General Part
Contents

1. Preliminary remarks 1
2. Explanatory notes 1
  2.1 Overview 1
  2.2 Abbreviations 3
3. General remarks 4
4. Work at the EPO 6
5. Summary of the processing of applications and patents at the EPO 6
6. Contracting states to the EPC 7
7. Extension to and validation in states not party to the EPC 8
1. Preliminary remarks
In accordance with Art. 10(2)(a) of the European Patent Convention (EPC), the President of the European Patent Office (EPO) had adopted, effective as at 1 June 1978, the Guidelines for Examination in the European Patent Office.

These Guidelines are updated at regular intervals to take account of developments in European patent law and practice. Usually, updates involve amendments to specific sentences or passages on individual pages, in order to bring the text into line with patent law and EPO practice as these continue to evolve. It follows that no update can ever claim to be complete. In general, each edition is updated to reflect the situation as at 1 December of the previous year. Any indication from readers drawing attention to errors as well as suggestions for improvement are highly appreciated and may be sent by email to: patentlaw@epo.org.

The binding version of the Guidelines for Examination in the European Patent Office is published by the EPO in searchable HTML format on the internet at epo.org.

Both the HTML and PDF versions of the Guidelines contain:

(a) a non-exhaustive alphabetical keyword index;

(b) an index of computer-implemented inventions (CII), with a collection of direct hyperlinks to the relevant chapters in the Guidelines;

(c) a full list of the sections that have been amended, together with the corresponding hyperlinks.

In the HTML publication, modifications can be viewed by ticking the "Show modifications" box in the upper right corner, which displays inserted text with a green background and deleted text in red strikethrough font. For sections in which no changes have been made, the tick box is greyed out.

2. Explanatory notes

2.1 Overview
The main body of these Guidelines comprises the following eight parts:

Part A: Guidelines for Formalities Examination
Part B: Guidelines for Search
Part C: Guidelines for Procedural Aspects of Substantive Examination
Part D: Guidelines for Opposition and Limitation/Revocation Procedures
Part E: Guidelines on General Procedural Matters
Part F: The European Patent Application
Part G: Patentability
Part H: Amendments and Corrections
Part A deals with the procedures for formalities examination mainly with regard to grant proceedings. Part B deals with search matters. Part C and Part D relate to procedures to be followed in examination and opposition proceedings, respectively.

Part E deals with general procedural matters relevant to several or all of the stages in procedures before the EPO, including Euro-PCT applications. Part F deals with the requirements which the application must fulfil other than patentability, in particular unity of invention (Art. 82), sufficiency of disclosure (Art. 83), clarity (Art. 84) and the right to priority (Art. 87 to Art. 89). Part G deals with the requirements of patentability provided for in Art. 52 to Art. 57, in particular exclusions from patentability (Art. 52(2) and Art. 53), novelty (Art. 54), inventive step (Art. 56) and industrial application (Art. 57). Part H deals with the requirements relating to amendments and corrections. It relates in particular to questions of admissibility (Rule 80 and Rule 137) and compliance with Art. 123(2) and (3), Rule 139 and Rule 140.

The following notices relating to this and other recent updates have been published in the Official Journal of the European Patent Office:

Re March 2024 update: OJ EPO 2024, Axx
Re March 2023 update: OJ EPO 2023, A6
Re March 2022 update: OJ EPO 2022, A10
Re March 2021 update: OJ EPO 2021, A6
Re November 2019 update: OJ EPO 2019, A80
Re November 2018 update: OJ EPO 2018, A73
Re November 2017 update: OJ EPO 2017, A75
Re November 2016 update: OJ EPO 2016, A76
Re November 2015 update: OJ EPO 2015, A74
Re September 2013 update: OJ EPO 2013, 447
Re June 2012 update: OJ EPO 2012, 420
Re April 2010 update: OJ EPO 2010, 230
Re April 2009 update: OJ EPO 2009, 336
Re December 2003 update: OJ EPO 2003, 582
Re June 2000 update: OJ EPO 2000, 228

Each part of the Guidelines is divided into chapters, each subdivided into numbered sections that may be further divided into subsections. Cross-references to other sections include the relevant letter of that part, followed by the chapter number (a Roman numeral) and then the section or subsection number (thus, e.g. C-V, 4.6, would be used if it were desired to refer to subsection 4.6 of chapter V of Part C).

Marginal references to articles and rules without further identification indicate the Articles or Rules of the European Patent Convention as the legal basis for what is stated in the text. It is believed that such references avoid the need for extensive quotation from the EPC itself.
Any references to persons made in the Guidelines are to be understood as being gender-neutral.

2.2 Abbreviations
In the Guidelines, the following abbreviations are used:

- EPC: European Patent Convention
- EPO: European Patent Office
- Art.: Article
- RFees: Rules relating to Fees
- UP: Unitary Patent
- WIPO: World Intellectual Property Organization
- PCT: Patent Cooperation Treaty
- ISA: International Searching Authority
- WO-ISA: Written Opinion of the International Searching Authority
- IPEA: International Preliminary Examining Authority
- IPRP: International Preliminary Report on Patentability
- IPER: International Preliminary Examination Report
- EESR: Extended European Search Report
- ESOP: European Search Opinion (Rule 62)
- ADA: Arrangements for deposit accounts
- AAD: Arrangements for the automatic debiting procedure
- BNS: back-file conversion numerical system
- rec.: Recital
- Prot. Art. 69: Protocol on the Interpretation of Art. 69 EPC
- Prot. Centr.: Protocol on the Centralisation of the European patent system and on its introduction (Protocol on Centralisation)
- EU: European Union
- EVL: Electronic virtual library


The reference to articles and rules – and their paragraphs – of EPC 2000 will be as follows: "Article 123, paragraph 2" will be: "Art. 123(2)", "Rule 29, paragraph 7" will be: "Rule 29(7)". Articles and rules of EPC 1973, of the PCT and articles of the Rules relating to Fees are referred to in a similar way, e.g. "Art. 54(4) EPC 1973", "Art. 33(1) PCT" and "Art. 10(1) RFees" respectively. Only where deemed appropriate, i.e. in order to avoid confusion, will references to articles and rules of the EPC be provided with the extension "EPC 2000".

Decisions and opinions of the Enlarged Board of Appeal will only be referred to with their capital letter and their number, e.g. "G 2/88". Decisions of the technical boards of appeal and the Legal Board of Appeal will be referred to in the same way, e.g. "T 152/82", "J 4/91" and "T 169/88". It is noted that all decisions and opinions of the Enlarged Board of Appeal and all decisions of the boards of appeal of the EPO are published on the internet (epo.org).

The arrangements for deposit accounts and their annexes, including the arrangements for the automatic debiting procedure plus explanatory notes, are published from time to time as Supplements to the Official Journal of the EPO, which are available on the EPO website (epo.org).

3. General remarks
These Guidelines provide guidance in respect of the practice in proceedings before the EPO in accordance with the European Patent Convention and its Implementing Regulations (see section 5).

The search and examination practice and procedure as regards PCT applications in the international phase are not the subject of these Guidelines, but are dealt with in the PCT International Search and Preliminary Examination Guidelines, which are available on the WIPO website (wipo.int). Whenever considered appropriate, options given in the latter Guidelines and the way they are dealt with by the European Patent Office when acting as receiving Office, International Searching Authority, Supplementary International Searching Authority or International Preliminary Examining Authority are the subject of separate notices published in the Official Journal of the EPO and on the EPO website. Please also consult the Guidelines for Search and Examination at the EPO as PCT Authority, which are available on the EPO website. It is important to note that, in respect of international applications filed under the PCT that are subject to proceedings before the EPO, the provisions of the PCT and its Regulations apply, supplemented by the EPC. In case of conflict the provisions of the PCT prevail (Art. 150(2) EPC).
The present Guidelines are addressed primarily to examiners and formalities officers of the EPO, but are also intended to serve the parties to the proceedings and patent practitioners as a basis for illustrating the law and practice in proceedings before the EPO. As a general rule, party to the proceedings denotes the applicant, the patent proprietor or the opponent and, if the party is represented, its representative (see A-VIII, 1).

The Guidelines cannot cover all possible occurrences and exceptions in every detail, but must be regarded as general instructions that may need to be adapted to the individual case.

The application of the Guidelines to individual European patent applications or patents is the responsibility of the formalities officers and examiners. As a general rule, parties may expect the EPO to act in accordance with the Guidelines until such time as they – or the relevant legal provisions – are amended. Notices concerning such amendments are published in the Official Journal of the EPO and on the EPO website.

It should be noted also that the Guidelines do not constitute legal provisions. For the ultimate authority on practice in the EPO, it is necessary to refer firstly to the European Patent Convention itself including the Implementing Regulations, the Protocol on the Interpretation of Article 69 EPC, the Protocol on Centralisation, the Protocol on Recognition, the Protocol on Privileges and Immunities and the Rules relating to Fees, and secondly to the interpretation put upon the EPC by the boards of appeal and the Enlarged Board of Appeal.

Where a decision or an opinion of the Enlarged Board of Appeal is referred to, this is to inform the reader that the practice described has been adopted to take account of the decision or opinion referred to. The same applies to decisions of the Legal Board of Appeal or technical boards of appeal.

In case of diverging decisions of the Legal Board of Appeal or technical boards of appeal, EPO examiners and formalities officers will, as a rule, follow the common practice as described in the Guidelines, which applies until further notice. Furthermore, the Guidelines reflect only those decisions of the boards of appeal incorporated into the EPO’s general practice due to their general procedural significance; they do not take into account any deviating decisions taken in the individual case, given that the binding effect referred to in Art. 111(2) applies to that specific case only.

As regards search, the EPO also carries out searches for national patent applications from certain countries. The instructions in Part B apply in the main also to such searches.

These Guidelines address those aspects of the procedure which relate to the European patent grant procedure. They do not deal with proceedings relating to Unitary Patent protection (Regulations (EU) No 1257/2012 and 1260/2012, OJ EPO 2013, 111 and 132) other than those aspects arising during the European patent grant procedure (see C-IV, 7.2) or, for example, for requesting unitary effect for the granted patent (see C-V, 2.1). General information on the aspects of the Unitary Patent system is available on the EPO website (epo.org/applying/european/unitary.html).
4. Work at the EPO
The setting up of the EPO represented a major step forward in the history of patents. Its reputation depends on all employees, regardless of nationality, working harmoniously together and giving of their best. But it is on the search, examination and opposition, more than anything else, that the EPO will be judged by the patent world.

Employees of the EPO work with colleagues who not only speak a different language but also come from a different patent background with different training. Some may also have had experience in their national patent office. It is therefore important to mention that all employees in the EPO are working under a common system as laid down in the EPC. The Guidelines will support them in applying the same standards.

One of the purposes of the Guidelines is also to make clear how the areas of responsibility are distributed among the different departments, e.g. the Receiving Section, the examining or opposition divisions, in order to harmonise the working processes and to avoid duplicate work.

It should not be forgotten that the reputation of the EPO depends not only on the quality of the work it provides but also on the timeliness with which it delivers its work products. The EPC imposes various time limits on the parties. The European patent system will be judged a success only when examiners and other employees also operate within reasonable time frames.

Finally, it should hardly need stating that all European applications and patents, regardless of their country of origin and the language in which they are written, receive equal treatment. An international patent system can be credible only if all trace of national bias is absent.

5. Summary of the processing of applications and patents at the EPO
The processing of a European application and of a European patent is carried out in a number of distinct steps which may be summarised as follows:

(i) the application is filed with the EPO or a competent national authority;

(ii) the Receiving Section examines the application to determine if a date of filing can be accorded to the application;

(iii) the Receiving Section carries out the formal examination of the application;

(iv) if the Receiving Section has established that the application complies with the formal requirements, the search division draws up an extended European search report (EESR), a copy of which is forwarded to the applicant;

(v) the application and the search report are published by the EPO either together or separately;
(vi) on receipt of a request for examination from the applicant, or, if the request for examination has been filed before the search report has been transmitted to the applicant, on confirmation by the applicant that they desire to proceed further with the European patent application, the application is subjected to substantive examination and any necessary formal examination before a European patent is granted by the examining division;

(vii) provided the requirements of the EPC are met, a European patent is granted for the states designated;

(viii) the specification of the European patent is published by the EPO;

(ix) no later than one month after the date of publication of the mention of the grant in the European Patent Bulletin, the patent proprietor may file a request for unitary effect;

(x) within nine months from publication, any person may give notice of opposition to the European patent granted; after examining the opposition, the opposition division decides whether to reject the opposition, maintain the patent in amended form or revoke the patent;

(xi) the patent proprietor may request limitation or revocation of the granted European patent; the examining division will decide on this request;

(xii) if the European patent is amended, the EPO publishes a new specification of the European patent amended accordingly.

A European patent application may also be filed via the PCT route ("Euro-PCT application – entry into the European phase"). For further details, see E-IX, and subsections.

Any decision by the Receiving Section, an examining division, an opposition division or the Legal Division which adversely affects a party is appealable and, thus, subject to review before a board of appeal of the EPO. With the exception of important aspects relating to interlocutory revision, the appeals procedure is not dealt with in these Guidelines.

6. Contracting states to the EPC

The following states are contracting states* to the EPC (date of effect of the ratification in brackets):

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>1 May 2010</td>
</tr>
<tr>
<td>Austria</td>
<td>1 May 1979</td>
</tr>
<tr>
<td>Belgium</td>
<td>7 October 1977</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1 July 2002</td>
</tr>
<tr>
<td>Croatia</td>
<td>1 January 2008</td>
</tr>
</tbody>
</table>

* An up-to-date list of the contracting states to the EPC is published on epo.org (see epo.org/about-us/foundation/member-states.html).
Cyprus                              (1 April 1998)
Czech Republic                     (1 July 2002)
Denmark¹                          (1 January 1990)
Estonia                           (1 July 2002)
Finland                           (1 March 1996)
France²                          (7 October 1977)
Germany                          (7 October 1977)
Greece                           (1 October 1986)
Hungary                          (1 January 2003)
Iceland                          (1 November 2004)
Ireland                          (1 August 1992)
Italy                            (1 December 1978)
Latvia                           (1 July 2005)
Liechtenstein                    (1 April 1980)
Lithuania                        (1 December 2004)
Luxembourg                       (7 October 1977)
Malta                            (1 March 2007)
Monaco                           (1 December 1991)
Montenegro                       (1 October 2022)
Netherlands³                    (7 October 1977)
Republic of North Macedonia      (1 January 2009)
Norway                           (1 January 2008)
Poland                           (1 March 2004)
Portugal                         (1 January 1992)
Romania                          (1 March 2003)
Serbia                           (1 October 2010)
San Marino                       (1 July 2009)
Slovak Republic                  (1 July 2002)
Slovenia                         (1 December 2002)
Spain                            (1 October 1986)
Sweden                           (1 May 1978)
Switzerland                      (7 October 1977)
Türkiye                          (1 November 2000)
United Kingdom⁴                  (7 October 1977)
(total: 39)

7. Extension to and validation in states not party to the EPC
Currently it is possible to extend the European patent to one extension state and in five validation states not party to the EPC. For further details, see A-III, 12, and subsections.

¹ The EPC does not apply to Greenland and the Faroe Islands.
² The EPC applies to the territory of the French Republic, including the overseas territories.
³ The EPC is also applicable to Sint Maarten, Curaçao, Bonaire, Sint Eustatius and Saba, but not to Aruba.
⁴ The EPC is also applicable to the Isle of Man. For further information on the registration of European patents (UK) in crown dependencies, UK overseas territories and Commonwealth countries, see OJ EPO 2018, A97.
8. **Unitary Patent protection**

After a European patent is granted, the patent proprietor can file a request for unitary effect and obtain a Unitary Patent, i.e. a European patent with unitary effect. For further details, including the territorial scope of a Unitary Patent, see epo.org/applying/european/unitary.html.