

under Art. 33(4) in that the invention is not "industrially applicable" (see GL/PCT-EPO G-III, 1).

4. Burden of proof as regards the possibility of performing and repeating the invention

If there are serious doubts as regards the possibility of performing the invention and repeating it as described, the burden of proof as regards this possibility, or at least a demonstration that success is credible, rests with the applicant, who can discharge his burden of proof during the PCT Chapter II procedure or after entry into the European phase before the EPO. As regards the possibility of performing and repeating the invention, see also GL/PCT-EPO F-III, 3.

5. Cases of partially insufficient disclosure

5.1 Only variants of the invention are incapable of being performed

Section F-III, 5.1, in the Guidelines for Examination in the EPO applies *mutatis mutandis*. See also GL/PCT-EPO G-VII, 5.2.

5.2 Absence of well-known details

GL/ISPE 5.50

Section F-III, 5.2, in the Guidelines for Examination in the EPO applies *mutatis mutandis*. See also GL/PCT-EPO F-III, 1 and F-IV, 4.5 ff.

5.3 Difficulties in performing the invention

Section F-III, 5.3, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

6. Inventions relating to biological material

6.1 Biological material

Rule 13bis

See ISPE Guidelines 4.16-4.17.

6.2 Public availability of biological material

Section F-III, 6.2, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

6.3 Deposit of biological material

Rule 13bis.2

OJ EPO 2010, 498

OJ EPO 2017, A60

OJ EPO 2017, A61

See Euro-PCT Guide, points 2.20.001-2.20.007.

6.4 Priority claim

Section F-III, 6.4, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

7. Proper names, trademarks and trade names

See ISPE Guidelines 4.25.

For the assessment of the clarity of claims referring to a trademark (Art. 6), see GL/PCT-EPO F-IV, 4.8.