

A deemed common representative is not entitled to sign notices of withdrawal on behalf of co-applicants without submitting evidence of their consent to such withdrawal. If a deemed common representative has appointed an agent, the latter may validly perform any act which could be performed by the deemed common representative. If a co-applicant of the deemed common representative has appointed an agent, such agent will not be considered the "agent of record" and will be entitled to act only on behalf of that co-applicant.

#### **1.4 "Representation" by an employee**

Natural or legal persons having their residence or principal place of business in an EPC contracting state do not need to be represented by an agent in proceedings before the EPO acting as receiving Office. They may, however, act in these proceedings through an employee.

Art. 27(7)

Art. 133(3) EPC

This kind of "representation" has to be distinguished from representation by an agent. The actions of the employee are regarded as actions of the natural or legal person and communications from the EPO are therefore addressed to the applicant and not to the employee.

#### **1.5 Manner of appointment of an agent, common agent or common representative**

Appointment of an agent, common agent or common representative for the international phase requires a declaration to this effect. This can be made either in the PCT request form (Box No. IV) or in a separate notice ("power of attorney"). For this purpose the "PCT/Model of power of attorney" may be used, which is available on the WIPO website.

R. 90.4, 90.5

PCT AG I 11.007-11.009

For the appointment of an agent, a common agent or a common representative to be effective, the PCT request or the power of attorney must be duly signed by (all) the applicant(s) for whom the agent, the common agent or the common representative is intended to act. However, a power of attorney must only be submitted to the EPO if the EPO's waiver of the requirement to submit a separate power of attorney does not apply in the circumstances. For further information on separate powers of attorney and the EPO's waiver of the requirement to submit them, see GL/PCT-EPO A-VIII, 1.11 and 1.13.

Appointment of an agent or a common agent may also be effected by referring in the PCT request form (Box No. IX) or in a separate notice to an existing general power of attorney deposited with the EPO. A copy of the general power of attorney must only be furnished if the EPO's waiver concerning a copy of a general power of attorney does not apply in the circumstances. For further information on general powers of attorney and the EPO's waiver of the requirement to submit a copy of them, see GL/PCT-EPO A-VIII, 1.12-1.13.

A power of attorney may not be filed by fax or using the EPO Web-Form Filing service.