

EPC Guidelines – list of modifications

MAJOR AMENDMENTS

<u>GENERAL PART</u>	5	New paragraph on the responsibility of parties to meet the EPC requirements even if submissions are prepared by AI
	6	Republic of Moldova added as new EPC contracting state
<u>PART A</u>	II, 6.1	Clarification of practice under Rule 56a EPC
	II, 4.1.3.1	Updated to reflect the fee reduction scheme under Rule 7a EPC
	III, 12.1	The Lao People's Democratic Republic added as validation state and information added about the termination of the validation agreement with the Republic of Moldova
	X, 10.3.3	New subsection on claiming refunds in Central Fee Payment
<u>PART B</u>	VIII, 4.1	Clarification of practice regarding search of several independent claims per category in view of Rule 43(2) EPC
	X, 11.1	Change of practice regarding access to patent literature documents (OJ EPO 2024, A68)
<u>PART C</u>	IV, 7.5	Change of practice regarding access to patent literature documents (OJ EPO 2024, A68)
	VII, 2.3 VII, 2.4 VII, 3	Added references to the shared area in MyEPO Portfolio
	VII, 2.6	New section on real-time interaction on a document in the shared area in MyEPO Portfolio
<u>PART D</u>	IV, 1.2.1	Change of practice regarding the requirement to file authorisations
	VII, 1.2	Update on accelerated opposition proceedings
<u>PART E</u>	VIII, 4.3	New Zealand and Chile added as PPH partner offices
	VIII, 5	Update on practice regarding accelerated opposition in cases of parallel court proceedings
	IX, 2.1.4	Section brought into line with G 4/08
	IX, 2.8.1	New section on early processing combined with further acceleration measures
<u>PART G</u>	II, 3.3.1	Clarification of definition of artificial intelligence and machine learning
<u>PART H</u>	VI, 2.2	Clarification of practice regarding allowability, in line with G 1/12

MINOR AMENDMENTS

GENERAL PART	3	Added information about the Unitary Patent Guidelines which enter into force in April 2025
	8	Added reference to the Unitary Patent Guidelines
PART A	II, 1.1.1	Updated to specify that certain submissions can be permissibly filed via MyEPO Portfolio
	II, 1.1.2 IV, 1.3.1 VIII, 2.5	Updated to reflect abolition of fax and web-form filing
	II, 1.2	Updated information on sub-offices and availability of the automatic mailboxes
	II, 1.5	Added reference to OJ EPO 2024, A81
	II, 3.1	Updated to reflect the decommissioning of web-form filing
	II, 4.1.1	Clarification of practice regarding EPO Form 1001
	II, 5.1	Clarification of practice regarding missing parts of the claims
	II, 6.1	Clarification concerning filing of claims after the date of filing
	III, 2.1	Added reference to OJ notice on new authorisation rules
	III, 4.2.1 III, 11.2.4	Updated in view of Art. 5s(1) of Council Regulation (EU) 2024/1745 (sanctions against Russia)
	III, 5.6	New subsection on changing the order of inventors
	III, 6.6	Clarification concerning the priority period under Art. 87(1) EPC
	III, 6.7	Restructured by adding subsections
	III, 6.12	Deletion of redundant information from point (iv)
	III, 11.2.1 III, 11.3.1	Update on the reduction of designation fee
	III, 13.1	Deletion of redundant information about fee reduction
	III, 13.2 III, 13.3 IV, 1.8 VI, 2.6	Updated by adding information on fee reductions under the language arrangements and the scheme for micro-entities
	IV, 1.3.4	Added paragraph on Art. 5s(1) of Council Regulation (EU) 2024/1745 and new Rule 39(2a) and Rule 36(5) EPC
	IV, 1.4.1 IV, 1.4.1.1	Restructured to reflect Rule 7a(1) and Rule 7a(3) EPC
	IV, 5	Clarification concerning sequence identification numbers
	V, 3	Reworded for ease of reading
	VI, 2.2	Updated OJ reference
	VIII, 1.2	Update on use of MyEPO Portfolio by professional representatives
	VIII, 1.3	Restructured by moving content from former section A-VIII, 1.5
	VIII, 1.5	Clarification concerning the appointment of a common representative
	VIII, 1.6	Update on signature requirements for legal practitioners
	VIII, 1.8 VIII, 1.9	Restructured by adding new subsection
	VIII, 3.1 VIII, 3.3	Updated to reflect abolition of smart cards
	X, 1	Added information about MyEPO Portfolio
	X, 4.1 X, 4.4	Added reference to automatic validation of certain categories of fees
	X, 4.2.1	Added reference to OJ notice on the revision of the ADA
	X, 4.2.3	Clarification of practice regarding exceptional use of the EPO Contingency Upload Service to file debit orders
	X, 5.1.1	Clarification concerning rejection of payments
	X, 5.2.4	Clarification concerning renewal fees or additional fees under Rule 51(2) EPC
	X, 5.2.5	Added reference to Euro-PCT applications
	X, 5.2.7 XI, 1	Updated to include information on MyEPO Portfolio

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	X, 7.1.1	Clarification concerning bank transfers
	X, 9	Restructured and revised in view of fee-related support measures for SMEs and micro-entities (Rule 7a(1) and (3) EPC), OJ EPO 2024, A3 and A8
	X, 10.1	Added references to repayment of renewal fees
	X, 10.2.1	Redundant information removed and OJ reference updated
	X, 10.2.5 X, 10.2.6 X, 10.3.2	Added information on which body refunds the appeal fee in the case of a withdrawal
	X, 10.3.1	Clarification concerning claiming of refunds
	XI, 2.5	Updated to reflect file inspection via MyEPO Portfolio
	XI, 3 XI, 5.1 XI, 5.2	Update on communication of information by EPO
PART B	II, 4.4	Outdated reference to the Euro-PCT Guide removed
	X, 9.4	Clarification of practice regarding relevant parts cited in the search report and search opinion
	X, 11.2 X, 11.4 X, 12	Updated by adding reference to MyEPO Portfolio and related change of practice (OJ EPO 2024, A68)
PART C	I, 2	Update on the work of examiners
	II, 1.2	Clarification of practice regarding Euro-PCT applications
	II, 3.2	Outdated reference removed
	III, 3.1	Update on searches under Rule 164(2) EPC
	III, 3.2.1	Update on non-payment of additional search fees
	III, 3.4	Refund of additional search fees under Rule 64(2) and Rule 164(5) EPC
	III, 4	Restructured by moving content from section C-VIII, 5.1
	V, 1.1	Clarification of definition of omnibus claims
	V, 4	Added examples concerning title and its translations
	V, 15.2	Clarification of practice regarding decisions by means of a standard form
	VII, 2.1	Added reference to the new section C-VII, 2.6
	VIII, 5.1	Restructured by moving two paragraphs to C-III, 4
PART D	II, 2.2	Correction of name
	II, 4.1	Clarification concerning impartiality of the opposition division
	III, 3.3 III, 3.4 IV, 1.2.1	Clarification of practice regarding abolition of fax
	III, 5	Updated in view of prohibition of double patenting under Art. 125 EPC
	IV, 5.2	Clarification concerning invitation to file observations
	IV, 5.3	Consolidated with the content deleted from H-IV, 5.3, and added reference to Rule 43(2) EPC
	IV, 5.5.	Clarification concerning consequence of decisions rejecting an opposition as inadmissible
	V, 2.2	Clarification concerning burden of proof
	VI, 1	Clarification of practice regarding inspections
	VI, 4.2	Updated by adding references to Parts E, D and H
	X, 2.2	Adapted reference to Part A-VIII, 1.5
	X, 4.3	Restructured by adding subsections
PART E	III, 8.3.1	Update on legal practitioners
	III, 8.3.3.3	Added reference to OJ EPO 2020, A124
	V, 6	Updated by removing outdated passage
	VII, 1.5	Updated to remain in line with the wording of Rule 142(4) EPC
	VIII, 6	Added reference to EPO website
	IX, 1	Added reference to Art. 11(3) PCT
	IX, 2	Updated as regards EPO as a designated Office for any EPC contracting state and in view of Art. 5s(1) of Council Regulation (EU) 2024/1745 (sanctions against Russia)

	IX, 2.1	Update on applicant decisions to proceed with international applications before designated/elected Offices
	IX, 2.1.1	Added reference to relevant EPC Rule
	IX, 2.1.2	Updated to remain in line with E-IX, 4.3.1
	IX, 2.1.3	Updated on the basis of Rule 47.3(a) PCT
	IX, 2.1.5	Subdivided into new subsections
	IX, 2.3	Updated title of section
	IX, 2.3.1	Updated in view of Art. 5s(1) of Council Regulation (EU) 2024/1745 (sanctions against Russia)
	IX, 2.3.2	Clarification concerning physical requirements
	IX, 2.3.4	Added reference to Rule 19 EPC
	IX, 2.3.5.1	Added reference to Art. 40(2) PCT
	IX, 2.3.5.2	Updated in view of Rule 141(1) EPC
	IX, 2.3.5.3	Added reference to Rule 49ter 2(b) PCT and Rule 136(2) EPC
	IX, 2.3.8	Clarification of practice regarding calculation of the claims fees (Rule 159(1)(b) EPC)
	IX, 2.3.11 IX, 2.3.12	Moved to new subsections E-IX, 2.1.5.2 and 2.1.5.5
	IX, 2.4.2	Updated by adding information on WIPO Standard ST.25
	IX, 2.4.4	Added reference to OJ EPO 2010, A498
	IX, 2.5.1	Updated list of bibliographical data that are published with the translation of the international application
	IX, 2.5.2	Outdated passage deleted
	IX, 2.5.3	Added references to B-XI, 8; B-XI, 7; B-VIII and E-IX, 3.1
	IX, 2.7	Wording amended to refer to elected Office
	IX, 2.8	Clarification of practice relating to necessary requirements in view of Rule 159(1) EPC
	IX, 3	Update on the communication under Rule 161 EPC
	IX, 3.1	Clarification of practice regarding extended supplementary European search report
	IX, 3.2	Clarification of practice regarding payment of claims fees in view of Rule 162(2) EPC
	IX, 3.3.3	Outdated information deleted
	IX, 3.4	Clarification of practice regarding communication under Rule 137(4) EPC
	XII, 1	Added reference to information on appeal proceedings on EPO website
	XIV, 1	Wording made clearer
	XIV, 3	Update concerning requests for transfers filed via MyEPO Portfolio
	XIV, 4	Clarification of practice regarding expiry of the opposition period
	XIV, 6.1	Clarification of practice regarding registration of licences and other rights
PART F	II, 6.2.1 II, 6.2.2 II, 6.2.3	Added reference to WIPO Standard ST.26
	III, 3	Updated example
	III, 6	Added footnote referring to Art. 3 of WIPO International Legal Instrument
	IV, 3.8	Reference to T 642/94 removed
	V, 3.2.1	Clarification concerning plurality of inventions vs single general inventive concept
PART G	II, 3.3	Clarification concerning technical contribution of mathematical methods in view of G 1/19
	IV, 5.4	Clarification concerning terminology "same subject-matter" in view of G 1/05 and G 4/19
	VII, 5.2 VII, 11	Update on practice regarding technical teachings in view of G 2/21
	VII, 12	Added new paragraph referring to T 2108/21

<u>PART H</u>	II, 3.1	Clarification concerning amendments related to the ground for opposition
	II, 3.2	Restructured by moving one paragraph from H-II, 3.1
	II, 3.4 V, 4.1	Removal of redundant reference to T decision
	III, 2.1	Clarification concerning the basis for amendment
	III, 2.1.1	Clarification of practice regarding communication under Rule 137(4) EPC
	III, 2.3	Restructured by deleting redundant information
	IV, 4.1.2	Wording adapted to Rule 137(5) EPC
	IV, 5 IV, 5.1 IV, 5.4.1 IV, 5.4.2 IV, 5.4.3	Deletion of redundant section and subsection on compliance of amendments with other EPC requirements
	IV, 5.2 IV, 5.3	Deleted, as content already covered in Part C and D respectively
	IV, 5.4	Deleted and content moved to D-X, 4.3 and subsections
	V, 8	Clarification concerning responsibility for the title in all three official languages

EDITORIAL CHANGES

<u>General Part</u>	1; 2.1; 2.2
<u>PART A</u>	II, 1.2; II, 1.3; II, 1.7.1; II, 1.7.2; II, 4.1 ; II, 4.1.2; II, 4.1.3.1; II, 4.1.4; II, 4.1.5; II, 5.2; II, 5.3; II, 5.4; II, 5.5; II, 6.2; II, 6.3; II, 6.4; II, 6.5; II, 6.7; III, 3.2.2; III, 4.1; III, 5.1; III, 5.4; III, 6.1; III, 6.5.1; III, 6.8.6; III, 6.9; III, 9; III, 11.1; III, 11.2.5; III, 11.3.9; III, 14; III, 15; III, 16.2; IV, 1.1; IV, 1.2.1; IV, 1.2.2; IV, 1.3.4; IV, 1.4.3; IV, 2.2.3; IV, 2.2.4; IV, 4.1.2; IV, 4.3; IV, 4.4; IV, 5.1; IV, 5.3; IV, 6; V, 3; VI, 1.1; V, 1.3; VI, 2.3; VI, 2.5; VII, 1.1; VII, 1.2; VII, 2; VII, 7; VIII, 1.1; VIII, 1.7; VIII, 2.4; X, 4.2.2; X, 5.2.1; X, 5.2.2; X, 6.2.4; X, 10.1.3; X, 10.3; XI, 2.2
<u>PART B</u>	II, 4.3; III, 3.3.1; IV, 2.3; VI, 2; VI, 3; VI, 4.1; VI, 4.1.1; VI, 5.1; VI, 5.2; VI, 5.4; VI, 5.5; VI, 5.6; VI, 6.2; VIII, 3; VIII, 6; X, 9.2.4; X, 9.2.5; X, 9.2.6; XI, 2.1; XI, 2.2
<u>PART C</u>	II, 1; III, 1.1.1; III, 1.1.2; III, 1.2; III, 1.3; III, 2.2; III, 7; IV, 7.1; IV, 7.3; V, 1.5; V, 4.7.1; IX, 1.1; IX, 1.4; IX, 2.1
<u>PART D</u>	I, 4; VII, 8
<u>PART E</u>	II, 2.3; II, 2.4; II, 2.5; III, 7.2.2; III, 8.9; IV, 1.6.7; IV, 1.11.1; IV, 4.3; IV, 4.5; V, 4; VII, 1.2; VII, 1.4; VIII, 3.2; VIII, 4.1; VIII, 7; IX, 2.4.1; IX, 2.6; IX, 2.7; X, 1.2; X, 2; XIV, 6.2
<u>PART F</u>	II, 2.3; II, 6.1; III, 6.3; III, 6.4; III, 6.5; III, 8; III, 10; IV, 4.3; IV, 4.12; IV, 4.24; IV, 6.2; V, 3; VI, 1.1; VI, 1.3; VI, 1.4; VI, 2.3; VI, 2.4.2; VI, 3.2; VI, 3.4; VI, 3.5
<u>PART G</u>	II, 5.2; II, 5.3; II, 5.4; II, 5.4.2.1; II, 5.5.1; IV, 3; IV, 5.1; IV, 5.1.1; IV 5.1.2; V, 2; VI, 6; VII, 3.1; VII, 5.1
<u>PART H</u>	II, 2.6; II, 6.4.1; II, 6.4.2; III, 3.5.2; IV, 2.1; IV, 4.1.2; V, 4.2.2; VI, 3 ; VI, 3.1