Euro-PCT applications)	C-VI, 9.4 [§ 1, 1s]

PART D
Guidelines for Opposition and Limitation/Revocation Procedures

Guidelines 2012 PART D		Guidelines 2010
Chap	oter I - General Remarks	
1.	The meaning of opposition	D-I, 1
2.	Opposition after surrender or lapse	D-I, 2
3.	Territorial effect of the opposition	D-I, 3
4.	Entitlement to oppose	D-I, 4
5.	Intervention of the assumed infringer	D-I, 5
6.	Parties to opposition proceedings	D-I, 6
7.	Representation	D-I, 7
8.	Information to the public	D-I, 8
Char	oter II - The Opposition Division	
1.	Administrative structure	D-II, 1
2.	Composition	D-II, 2
2.1	Technically qualified examiners	D-II, 2.1
2.2	Legally qualified examiners	D-II, 2.2
2.3	Chairman	D-II, 2.3
3.	Allocation of duties and appointment of members of the Opposition Division	D-II, 3
4.	Tasks of the Opposition Divisions	D-II, 4
4.1	Examination of oppositions	D-II, 4.1
4.2	Decision concerning the awarding of costs by the Opposition Division	D-II, 4.2
4.3	Ancillary proceedings	D-II, 4.3
5.	Allocation of tasks to members	D-II, 5
6.	Duties and powers of members	D-II, 6 [§ 1, 1-2s, § 3-6]
7.	Allocation of individual duties	D-II, 7
Chap	oter III - Opposition	
1.	Time allowed for filing notice of opposition	D-III, 1
2.	Opposition fee	D-III, 2
3.	Submission in writing	D-III, 3
3.1	Form of the opposition	D-III, 3.1
3.2	Notice of opposition filed electronically	New
3.3	Notices of opposition filed by fax	D-III, 3.2
3.4	Signature of the notice of opposition	D-III, 3.3
4.	Derogations from language requirements	D-III, 4
5.	Grounds for opposition	D-III, 5
6.	Content of the notice of opposition	D-III, 6

Guidelines 2012 PART D		Guidelines 2010
Chapt	er IV - Procedure up to substantive examination	
1.	Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination	D-IV, 1
1.1	Forwarding of the notice of opposition to the formalities officer	D-IV, 1.1
1.2	Examination for deficiencies in the notice of opposition	D-IV, 1.2
1.2.1	Deficiencies which, if not remedied, lead to the opposition being deemed not to have been filed	D-IV, 1.2.1
1.2.2	Deficiencies which, if not remedied, lead to the opposition being rejected as inadmissible	D-IV, 1.2.2
1.2.2.1	Deficiencies under Rule 77(1)	D-IV, 1.2.2.1
1.2.2.2	Deficiencies under Rule 77(2)	D-IV, 1.2.2.2
1.3	Issue of communications by the formalities officer as a result of examination for deficiencies	D-IV, 1.3
1.3.1	Communication in the event of deficiencies as described in D-IV, 1.2.1, which, if not remedied, will lead to the opposition being deemed not to have been filed	D-IV, 1.3.1
1.3.2	Communication in the event of deficiencies as described in D-IV, 1.2.2, which, if not remedied, will lead to rejection of the opposition as inadmissible	D-IV, 1.3.2
1.3.3	Extent of the formalities officer's obligation to issue the above communications	D-IV, 1.3.3
1.4	Subsequent procedure in the event of deficiencies which may no longer be remedied	D-IV, 1.4
1.4.1	Deficiencies which may no longer be remedied, as a result of which the opposition is deemed not to have been filed	D-IV, 1.4.1 [§ 1, 1-2s, § 2]
1.4.2	Deficiencies which may no longer be remedied in accordance with Rule 77(1) and (2), resulting in the opposition being rejected as inadmissible	D-IV, 1.4.2
1.5	Notifications to and observations by the proprietor	D-IV, 1.5
1.6	Subsequent procedure	D-IV, 1.6
2.	Activity of the Opposition Division	D-IV, 2
3.	Rejection of the opposition as inadmissible by the Opposition Division, the proprietor of the patent not being a party	D-IV, 3
4.	Termination of opposition proceedings in the event of inadmissible opposition	D-IV, 4
5.	Preparation of substantive examination	D-IV, 5
5.1	Inadmissibility at a later stage	D-IV, 5.1
5.2	Invitation to the proprietor of the patent to submit comments and communication of opposition to the other parties concerned by the formalities officer	D-IV, 5.2
5.3	Filing of amended documents in reply to the notice of opposition	D-IV, 5.3 [§ 3, 4, § 5, 1s, 4s]
5.4	Communication of observations from one of the parties to the other parties	D-IV, 5.4
5.5	Decision concerning the admissibility of an opposition, the proprietor of the patent being a party	D-IV, 5.5
5.6	Examination of the admissibility of an intervention and preparations in the event of an intervention	D-IV, 5.6

Guide PART	elines 2012 D	Guidelines 2010
Chap	ter V - Substantive examination of opposition	
1.	Beginning of the examination of the opposition	D-V, 1
2.	Extent of the examination	D-V, 2
2.1	Extent to which the patent is opposed	D-V, 2.1
2.2	Examination of the grounds for opposition	D-V, 2.2
3.	Non-patentability pursuant to Art. 52 to 57	D-V, 3 [1-3s]
4.	Insufficient disclosure of the invention	D-V, 4 [Title] & D-V, 4.1
5.	Clarity of claims	New
6.	Subject-matter of the European patent extending beyond the original disclosure	D-V, 5
6.1	Basis of this ground for opposition	D-V, 5.1
6.2	Distinction between allowable and unallowable amendments	D-V, 5.2
Chap	ter VI - Procedure for the examination of the opposition	
1.	General remarks	D-VI, 1
2.	Adherence to the text of the European patent submitted or approved by the proprietor	D-VI, 2
2.1	Basis for the examination	D-VI, 2.1
2.2	Revocation of the patent	D-VI, 2.2
3.	Invitation to file observations	D-VI, 3
3.1	Examiners' communications	D-VI, 3.1
3.2	Summons to oral proceedings	D-VI, 3.2
4.	Communications from the Opposition Division to the proprietor of the patent	D-VI, 4
4.1	Communications from the Opposition Division; reasoned statement	D-VI, 4.1
4.2	Invitation to file amended documents	D-VI, 4.2 [§ 1, 1-3s, § 2, 3]
5.	Additional search	D-VI, 5
6.	Examination of the opposition during oral proceedings	D-VI, 6
7.	Preparation of the decision	D-VI, 7
7.1	General remarks	D-VI, 7.1
7.2	Preparation of a decision to maintain a European patent in amended form	D-VI, 7.2
7.2.1	Procedural requirements	D-VI, 7.2.1
7.2.2	Decision on the documents on the basis of which the patent is to be maintained	D-VI, 7.2.2
7.2.3	Request for publishing fee and translations	D-VI, 7.2.3
Chap	ter VII - Details and special features of the proceedings	
1.	Sequence of proceedings	D-VII, 1
1.1	Basic principle	D-VII, 1.1
1.2	Exceptions	D-VII, 1.2
2.	Request for documents	D-VII, 2

Guide PART	elines 2012 D	Guidelines 2010
3.	Unity of the European patent	D-VII, 3
3.1	Basic principle	D-VII, 3.1
3.2	Factors affecting the unity of the European patent	D-VII, 3.2
1.	Procedure where the proprietor is not entitled	D-VII, 5
4.1	Stay of proceedings	D-VII, 5.1
4.2	Continuation of proceedings	D-VII, 5.2
4.3	Interruption of time limits	D-VII, 5.3
4.4	Department responsible	D-VII, 5.4
5.	Continuation of the opposition in the cases covered by Rule 84	D-VII, 6
5.1	Continuation in the case of surrender or lapse of the patent	D-VII, 6.1
5.2	Continuation on the death or legal incapacity of the opponent	D-VII, 6.2
5.3	Continuation after the opposition has been withdrawn	D-VII, 6.3
3.	Intervention of the assumed infringer	D-VII, 7
7.	Publication of a new specification of the patent	D-VII, 8
3.	Transitional provisions for Art. 54(4) EPC 1973 and Art. 54(5)	New
Chap	ter VIII - Decisions of the Opposition Division	
1.	Final decisions on an admissible opposition	D-VIII, 1
<u>. </u>	General remarks	D-VIII, 1.1
1.2	Revocation of the European patent	D-VIII, 1.2
1.2.1	Revocation on substantive grounds	D-VIII, 1.2.1
1.2.2	Revocation for failure to pay the prescribed fee for printing or to file a translation	D-VIII, 1.2.2
1.2.3	Revocation for failure to notify the appointment of a new representative	D-VIII, 1.2.3
1.2.4	Revocation in the event of requirements not being met until after expiry of time limits	D-VIII, 1.2.4
1.2.5	Revocation of the patent in the event that the proprietor no longer wishes the patent to be maintained as granted	D-VIII, 1.2.5
1.3	Rejection of the opposition	D-VIII, 1.3
1.4	Maintenance of the European patent as amended	D-VIII, 1.4
1.4.1	Taking of a final decision	D-VIII, 1.4.1
1.4.2	Statement in the decision of the amended form of the European patent	D-VIII, 1.4.2
2.	Other decisions	D-VIII, 2
2.1	Decision on the inadmissibility of an opposition or intervention	D-VIII, 2.1
2.2	Decisions which do not terminate proceedings	D-VIII, 2.2
2.3	Decision on a notified loss of rights at the request of the person concerned	D-VIII, 2.3
2.4	Decision on re establishment of rights	D-VIII, 2.4
2.5	Decision on closure of the opposition proceedings	D-VIII, 2.5
Chap	ter IX - Costs	
1.	Charging of costs	D-IX, 1
1.1	General principle	D-IX, 1.1
1.2	Decisions on the apportionment of costs	D-IX, 1.2
1.3	Costs to be taken into consideration	D-IX, 1.3

Guide PART	elines 2012 D	Guidelines 2010
1.4	Principle of equity	D-IX, 1.4
2.	Procedure for the fixing of costs	D-IX, 2
2.1	Fixing of costs by the Opposition Division	D-IX, 2.1
2.2	Appeal against the fixing of costs by the Opposition Division	D-IX, 2.2
3.	Enforcement of the fixing of costs	D-IX, 3
Chap	ter X - Limitation and revocation procedure	
1.	Introduction	D-X, 1
2.	Examination for deficiencies in the request	D-X, 2
2.1	Deficiencies which lead to the request being deemed not to have been filed	D-X, 2.1
2.2	Deficiencies which, if not remedied, lead to the request being rejected as inadmissible	D-X, 2.2
3.	Decision on request for revocation	D-X, 3
4.	Substantive examination (limitation)	D-X, 4
4.1	Department responsible	D-X, 4.1
4.2	Basis for the examination	D-X, 4.2
4.3	Scope of the examination	D-X, 4.3
4.4	Further stages of the examination	D-X, 4.4
4.5	Third party observations during the examination	D-X, 4.5 [1-2s, 6-7s]
5.	Formal procedure for limitation when the request is allowable	D-X, 5
6.	Rejection of the request	D-X, 6
7.	Relation to opposition proceedings	New
7.1	Precedence of opposition proceedings	D-X, 7
7.2	Filing of opposition after decision on limitation	New
8.	Legal status of decisions	D-X, 8
9.	Withdrawal of the request	D-X, 9
10.	Different sets of claims	D-X, 10
10.1	Limitation results in the claims becoming different in different Contracting States	D-X, 10.1
10.2	Limitation is different for different Contracting States because the claims as granted were different for different Contracting States	D-X, 10.2
11.	Multiple requests	D-X, 11

PART E Guidelines on General Procedural Matters

PAR1 Guide	E elines 2012	Guidelines 2010
Intro	duction	
Chan	ter I - Communications and notifications	
1.	Communications	E-I, 1
1.1	General remarks	E-I, 1.1
1.2	Number of communications	E-I, 1.2
1.3	Form of decisions, communications and notices	E-I, 1.3
2.	Notification	E-I, 2
2.1	General remarks	E-I, 2.1
2.2	Method of notification	E-I, 2.2
2.3	Notification by post	E-I, 2.3
2.4	Notification to representatives	E-I, 2.4
2.5	Irregularities in the notification	E-I, 2.5
Chap	ter II - Oral Proceedings	
1.	General	E-III, 1
2.	Oral proceedings at the request of a party	E-III, 2
2.1	Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed	New
3.	Request for further oral proceedings	E-III, 3
4.	Oral proceedings at the instance of the EPO	E-III, 4
5.	Preparation of oral proceedings	E-III, 5
5.1	When can summons to oral proceedings be issued in substantive examination?	New
6.	Summons to oral proceedings	E-III, 6
7.	Requests for the postponement of oral proceedings	E-III, 7
7.1	Postponement of oral proceedings at the instigation of the Division	New
7.2	Postponement of oral proceedings - defined notice period	New
8.	Conduct of oral proceedings	E-III, 8
8.1	Admission of the public to proceedings	E-III, 8.1
8.2	Conduct of oral proceedings	E-III, 8.2
8.2.1	Use of laptops or other electronic devices during either ex parte or inter partes oral proceedings	New
8.3	Opening of oral proceedings: non-appearance of a party	E-III, 8.3 [Title]
8.3.1	Checking the identity and authorisations of participants at oral proceedings	E-III, 8.3 [§ 1, 1-2s]
8.3.2	Opening the oral proceedings	E-III, 8.3 [§ 2]

PART Guidel	E ines 2012	Guidelines 2010	
8.3.3	Late arrival or non-appearance at oral proceedings	New	
8.3.3.1	General	E-III, 8.3 [§ 3-5]	
8.3.3.2	Procedure in opposition proceedings	E-III, 8.3 [§ 6-10]	
8.3.3.3	Procedure in examination proceedings	New	
8.4	Opening of the substantive part of the proceedings	E-III, 8.4	
8.5	Submissions by the parties	E-III, 8.5	
8.5.1	Use of computer-generated slideshows in oral proceedings	New	
8.5.1.1	Opposition proceedings (inter partes)	New	
8.5.1.2	Examination proceedings (ex parte)	New	
8.6	Facts, evidence or amendments introduced at a late stage	E-III, 8.6	
8.7	Unity objection raised for the first time in examination oral proceedings	New	
8.8	Use of Rule 137(4) for amendments filed during oral proceedings in examination	New	
8.9	Discussion of the facts and of the legal position	E-III, 8.7	
8.10	Right of the other members of the Division to put questions	E-III, 8.8	
8.11	Closure of oral proceedings	E-III, 8.9	
8.11.1	Requesting postponement during oral proceedings	New	
9.	Delivery of the decision	E-III, 9	
10.	Minutes of oral proceedings	E-III, 10	
10.1	Formal requirements	E-III, 10.1	
10.2	Language	New	
10.3	Subject-matter of minutes	E-III, 10.2 [§ 1-3, § 4, 2s, § 5-7]	
10.4	Request for correction of minutes	New	
11.	Oral proceedings and interviews held by video-conference	New	
11.1	Requests for video conferencing	New	
11.1.1	Discretion regarding grant of requests for video conferences	New	
11.1.2	Status of oral proceedings held by video conference	New	
11.2	Preparations for the video conference	New	
11.2.1	Room reservations	New	
11.2.2	Document camera	New	
11.2.3	Fax	New	
11.2.4	Technical problems	New	
11.2.5	Checking the identity of the representative	New	
11.2.6	Recording of the video conference	New	
•	er III - Taking and conservation of evidence	E-IV, 1	
1.	Taking of evidence by the departments of the EPO	E-IV, 1.1	
1.1	General remarks	E-IV, 1.1	
1.2	Means of evidence	E-IV, 1.3	
1.3	Taking of evidence	E-IV, 1.3	
1.4	Order to take evidence	· · · · · · · · · · · · · · · · · · ·	
1.5	Summoning of parties, witnesses and experts	E-IV, 1.5	

PART E Guidelines 2012		Guidelines 2010	
1.6	Hearing of parties, witnesses and experts	E-IV, 1.6	
1.6.1	General remarks	E-IV, 1.6.1	
1.6.2	Witnesses and experts not summoned	E-IV, 1.6.2	
1.6.3	Guidance to persons heard	E-IV, 1.6.3	
1.6.4	Separate hearings	E-IV, 1.6.4	
1.6.5	Examination as to personal particulars	E-IV, 1.6.5	
1.6.6	Examination as to res gestae	E-IV, 1.6.6	
1.6.7	Entitlement of parties to put questions at hearings	E-IV, 1.6.7	
1.7	Minutes of taking of evidence	E-IV, 1.7	
1.8	Commissioning of experts	E-IV, 1.8	
1.8.1	Decision on the form of the opinion	E-IV, 1.8.1	
1.8.2	Objection to an expert	E-IV, 1.8.2	
1.8.3	Terms of reference of the expert	E-IV, 1.8.3	
1.9	Costs arising from oral proceedings or taking of evidence	E-IV, 1.9	
1.10	Entitlements of witnesses and experts	E-IV, 1.10	
1.10.1	Expenses for travel and subsistence	E-IV, 1.10.1	
1.10.2	Loss of earnings, fees	E-IV, 1.10.2	
1.10.3	Details of the entitlements of witnesses and experts	E-IV, 1.10.3	
1.11	Models	New	
1.11.1	When may models be submitted?	New	
1.11.2	Must the model be considered?	New	
1.11.3	Keeping the model	New	
1.11.4	Procedure	New	
1.12	Video recordings	New	
2.	Conservation of evidence	E-IV, 2	
2.1	Requirements	E-IV, 2.1	
2.2	Request for the conservation of evidence	E-IV, 2.2	
2.3	Competence	E-IV, 2.3	
2.4	Decision on the request and the taking of evidence	E-IV, 2.4	
3.	Taking of evidence by courts or authorities of the Contracting States	E-IV, 3	
3.1	Legal co-operation	E-IV, 3.1	
3.2	Means of giving or taking evidence	E-IV, 3.2	
3.2.1	Taking of evidence on oath	E-IV, 3.2.1	
3.2.2	Evidence taken by a competent court	E-IV, 3.2.2	
3.3	Letters rogatory	E-IV, 3.3	
3.4	Procedures before the competent authority	E-IV, 3.4	
3.5	Costs of taking evidence	E-IV, 3.5	
3.6	Taking of evidence by an appointed person	E-IV, 3.6	
4.	Evaluation of evidence	E-IV, 4	
4.1	General remarks	E-IV, 4.1	
4.2	Types of evidence	New	
4.3	Examination of evidence	New	
4.4	Asking for evidence	New	
4.5	Evaluation of the testimony of a witness	E-IV, 4.2	

PART Guide	E lines 2012	Guidelines 2010
4.6	Evaluation of the testimony of parties	E-IV, 4.3
4.7	Evaluation of an expert opinion	E-IV, 4.4
4.8	Evaluation of an inspection	E-IV, 4.5
	ter IV - Derogations from the language of the proceedings in proceedings	
1.	Use of an official language	E-V, 1
2.	Language of a Contracting State or other language	E-V, 2
3.	Exceptions from sections 1 and 2	E-V, 3
4.	Language used in the taking of evidence	E-V, 4
5.	Language used by employees of the EPO	E-V, 5
6.	Language used in the minutes	E-V, 6
evide	ter V - Examination by the EPO of its own motion; facts, nce or grounds not submitted in due time; observations by parties	
1.	Examination by the EPO of its own motion	E-VI, 1
1.1	General remarks	E-VI, 1.1
1.2	Limits on the obligation to undertake examination	E-VI, 1.2
2.	Late filed submissions	E-VI, 2
2.1	General examples in opposition proceedings	New
2.2	Examples concerning oral proceedings in opposition procedure	New
3.	Observations by third parties	E-VI, 3
Chap	ter VI - Interruption and stay of the proceedings	
1.	Interruption	E-VII, 1
1.1	Cases in which the proceedings may be interrupted	E-VII, 1.1
1.2	Resumption of proceedings	E-VII, 1.2
1.2.1	Resumption of time limits	E-VII, 1.2.1
1.3	Department responsible	E-VII, 1.3
2.	Stay of proceedings when entitlement proceedings are pending	E-VII, 2
3.	Stay of proceedings when a referral to the Enlarged Board of Appeal is Pending	E-VII, 3
	ter VII - Time limits, loss of rights, further and accelerated essing and re-establishment of rights	
1.	Time limits and loss of rights resulting from failure to respond within a time limit	E-VIII, 1
1.1	Determination of time limits	E-VIII, 1.1
1.2	Duration of the time limits to be determined by the EPO on the basis of EPC provisions	E-VIII, 1.2
1.3	Time limits which may be freely determined	E-VIII, 1.3
1.4	Calculation of time limits	E-VIII, 1.4
1.5	Effect of change in priority date	E-VIII, 1.5

PART Guide	E lines 2012	Guidelines 2010
1.6	Extension of a time limit	E-VIII, 1.6
1.7	Late receipt of documents	E-VIII, 1.7
1.8	Failure to respond within a time limit	E-VIII, 1.8
1.9	Loss of rights	E-VIII, 1.9
1.9.1	Cases of loss of rights	E-VIII, 1.9.1
1.9.2	Noting and communication of loss of rights	E-VIII, 1.9.2
1.9.3	Decision on loss of rights	E-VIII, 1.9.3
2.	Further processing and re-establishment of rights	E-VIII, 2
2.1	Request for further processing	E-VIII, 2.1
2.2	Re-establishment of rights	E-VIII, 2.2
2.2.1	General remarks	E-VIII, 2.2.1
2.2.2	Extension of re-establishment of rights to opponents	E-VIII, 2.2.2
2.2.3	Relevant time limits	E-VIII, 2.2.3
2.2.4	Time limits not covered	E-VIII, 2.2.4
2.2.5	Request for re-establishment of rights	E-VIII, 2.2.5
2.2.6	Special considerations when there is more than one party	E-VIII, 2.2.6
2.2.7	Decision on re-establishment of rights	E-VIII, 2.2.7
3.	Accelerated prosecution of European patent applications	E-VIII, 3
3.1	Accelerated search	New
3.2	Accelerated examination	New
4.	Accelerated processing of oppositions	E-VIII, 4
5.	Accelerated processing of oppositions Accelerated processing before the Boards of Appeal	E-VIII, 5
6.	Renunciation of rights	E-VIII, 6
6.1	Withdrawal of application or designation	E-VIII, 6.1
6.2	Withdrawal of priority claim	E-VIII, 6.2
6.3	Statement of withdrawal	E-VIII, 6.3
	Statement of withdrawar	,
I K /I	Surrender of natent	E-VIII, 6.4
6.4	Surrender of patent	E-VIII, 6.4
	Surrender of patent ter VIII - Applications under the Patent Cooperation Treaty	
Chap		E-IX, 1 & E-IX, 2
Chap (PCT)	ter VIII - Applications under the Patent Cooperation Treaty General remarks	E-IX, 1 &
Chap (PCT) 1.	ter VIII - Applications under the Patent Cooperation Treaty General remarks EPO as designated or elected office	E-IX, 1 & E-IX, 2 [§ 7, 1s]
Chap (PCT)	ter VIII - Applications under the Patent Cooperation Treaty General remarks	E-IX, 1 & E-IX, 2 [§ 7, 1s] New A-VII, 1
Chap (PCT) 1. 2. 2.1	ter VIII - Applications under the Patent Cooperation Treaty General remarks EPO as designated or elected office General	E-IX, 1 & E-IX, 2 [§ 7, 1s] New A-VII, 1 A-VII, 1.1 [§ 2-4] A-VII, 1.2
Chap (PCT) 1. 2. 2.1 2.1.1	General remarks EPO as designated or elected office General Introduction Initial processing and formal examination; copy of the international	E-IX, 1 & E-IX, 2 [§ 7, 1s] New A-VII, 1 A-VII, 1.1 [§ 2-4] A-VII, 1.2 A-VII, 1.3 [§ 1, § 2, 2s, § 3, 4]
Chap (PCT) 1. 2. 2.1 2.1.1 2.1.2	General remarks EPO as designated or elected office General Introduction Initial processing and formal examination; copy of the international application; translation Filing fee, designation fee, request for examination, search fee and claims	E-IX, 1 & E-IX, 2 [§ 7, 1s] New A-VII, 1 A-VII, 1.1 [§ 2-4] A-VII, 1.2 A-VII, 1.3 [§ 1, § 2, 2s, § 3, 4] A-VII, 1.4 [§ 1, § 2, 1s]
Chap (PCT) 1. 2. 2.1 2.1.1 2.1.2 2.1.3	General remarks EPO as designated or elected office General Introduction Initial processing and formal examination; copy of the international application; translation Filing fee, designation fee, request for examination, search fee and claims fees	E-IX, 1 & E-IX, 2 [§ 7, 1s] New A-VII, 1.1 [§ 2-4] A-VII, 1.2 A-VII, 1.3 [§ 1, § 2, 2s, § 3, 4] A-VII, 1.4

PART Guidel	E ines 2012	Guidelines 2010
2.3.1	Representation	A-VII, 3.1
2.3.2	Physical requirements	A-VII, 3.2
2.3.3	Request for grant	A-VII, 3.3
2.3.4	Designation of inventor	A-VII, 3.4
2.3.5	Claim to priority	A-VII, 3.5
2.3.6	Title of the invention	A-VII, 3.6
2.3.7	Prohibited matter	A-VII, 3.7
2.3.8	Claims fee	A-VII, 3.8
2.3.9	Drawings	A-VII, 3.9
2.3.10	Abstract	A-VII, 3.10
2.3.11	Designation fee	A-VII, 3.11
2.4	Provisions of Chapter A-IV ("Special provisions")	A-VII, 4
2.4.1	Divisional applications	A-VII, 4.1
2.4.2	Sequence listings	A-VII, 4.2
2.5	Provisions of Chapter A-V ("Publication of application; request for examination and transmissions of the dossier to Examining Division")	A-VII, 5
2.5.1	Publication of the international application	A-VII, 5.1 [title] & E-IX, 5.3 [all except title]
2.5.2	Request for examination	A-VII, 5.2 & E-IX, 6.2 [§ 1, 2-3s]
2.5.3	Supplementary European search	A-VII, 5.3
2.6	Reduction and refunds of fees in respect of international (PCT) applications	A-VII, 6
2.7	Communication to the EPO as a designated Office	E-IX, 5.2
2.8	Delaying of the procedure before the EPO	E-IX, 5.5
2.9	Review by the EPO as a designated office	E-IX, 5.6
2.10	Inspection of files	E-IX, 5.8 & E-IX, 6.4
3	The communication according to Rule 161	A-VII, 7 [Title]
3.1	Applications for which a supplementary search report is prepared	C-VI, 3.5.1 [§ 7] & C-VI, 9.4 [§ 1, 3s]
3.2	Applications for which no supplementary search report is prepared	C-VI, 3.5.1 [§ 1, not bullet list] & C-VI, 9.4 [§ 2, 2s, § 3]
3.3	Exceptions where a reply to the Rule 161(1) communication is not required	New
3.3.1	Earlier filed amendments or comments	C-VI, 3.5.1 [(i)-(iii)]
3.3.2	Positive WO-ISA, SISR or IPER	C-VI, 3.5.1 [(iv)]
3.3.3	Rule 161 communication issued before 1 April 2010	C-VI, 3.5.1 [(v)]
3.3.4	Voluntary reply to Rule 161(1) communication	C-VI, 3.5.1 [§ 2]

PART Guide	Elines 2012	Guidelines 2010	
3.3.5	Indications on Form 1200	C-VI, 3.5.1 [§ 3,4, including bullet list]	
3.4	Rule 137(4) applies	C-VI, 3.5.1 [§ 5]	
4	Examination procedure	New	
4.1	At least one communication in examination	C-VI, 3.5.1 [§ 6]	
4.2	No examination of multiple inventions in EP phase	E-IX, 5.7 [§ 4-5]	
4.3	Substantive examination of a Euro-PCT application accompanied by an IPER	E-IX, 6.3	
4.3.1	Comparative test results	E-IX, 6.3.1	
4.3.2	Basis for substantive examination	E-IX, 6.3.2	
4.3.3	Consideration of the contents of the IPER	E-IX, 6.3.3	
Chap	ter IX - Decisions		
1.	Basis of decisions	E-X, 1	
1.1	General remarks	E-X, 1.1	
1.2	Examples	E-X, 1.2	
2.	Consideration of time limits	E-X, 2	
3.	Authoritative text of documents	E-X, 3	
4.	Written form of decisions	E-X, 4	
4.1	General remarks	E-X, 4.1	
4.2	Order	E-X, 4.2	
4.3	Facts and submissions	E-X, 4.3	
4.4	Decision on the file as it stands	E-X, 4.4	
5.	Reasoning of decisions	E-X, 5 [§ 1-4]	
5.1	Content	New	
5.2	Analysing the parties' arguments	New	
5.3	Main and auxiliary requests	E-X, 5 [§ 5, 1-4s, § 6, 7, § 8, 1s]	
5.4	Late-filed submissions	E-X, 5 [§ 9]	
5.5	Further grounds for refusal	E-X, 5 [§ 10]	
6.	Decisions which do not terminate proceedings - interlocutory decisions	E-X, 6	
7.	Binding nature of decisions on appeals	E-X, 7	
8.	Information as to means of redress	E-X, 8	
9.	Notification	E-X, 9	
Chan	ter X - Appeals		
1.	Suspensive effect	E-XI, 1	
	Appeals after surrender or lapse of the patent	E-XI, 2	
2.			

PART Guide	E lines 2012	Guidelines 2010
4.	Appeals against the decision of the Opposition Division on the fixing of costs	E-XI, 4
5.	Persons entitled to appeal and to be parties to appeal proceedings	E-XI, 5
6.	Time limit and form of appeal	E-XI, 6
7.	Interlocutory revision	E-XI, 7
7.1	General remarks	E-XI, 7.1 [§ 1-4, (i)-(iii), § 6]
7.2	Remittal to the Board of Appeal	E-XI, 7.2
7.3	Reimbursement of appeal fees	E-XI, 7.3
7.4	Examples	New
7.4.1	No amended claims filed with the appeal	New
7.4.2	Amended main/single request filed with the appeal	New
7.4.3	Main and auxiliary requests filed with the appeal	New
8.	Rules of Procedure for the departments of second instance	E-XI, 8
9.	Remittal to the Division after appeal	New
9.1	Orders on remittal	New
9.2	Consequences for the Division	New
	ter XI - Request from a national court for a technical opinion erning a European patent General	E-XII, 1
2.	Scope of the technical opinion	E-XII, 2
3.	Composition and duties of the Examining Division	E-XII, 3
3.1	Composition	E-XII, 3.1
3.2	Duties	E-XII, 3.2
4.	Language to be used	E-XII, 4
5.	Procedure	E-XII, 5
5.1	Formalities check	E-XII, 5.1
5.2	Preliminary examination	E-XII, 5.2
5.3	Withdrawal of the request	E-XII, 5.3
5.4	Establishment and issue of the technical opinion	E-XII, 5.4
5.5	File inspection	E-XII, 5.5
5.6	Appearance before the national court	E-XII, 5.6
Chap	ter XII - Registering transfers, licences, other rights, etc.	
1.	Transfer of the European patent application	E-XIII, 1
2.	Transfer of the European patent	E-XIII, 2
3.	Licences and other rights	E-XIII, 3
4.	Change of name	E-XIII, 4

PART F The European Patent Application

PART Guidel	F ines 2012	Guidelines 2010
Chapt	er I – Introduction	New
Chapt	er II - Content of a European patent application (other than	
1.	General	C-II, 1
2.	Abstract	New
2.1	Purpose of the abstract	B-XI, 1
2.2	Definitive content	B-XI, 2
2.3	Content of the abstract	B-XI, 3
2.4	Figure accompanying the abstract	B-XI, 4
2.5	Checklist	B-XI, 5
2.6	Transmittal of the abstract to the applicant	B-XI, 6
2.7	Abstract in examination	C-II, 2
3.	Request for grant – the title	C-II, 3
4.	Description (formal requirements)	C-II, 4
4.1	General remarks	C-II, 4.1
4.2	Technical field	C-II, 4.2
4.3	Background art	C-II, 4.3
4.3.1	Format of background art citations	New
4.3.1.1	Examples of quotation for non-patent literature	New
4.3.1.2	Examples of quotation for patent literature	New
4.4	Irrelevant matter	C-II, 4.4
4.5	Technical problem and its solution	C-II, 4.5
4.6	Rule 42(1)(c) vs. Art. 52(1)	C-II, 4.6
4.7	Reference in the description to drawings	C-II, 4.7
4.8	Reference signs	C-II, 4.8
4.9	Industrial application	C-II, 4.12
4.10	Manner and order of presentation	C-II, 4.13
4.11	Terminology	C-II, 4.14
4.12	Computer programs	C-II, 4.15
4.13	Physical values, units	C-II, 4.16
4.14	Registered trademarks	C-II, 4.18
5.	Drawings	C-II, 5
5.1	Form and content	C-II, 5.1
5.2	Printing quality	C-II, 5.2
5.3	Photographs	C-II, 5.3
		[4-5s]
6.	Sequence listings	New
6.1	Reference to sequences disclosed in a database	New

PART Guidel	F ines 2012	Guidelines 2010
7.	Prohibited matter	C-II, 7
7.1	Categories	C-II, 7.1
7.2	Matter contrary to "ordre public" or morality	C-II, 7.2
7.3	Disparaging statements	C-II, 7.3
7.4	Irrelevant matter	C-II, 7.4
7.5	Omission of matter from publication	C-II, 7.5
Annex 1	Checklist for considering the abstract (see F-II, 2.5)	Annex to B-XI,
Annex 2	2 Units recognised in international practice and complying with Rule 49(11) (see F-II, 4.13)	Annex to C-II
1.	SI units and their decimal multiples and submultiples	Annex to C-II, 1
1.1	SI base units	Annex to C-II, 1.2
1.1.1	Special name and symbol of the SI derived unit of temperature for expressing Celsius temperature	Annex to C-II, 1.1.1
1.2	SI derived units	Annex to C-II, 1.2
1.2.1	Deleted	-
1.2.2	General rule for SI derived units	Annex to C-II, 1.2.2
1.2.3	SI derived units with special names and symbols	Annex to C-II, 1.2.3
1.3	Prefixes and their symbols used to designate certain decimal multiples and submultiples	Annex to C-II, 1.3
1.4	Special authorised names and symbols of decimal multiples and submultiples of SI units	Annex to C-II, 1.4
2.	Units which are defined on the basis of SI units but are not decimal multiples or submultiples thereof	Annex to C-II, 2
3.	Units used with the SI, and whose values in SI are obtained experimentally	Annex to C-II, 3
4.	Units and names of units permitted in specialised fields only	Annex to C-II, 4
5.	Compound units	Annex to C-II, 5
Chapt	er III - Sufficiency of disclosure	
1.	Sufficiency of disclosure	C-II, 4.9
2.	Art. 83 vs. Art. 123(2)	C-II, 4.10
3.	Insufficient disclosure	C-II, 4.11
4.	Burden of proof as regards the possibility of performing and repeating the invention	D-V, 4.3
5.	Cases of partially insufficient disclosure	D-V, 4.4
5.1	Only variants of the invention are incapable of being performed	D-V, 4.4.1 [§ 1, 2]
5.2	Absence of well-known details	D-V, 4.4.2
5.3	Difficulties in performing the invention	D-V, 4.4.3
6.	Inventions relating to biological material	C-II, 6
6.1	Biological material	C-II, 6.1
6.2	Public availability of biological material	C-II, 6.2
6.3	Deposit of biological material	C-II, 6.3
6.4	Priority claim	New
6.5	Euro-PCT cases	New
7.	Proper names, trademarks and trade names	C-II, 4.17

PART F Guidelines 2012		Guidelines 2010
8.	Reference documents	C-II, 4.19 [except bullet list]
9.	"Reach-through" claims	New
10.	Sufficiency of disclosure and Rule 56	New
11.	Sufficiency of disclosure and clarity	New
Chap	ter IV – Claims (Art. 84 and formal requirements)	
1.	General	C-III, 1
2.	Form and content of claims	C-III, 2
2.1	Technical features	C-III, 2.1
2.2	Two-part form	C-III, 2.2
2.3	Two-part form unsuitable	C-III, 2.3
2.3.1	No two-part form	C-III, 2.3.1
2.3.2	Two-part form "wherever appropriate"	C-III, 2.3.2
2.4	Formulae and tables	C-III, 2.4
3.	Kinds of claim	C-III, 3
3.1	Categories	C-III, 3.1
3.2	Number of independent claims	C-III, 3.2
3.3	Objection under Rule 43(2) or Rule 137(5)	C-III, 3.3
3.4	Independent and dependent claims	C-III, 3.4
3.5	Arrangement of claims	C-III, 3.5
3.6	Subject matter of a dependent claim	C-III, 3.6
3.7	Alternatives in a claim	C-III, 3.7
3.8	Independent claims containing a reference to another claim or to features from a claim of another category	C-III, 3.8
4.	Clarity and interpretation of claims	C-III, 4
4.1	Clarity	C-III, 4.1
4.2	Interpretation	C-III, 4.2
4.3	Inconsistencies	C-III, 4.3
4.4	General statements, "spirit" of invention	C-III, 4.4
4.5	Essential features	C-III, 4.5 [Title]
4.5.1	Objections arising from missing essential features	New
4.5.2	Definition of essential features	C-III, 4.5 [§ 2, 4]
4.5.3	Generalisation of essential features	New
4.5.4	Implicit features	C-III, 4.5 [§ 1, 3]
4.5.5	Examples	New
4.6	Relative terms	C-III, 4.6
4.7	Terms like "about" and "approximately"	C-III, 4.7
4.8	Trademarks	C-III, 4.8
4.9	Optional features	C-III, 4.9
4.10	Result to be achieved	C-III, 4.10
4.11	Parameters	C-III, 4.11
4.12	Product-by-process claim	C-III, 4.12

Guidelines 2012 - Table of Contents 37

PART F Guidelines 2012		Guidelines 2010
4.13	"Apparatus for", "Method for", etc.	C-III, 4.13
4.14	Definition by reference to use or another entity	C-III, 4.14
4.15	The expression "in"	C-III, 4.15
4.16	Use claims	C-III, 4.16
4.17	References to the description or drawings	C-III, 4.17
4.18	Method of and means for measuring parameters referred to in claims	C-III, 4.18
4.19	Reference signs	C-III, 4.19
4.20	Negative limitations (e.g. disclaimers)	C-III, 4.20
4.21	"Comprising" vs. "consisting"	C-III, 4.21
4.22	Functional definition of a pathological condition	C-III, 4.22
4.23	Broad claims	New
4.24	Order of claims	New
5.	Conciseness, number of claims	C-III, 5
6.	Support in description	C-III, 6
6.1	General remarks	C-III, 6.1
6.2	Extent of generalisation	C-III, 6.2
6.3	Objection of lack of support	C-III, 6.3
6.4	Lack of support vs. insufficient disclosure	C-III, 6.4
6.5	Definition in terms of function	C-III, 6.5
6.6	Support for dependent claims	C-III, 6.6
Annex	Examples concerning essential features	New
Chapt	er V - Unity of invention	C-III, 7
1.	General remarks	C-III, 7.1 [§ 1]
2.	Special technical features	C-III, 7.2
3.	Intermediate and final products	C-III, 7.3
4.	Alternatives	C-III, 7.4
5.	Markush grouping	C-III, 7.4.1
6.	Individual features in a claim	C-III, 7.5
7.	Lack of unity "a priori" or "a posteriori"	C-III, 7.6
8.	Examiner's approach	C-III, 7.7
8.1	Reasoning for a lack of unity objection	New
8.2	Determination of the invention first mentioned in the claims	New
9.	Dependent claims	C-III, 7.8
10.	Lack of unity during search	C-III, 7.9
11.	Lack of unity during substantive examination	C-III, 7.10 [Title]
11.1	General principles	C-III, 7.10 [§ 1, 5]
11.2	Objections to unsearched inventions	New
11.3	Review of non-unity findings	C-III, 7.10
12.	Amended claims	[§ 2] C-III, 7.10.1
13.	Euro-PCT applications	C-III, 7.11
13.1	International applications without supplementary search	C-III, 7.11.1

PART Guide	F lines 2012	Guidelines 2010
13.2	International applications with supplementary search	C-III, 7.11.2
13.3	International preliminary examination report (IPER)	C-III, 7.11.3
13.4	Restricted IPER	C-III, 7.11.4
14.	Relationship between Rule 43(2) and Art. 82	C-III, 7.1 [§ 2]
Chapt	er VI – Priority	
1.	The right to priority	C-V, 1
1.1	Filing date as effective date	C-V, 1.1
1.2	Priority date as effective date	C-V, 1.2
1.3	Validly claiming priority	C-V, 1.3
1.4	First application	C-V, 1.4
1.4.1	Subsequent application considered as first application	C-V, 1.4.1
1.5	Multiple priorities	C-V, 1.5
2.	Determining priority dates	C-V, 2
2.1	Examining the validity of a right to priority	C-V, 2.1
2.2	The same invention	C-V, 2.2
2.3	Priority claim not valid	C-V, 2.3
2.4	Some examples of determining priority dates	C-V, 2.4
2.4.1	Intermediate publication of the contents of the priority application	C-V, 2.4.1
2.4.2	Intermediate publication of another European application	C-V, 2.4.2
2.4.3	Multiple priorities claimed for different inventions in the application with an intermediate publication of one of the inventions	C-V, 2.4.3
2.4.4	A situation in which it has to be checked whether the application from which priority is actually claimed is the "first application" in the sense of Art. 87(1)	C-V, 2.4.4
3.	Claiming priority	C-V, 3
3.1	General remarks	C-V, 3.1
3.2	Declaration of priority	C-V, 3.2
3.3	Certified copy of the previous application (priority document)	C-V, 3.3
3.4	Translation of the previous application	C-V, 3.4
3.5	Abandonment of priority claim	C-V, 3.5
3.6	Re establishment of rights in respect of the priority period	C-V, 3.6

PART G Patentability

PART G Guidelines 2012		Guidelines 2010
Chapt	er I - Patentability	
1.	Basic requirements	C-IV, 1.1
2.	Further requirements	[§ 1, (i)-(iv)] C-IV, 1.2
3.	Technical progress, advantageous effects	C-IV, 1.3
<u> </u>	roomical progross, advantageous enests	
Chapt	er II - Inventions	C-IV, 2
1.	General remarks	C-IV, 2.1
2.	Examination practice	C-IV, 2.2
3.	List of exclusions	C-IV, 2.3
3.1	Discoveries	C-IV, 2.3.1
3.2	Scientific theories	C-IV, 2.3.2
3.3	Mathematical methods	C-IV, 2.3.3
3.4	Aesthetic creations	C-IV, 2.3.4
3.5	Schemes, rules and methods for performing mental acts, playing games or doing business	C-IV, 2.3.5
3.6	Programs for computers	C-IV, 2.3.6 [§ 1-3, § 4, 1-3s]
3.7	Presentations of information	C-IV, 2.3.7
3.7.1	User interfaces	New
3.7.2	Data retrieval, formats and structures	New
4.	Exceptions to patentability	C-IV, 4
4.1	Matter contrary to "ordre public" or morality	C-IV, 4.1
4.1.1	Prohibited matter	C-IV, 4.2
4.1.2	Offensive and non-offensive use	C-IV, 4.3 [2-6s]
4.1.3	Economic effects	C-IV, 4.4
4.2	Surgery therapy and diagnostic methods	C-IV, 4.8 [§ 1, 2]
4.2.1	Limitations of exception under Art. 53(c)	C-IV, 4.8.1 [§ 1-4]
4.2.1.1	Surgery	C-IV, 4.8.1 [§ 6]
4.2.1.2	Therapy	C-IV, 4.8.1 [§ 7]
4.2.1.3	Diagnostic methods	C-IV, 4.8.1 [§ 8, 9, (i)-(iv), § 10- 15]
4.2.2	Methods for screening potential medicaments and clinical trials	New
5.	Exclusions and exceptions for biotechnological inventions	C-IV, 3
5.1	General remarks and definitions	C-IV, 3.1
5.2	Patentable biotechnological inventions	C-IV, 3.2
5.3	List of exceptions (Rule 28)	C-IV, 4.5

Guidelines 2012 - Table of Contents 40

PART Guide	G lines 2012	Guidelines 2010
5.4	Plant and animal varieties, essentially biological processes for the production of plants or animals	C-IV, 4.6
5.4.1	Plant varieties	C-IV, 4.6.1
5.4.2	Essentially biological processes for the production of plants or animals	C-IV, 4.6.2
5.5	Microbiological processes	C-IV, 4.7
5.5.1	General remarks	C-IV, 4.7.1
5.5.2	Repeatability of results of microbiological processes	C-IV, 4.7.2
Chap	ter III - Industrial application	C-IV, 5
1.	General remarks	C-IV, 5.1
2.	Method of testing	C-IV, 5.2
3.	Industrial application vs. exclusion under Art. 52(2)	C-IV, 5.3
4.	Sequences and partial sequences of genes	C-IV, 5.4
Chap	ter IV - State of the art	C-IV, 6
1.	General remarks and definition	C-IV, 6.1
2.	Enabling disclosures	C-IV, 6.3
3.	Date of filing or priority date as effective date	C-IV, 6.4
4.	Documents in a non-official language	C-IV, 6.5 [3-5s]
4.1	Machine translations	New
5.	Conflict with other European applications	C-IV, 7
5.1	State of the art pursuant to Art. 54(3)	C-IV, 7.1
5.1.1	Requirements	C-IV, 7.1.1
5.1.2	Accorded date of filing still subject to review	New
5.2	Euro-PCT applications	C-IV, 7.2
5.3	Commonly designated States	C-IV, 7.3
5.4	Double patenting	C-IV, 7.4
6.	Conflict with national rights of earlier date	C-IV, 8
7.	State of the art made available "by use or in any other way"	D-V, 3.1
7.1	Types of use and instances of state of the art made available in any other way	D-V, 3.1.1
7.2	Matters to be determined by the Opposition Division as regards use	D-V, 3.1.2
7.2.1	General principles	D-V, 3.1.3.1
7.2.2	Agreement on secrecy	D-V, 3.1.3.2
7.2.3	Use on non-public property	D-V, 3.1.3.3
7.2.4	Example of the accessibility of objects used	D-V, 3.1.3.4
7.2.5	Example of the inaccessibility of a process	D-V, 3.1.3.5
7.3	State of the art made available by means of oral description	D-V, 3.2
7.3.1	Cases of oral description	D-V, 3.2.1
7.3.2	Non-prejudicial oral description	D-V, 3.2.2
7.3.3	Matters to be determined by the Opposition Division in cases of oral description	D-V, 3.2.3
7.4	State of the art made available to the public in writing or by any other means	D-V, 3.3

PART Guidel	G ines 2012	Guidelines 2010
7.5	Internet disclosures	C-IV, 6.2
7.5.1	Establishing the publication date	C-IV, 6.2.1
7.5.2	Standard of proof	C-IV, 6.2.2 &
		D-V, 3.1.3 C-IV, 6.2.3
7.5.3	Burden of proof	C-IV, 6.2.3.1
7.5.3.1	•	C-IV, 6.2.3.1
	Other "print equivalent" publications	C-IV, 6.2.3.3
7.5.3.3	•	C-IV, 6.2.3
7.5.4	Disclosures which have no date or an unreliable date	C-IV, 6.2.4
7.5.5	Problematic cases	C-IV, 6.2.5
7.5.6	Technical details and general remarks	·
7.6	Standards and standard preparatory documents	New
8.	Cross references between prior art documents	C-IV, 9.1 [§ 2]
9.	Errors in prior art documents	New
9.1	Incorrect compound records in online databases	New
0	Theoriest composite records in orinine databases	
Chant	er V - Non-prejudicial disclosures	C-IV, 10
1.	General	C-IV, 10.1
2.	Time limit	C-IV, 10.2
2. 3.	Evident abuse	C-IV, 10.3
4.	International exhibition	C-IV, 10.4
		C-IV, 9
•	er VI - Novelty	•
1.	State of the art pursuant to Art. 54(2)	C-IV, 9.1 [§ 1, 3, 4]
2.	Implicit features or well-known equivalents	C-IV, 9.2
3.	Relevant date of a prior document	C-IV, 9.3
4.	Enabling disclosure of a prior document	C-IV, 9.4
5.	Generic disclosure and specific examples	C-IV, 9.5
6.	Implicit disclosure and parameters	C-IV, 9.6
7.	Examination of novelty	C-IV, 9.7 [§ 1]
7.1	Second or further medical use of known pharmaceutical products	C-IV, 4.8 [§ 3-7]
7.2	Second non-medical use	C-IV, 9.7 [§ 2]
8.	Selection inventions	C-IV, 9.8
8.1	Error margins in numerical values	New
9.	Novelty of "reach-through" claims	New
Chant	or VII. Inventive Sten	C-IV, 11
•	er VII - Inventive Step	C-IV, 11.1
1.	General	C-IV, 11.1
2.	State of the art; date of filing	C-IV, 11.2
3.	Person skilled in the art	Vew New
3.1	Common general knowledge of the skilled person	New

PART Guidel	G ines 2012	Guidelines 2010
4.	Obviousness	C-IV, 11.4
5.	Problem-and-solution approach	C-IV, 11.5
5.1	Determination of the closest prior art	C-IV, 11.5.1
5.2	Formulation of the objective technical problem	C-IV, 11.5.2
5.3	Could-would approach	C-IV, 11.5.3
5.4	Claims comprising technical and non-technical aspects	New
5.4.1	"Requirements specification" in the formulation of the objective technical problem	C-IV, 2.3.6 [§ 4, 7s]
6.	Combining pieces of prior art	C-IV, 11.6
7.	Combination vs. juxtaposition or aggregation	C-IV, 11.7
8.	"Ex post facto" analysis	C-IV, 11.8
9.	Origin of an invention	C-IV, 11.9
10.	Secondary indicators	C-IV, 11.10
10.1	Predictable disadvantage; non-functional modification; arbitrary choice	C-IV, 11.10.1
10.2	Unexpected technical effect; bonus effect	C-IV, 11.10.2
10.3	Long-felt need; commercial success	C-IV, 11.10.3
11.	Arguments and evidence submitted by the applicant	C-IV, 11.11
12.	Selection inventions	C-IV, 11.12
13.	Dependent claims; claims in different categories	C-IV, 11.13
14.	Examples	C-IV, 11.14
Annex	Examples relating to the requirement of inventive step - indicators	C-IV, Annex
1.	Application of known measures?	C-IV, Annex 1
2.	Obvious combination of features?	C-IV, Annex 2
3.	Obvious selection?	C-IV, Annex 3
4.	Overcoming a technical prejudice?	C-IV, Annex 4

PART H Amendments and Corrections

PART H Guidelines 2012		Guidelines 2010
Chap	ter I - The right to amend	
Chap	ter II - Admissibility of amendments - general rules	
1.	Introduction	New
2.	Admissibility during examination procedure	New
2.1	Before receipt of the search report - Rule 137(1)	New
2.2	After receipt of the search report - Rule 137(2)	C-VI, 4.7
2.3	After receipt of the first communication - Rule 137(3)	[§ 1, 2, (i)-(iii)] C-VI, 4.7 [§ 3, 4, 5, 1-3s, 5-6s § 6, 8 (§ 6 includes bullet list)]
2.4	At an advanced stage of the proceedings	C-VI, 4.8
2.5	Amendments filed in reply to a Rule 71(3) communication	C-VI, 14.4 [§ 3, 1s, 2s]
2.5.1	Criteria for admitting such amendments	C-VI, 4.9 [§ 1]
2.5.2	Amendments filed in reply to Rule 71(3) invitation admitted	C-VI, 14.4 [§ 5]
2.5.3	Amendments filed in reply to Rule 71(3) invitation rejected	New
2.5.4	Exceptional case where amendments must be admitted	C-VI, 4.9 [§ 6, 1s, 3s]
2.5.5	Rule 137(4) applies to amendments filed at this stage	C-VI, 14.4 [§ 4]
2.6	Further requests for amendment after approval	C-VI, 4.10
2.7	Late filed requests after summons to oral proceedings in examination	New
2.7.1	Concept of "clear allowability"	New
2.7.2	Additional criteria for admissibility of requests	New
3.	Admissibility in opposition procedure	
3.1	Amendments in reply to the notice of opposition	D-IV, 5.3 [§ 1, 1-7s]
3.2	Amendments not related to the grounds of opposition	D-IV, 5.3 [§ 2]
3.3	Amendments occasioned by national rights	D-IV, 5.3 [§ 1, 8s]
3.4	Insistence on unallowable amendments	New
3.5	Late-filed requests in opposition proceedings	New
4.	Limitation procedure	New
5	Amendments required by Rule 62a and/or Rule 63	C-VI, 5.6 [§ 1-3]
6	Amendments directed to unsearched matter - Rule 137(5)	New
6.1	Rule 62a and/or Rule 63 cases	C-VI, 5.6 [§ 4]

PART Guidel	H ines 2012	Guidelines 2010
6.2	Subject matter taken from the description	C-VI, 5.2 [(ii), sub-§ 1, 1s, sub-§ 2, 1-3s, sub-§ 4-6]
7	Amendments in case of non-unity	New
7.1	Restriction to a single, searched invention	New
7.2	Restriction to unsearched subject-matter	New
7.3	Not restricted to single invention or claims amended	New
7.4	Euro-PCT cases	New
7.4.1	Where the EPO does not perform a supplementary search	New
7.4.2	Where the EPO performs a supplementary search	New
Chapt matte	er III - Admissibility of amendments - other procedural	
1.	Introduction	New
2.	Procedure for amendments to documents	E-II [Title]
2.1	Indication of amendments and their basis under Rule 137(4)	C-VI, 5.7
2.1.1	Rule 137(4) communication and response thereto	C-VI, 5.7.1
2.1.2	Amendments withdrawn or superseded in the Rule 137(4) period	C-VI, 5.7.2
2.1.3	Rule 137(4) and oral proceedings	C-VI, 5.7.3
2.1.4	Transitional provisions relating to Rule 137(4)	C-VI, 5.7.4
2.2	Amendment by submitting missing documents or by filing replacement pages	E-II, 1
2.3	Amendments using copies	E-II, 2
2.4	Amendments made by the EPO at the request of a party	E-II, 3 [1-5s]
2.5.	Withdrawal of amendments/abandonment of subject matter	C-VI, 4.7 [§ 5, 4s, § 7]
3.	Auxiliary requests	New
3.1	General principles	New
3.1.1	Sequence of requests	New
3.1.2	Obligation to give reasons	New
3.1.3	Neither main nor auxiliary requests allowable	New
3.1.4	Indication of amendments made in main and/or auxiliary requests in examination proceedings	New
3.2	In the search phase	New
3.3	In examination proceedings	New
3.3.1	Admissibility of auxiliary requests	New
3.3.1.1	Criteria for admissibility of auxiliary requests	New
3.3.1.2	Timeliness and structure of auxiliary requests	New
3.3.2	Preparing the decision	New
3.3.3	Complete text for auxiliary request not yet available	New
3.3.4	Complete text for auxiliary request available	New
3.3.5	Applicant does not approve text proposed for grant	New
3.4	In opposition proceedings	New
3.4.1	Written procedure	New

	PART H Guidelines 2012	
3.4.2	Oral proceedings	New
3.5	In limitation proceedings	New
3.5.1	General principles	New
3.5.2	Written procedure	New
3.5.3	Oral proceedings	New
4.	Different texts in respect of different Contracting States	C-III, 8 [Title] D-VII, 4
4.1	Dealing with different texts in examination	C-III, 8,1 [(i), 3s] & C-VI, 5.5 [§ 1-4]
4.2	Different text in respect of the state of the art according to Art. 54(3) and Art. 54(4) under EPC 1973	C-III, 8,1 [all, except (i), 3s]
4.2.1	Art. 54(3) and Art. (4) EPC 1973 in opposition proceedings	D-VII, 4.2
4.3	Different text where a partial transfer of right has taken place pursuant to Art. 61 or Rule 78	C-III, 8.2 [Title]
4.3.1	Different text where a partial transfer of right takes place pursuant to Art. 61 in examination proceedings	C-III, 8,2 [all, except title]
4.3.2	Different texts where a transfer of the patent in respect of certain designated states takes place in opposition proceedings	D-VII, 4.1
4.3.3	Opposition cases with different texts where a partial transfer of rights by virtue of a final decision pursuant to Art. 61 and Rule 18(1) and Rule 18(2) took place in examination proceedings	D-VII, 4.3
4.4	Different text where a reservation has been entered in accordance with Art. 167(2)(a) EPC 1973	C-III, 8.3
4.5.	Different text where national rights of earlier date exist	C-III, 8.4 D-VII, 4.4
5.	Calculation of claim fees	C-III, 8.5
Chap Art. 1	ter IV - Allowability of amendments - Art. 123(2) and 23(3)	
1.	Introduction	New
2.	Allowability of amendments under Art. 123(2)	New
2.1	Basic principle	C-VI, 5.2 [§ 1, 1-2s] & C-VI, 5.3 [3s]
2.2	Field of application of Art. 123(2)	C-VI, 5.3.1 [§ 1]
2.3	Contents of the application as "originally" filed - general rules	New
2.3.1	Features described in a document cross-referenced in the description	C-VI, 5.3.8
2.3.2	Missing parts of the description or missing drawings filed after the date of filing	C-VI, 5.3.1 [§ 3]
2.3.3	Claims filed after the date of filing	New
2.3.4	Sequences filed after the date of filing	New
2.3.5	Priority documents	C-VI, 5.3.1 [§ 2]
2.3.6	Cases in limitation proceedings where the application documents as filed are no longer available	New

PAR1 Guide	H lines 2012	Guidelines 2010
2.3.7	Citation of prior art in the description after the filing date	C-VI, 5.3 [1s]
2.3.8	Clarification of inconsistencies	C-VI, 5.3 [2s]
2.3.9	Trademarks	New
2.4	Contents of the application as "originally" filed - special applications	New
2.4.1	Applications filed by reference to an earlier application	New
2.4.2	Divisional applications	New
2.4.3	Applications resulting from a decision under Art. 61	New
2.4.4	International applications	New
2.5	Assessment of "added subject matter" - examples	C-VI, 5.3.2 [§ 1-4]
3.	Allowability of amendments under Art. 123(3)	D-V, 6
3.1	Basic principles	D-V, 6.1 [§ 1-3]
3.2	Field of application	New
3.3	Protection conferred by the patent as granted	D-V, 6.1 [§ 4-6]
3.4	Version of the granted patent to be considered	New
3.5	Assessment of impermissible extension of the protection conferred	D-V, 6.2 [§ 1-2]
3.6	Conflicts between Art. 123(2) and Art. 123(3)	D-V, 6.2 [§ 3]
3.7	Conflicts between Art. 123(2) and other requirements of the EPC	D-V, 6.2 [§ 4]
4.	Compliance of amendments with the other EPC requirements	New
4.1	General principles	New
4.2	In examination proceedings	C-VI, 5.2 [§ 1, (i), (iii), sub-§ 1, 1-4s]
4.3	In opposition proceedings	D-IV, 5.3 [§ 5, 2-3s]
4.4	In limitation proceedings	New
4.4.1	Art. 84	New
4.4.2	Examination of the description and/or drawings	New
4.4.3	Points to be disregarded	New
Chap	ter V - Allowability of amendments - examples	
1.	Introduction	New
2.	Amendments in the description	New
2.1	Clarification of a technical effect	C-VI, 5.3.3
2.2	Introduction of further examples and new effects	C-VI, 5.3.4 & C-VI, 5.3.5
2.3	Supplementary technical information	C-VI, 5.3.6
2.4	Revision of stated technical problem	C-VI, 5.3.7
2.5	Reference document	C-VI, 5.3.8
2.6	Alteration, excision or addition of text in the description	C-VI, 5.3.9
3.	Amendments in claims	New
3.1	Replacement or removal of a feature from a claim	C-VI, 5.3.10

PART H Guidelines 2012		Guidelines 2010
3.2	Inclusion of additional features	New
3.2.1	Intermediate generalisations	New
3.3	Deletion of part of the claimed subject matter	New
3.4	Broadening of claims	New
3.5	Disclosed disclaimer	New
4.	Disclaimers not disclosed in the application as originally filed	New
4.1	The subject-matter to be excluded is not disclosed in the application as originally filed (so-called undisclosed disclaimers)	C-VI, 5.3.11
4.2	The subject-matter to be excluded is disclosed in the application as originally filed	New
5.	Amendments to drawings	New
6.	Amendments derived from drawings	C-VI, 5.3.2 [§ 5]
7.	Changes in claim category	D-V, 6.3 [§ 1-2]
7.1	Product claim to use claim	D-V, 6.3 [(i)]
7.2	Product claim to method claim	D-V. 6.3 [(ii)]
7.3	Method claim to product claim	D-V, 6.3 [(iii)]
7.4	Method claim to use claim	D-V, 6.3 [(iv)]
8.	Changes in the title	New
Chap	ter VI - Correction of errors	
1.	Introduction	New
2.	Errors in bibliographic data	New
3.	Errors in publication	New
4.	Corrections of errors in application and patent documents during proceedings	New
4.1	Admissibility of corrections	New
4.2	Allowability of corrections	C-VI, 5.4 [§ 1]
4.2.1	Correction of description, claims and drawings	C-VI, 5.4 [§ 2, (i), (ii), § 3-8]
4.2.2	Missing parts of description and missing drawings filed as corrections under Rule 139	New
4.3	Examples	New
5.	Correction of errors in decisions and related application and patent documents	New
5.1	Admissibility of corrections	E-X, 10
5.2	Allowability of corrections	New
5.3	Correction of the translations of the claims	New