

The EPO as Supplementary International Searching Authority

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Why choose the EPO?

Top-quality opinion
on the patentability
of your invention

Recognition of
EPO search by many
designated Offices

Additional basis for informed
decision making on entries
into national/regional phase

Cost savings in the
European phase: no additional
European search



PCT

RELIABLE PATENTABILITY OPINION

HIGH QUALITY
SUPPLEMENTARY
SEARCH

EFFICIENT SERVICE

Making the right choices for worldwide patent protection

The Patent Cooperation Treaty (PCT) helps innovators secure potential markets for new technologies whilst deferring major costs until both the markets and the technologies are proven. Applicants have just two and a half years from initial filing to assess the potential for their invention before their international patent application proliferates into national and regional applications. To get the most benefit, you need a high-quality search and assessment as early as possible to help you make the right business decisions about the strength of your future patent protection around the world.

> The **request** for a supplementary international search must be filed prior to the expiration of **22 months** from the priority date or filing date.

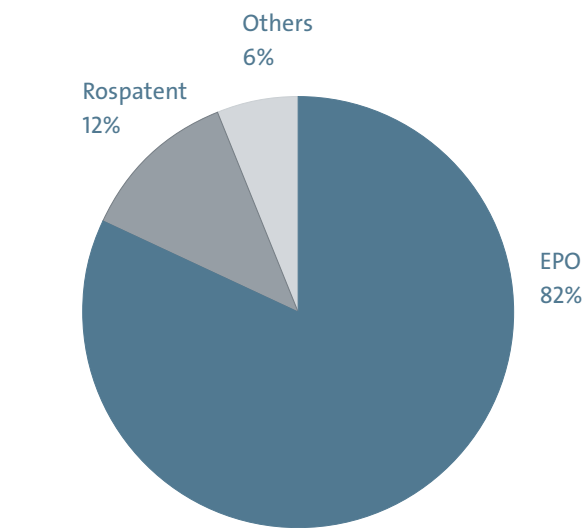
> The **benefits** of the supplementary international search for the applicant are to **reduce the risk** of new prior art being cited in the national phase.

> World-class EPO databases containing patents from over **100 countries** including **50 million technical records** from P.R. China, Japan and R. Korea.

The EPO as Supplementary International Searching Authority (SISA) and the value of a supplementary international search (SIS)

Although the search conducted under Article 15 PCT by the competent International Searching Authority (ISA) (“main search”) is already of high quality and covers both the PCT minimum documentation and the additional documentation searched by the ISA when acting as a national Office, a supplementary search can prove to be of significant value to applicants. The reason for this is that the SISA conducting the SIS extends the search to documents in the language or languages in which it has expertise, thus enabling applicants to make better-informed decisions prior to entering the national or regional phase. Since there are no limitations on the choice of SISA, applicants from the US are free to choose the EPO to conduct the SIS for them.

Top three SISAs (share of SIS requests) in 2017



Advantages of the EPO as SISA for US applicants

World-class search tools and expertise

The EPO’s databases contain over 1.3 billion technical records with patents from over 100 countries, including 50 million from China, Japan and Korea, as well as extensive non-patent literature (more than 30 million documents). Our 4 384 examiners are highly qualified scientists and engineers with years of experience in their specialist fields. They have state-of-the-art digital tools to support them, the world’s largest citations database, the most-sophisticated classification systems and instant machine-translation tools. Consequently EPO searches are truly global in scope, with over 24% of all citations on EPO search reports being of Asian origin.

Language diversity

The purpose of the SIS is to provide the applicant with a supplementary international search report (SISR), which in terms of content goes further than the main search. In particular, in view of the growing linguistic diversity of the prior art and considering the language knowledge available in the EPO (English, French and German), an SISR established by the EPO can be very useful to applicants, as it reduces the risk of new prior art being cited in the European (EP) or national phase. The SISR is established within 28 months from the priority date. Applicants are therefore provided with important information before deciding on national- or EP-phase entry and incurring further expenses.

Same search quality, fee and advantages as for a main search by the EPO

An SIS by the EPO is of the same scope and high quality, and costs the same, as any main search conducted by the EPO as ISA (EUR 1 775 = USD 2 207). The EPO will also provide explanations in an annex to the SISR which are equivalent to the information

contained in a written opinion established by the EPO as ISA. Moreover, **if the EPO has acted as SISA and established an SISR, no supplementary European search report will be drawn up in the EP phase.**

Representation by US agents possible

Applicants may be represented before the EPO as SISA by the agent appointed on filing of the international application and having the right to practise before the receiving Office, i.e. the agent for the international phase. Thus, should they so wish, US applicants can continue to be represented by the US agent they appointed on filing the international application. Alternatively, an applicant may also appoint an agent to represent him specifically before the EPO in its capacity as SISA; such an agent, however, must be entitled to practise before the EPO.

Requirement for filing an SIS request

An SIS request must be filed with the International Bureau (IB) within 22 months from the priority date. At the same time, the SIS handling fee must be validly paid to the IB in Swiss francs. If the EPO is requested to carry out the SIS, and the application was not filed in English, French or German, a translation into one of these languages must be filed with the IB together with the SIS request. Where applicable the applicant must, together with the SIS request, also provide the IB with a copy of the sequence listing in electronic text form, complying with the standard provided for in Annex C to the Administrative Instructions.