

Chapter II – Filing of international applications and examination on filing

1. Where and how international applications may be filed

1.1 Filing with the EPO as receiving Office

Natural and legal persons who are nationals or residents of a PCT contracting state may file an international application with any of the following as receiving Office, provided that this option is available to them:

Art. 2(xv)
Art. 9, 10
R. 18, 19

- the national office of that state
- the office acting for that state
- the International Bureau (IB)

Natural and legal persons who are nationals or residents of an EPC contracting state may file an international application with the EPO as receiving Office instead.

Art. 151 EPC
R. 157(1) EPC
OJ EPO 2014, A33

The national patent offices of Belgium, Monaco and San Marino have ceased to act as receiving Offices under the PCT and delegated this task to the EPO, which will thus act as receiving Office on their behalf for all international applications filed by applicants who are nationals or residents of, or have their principal place of business in, one of these states.

R. 19.1(b)
OJ EPO 2018, A17
OJ EPO 2018, A105
OJ EPO 2019, A96

For more information on when the EPO is competent to act as receiving Office, see GL/PCT-EPO A-II, 2.

1.2 Methods of filing with the EPO as receiving Office

International applications must be filed using the PCT request form (PCT/RO/101) and submitted either electronically or on paper.

1.2.1 Filing of applications by delivery by hand or by post

An international application may be filed by delivery by hand or by post with one of the EPO's filing offices in Munich, The Hague or Berlin. All EPO filing offices are based in the Central European Time (CET) zone. For further details, see GL/EPO A-II, 1.1. The documents making up the international application must be filed in one copy only.

OJ EPO 2017, A11
OJ EPO 2018, A18
OJ EPO 2018, A27
OJ EPO 2006, 439

The date of filing accorded to an application delivered by hand or by post is the date of handing over or receipt respectively at an EPO filing office, provided that the requirements under Art. 11 are fulfilled (see GL/PCT-EPO A-II, 4.1).

If a filing sent by post is lost or delayed, the EPO accepts evidence of posting only if the document was sent via a postal authority or one of the following generally recognised postal service providers: Chronopost, DHL, Federal Express, flexpress, TNT, SkyNet, UPS or Transworld. As evidence, confirmation of registration by the post office or confirmation of receipt by the postal service provider must be provided at the EPO's request.

Art. 48(1)
R. 26bis.3, 82.1,
82quater
OJ EPO 2015, A29