

discussed as well as the date and time for the consultation. A copy of the arrangements recorded is sent to the applicant.

If the applicant wishes to discuss amended claims during a telephone consultation, a copy of such claims should be sent in advance to the examiner in order to enable appropriate preparation. The time limit for such submissions will be set by the examiner on the record of the arrangement.

GL/ISPE 19.46

The result of the telephone consultation is recorded by the examiner and added to the file. The recording will depend upon the nature of the matters under discussion and will be forwarded to the applicant.

If the consultation replaces the second written opinion or takes place after a reply to a second written opinion but has ended with an agreement on amendments, Form 428 will include:

- a warning that the amendments cannot be made by the IPEA and
- an invitation for the applicant to file amended sheets normally within one month, but at least one month before the deadline for the IPER (unless as agreed with respect to the late issue of the IPER).

If the consultation takes place after a reply to a second written opinion and no agreement has been reached, the applicant is informed that his arguments will be taken into account when establishing the IPER.

Enquiries as to the processing of files may be filed online using the dedicated form (EPO Form 1012) (see the Notice from the EPO dated 2 August 2016, OJ EPO 2016, A66).

## **2. Confidentiality**

Art. 38

Rule 94.2

GL/ISPE 3.26

Without the applicant's authorisation, the IB and the EPO as IPEA may not allow access to the file of the international preliminary examination by third parties, except by the elected Offices once the IPER has been established.

Art. 36(3)

Rule 73.2

Rule 94.1(c)

Once the IPER has been established and transmitted to the IB, the latter sends a copy of the IPER, together with its translation (as prescribed) and its annexes (in the original language), to each elected Office. As from that time, the IB, on behalf of the EPO as elected Office, also furnishes copies of the IPER to anyone who requests them.

Rule 94.2(b) and (c)

Once the IPER has been established, at the request of any elected Office, the EPO as IPEA will provide access to any document contained in its file, except to any information in respect of which it has been notified by the IB that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule 94.1(d) or (e).

Rule 94.3

Provided international publication has taken place, once the IPER has been established, third parties may access the file of the international preliminary examination via those elected Offices whose national law allows access by third parties to the file of a national application (see also GL/EPO