

Chapter VI – Time limits

1. Start of the international preliminary examination

The EPO as IPEA will start the international preliminary examination when it is in possession of all of the documents and fees required under Rule 69.1(a). It will not wait until the applicable time limit under Rule 54bis.1(a) has expired unless the applicant expressly requests it to do so.

Rule 69.1(a)
Rule 54bis.1(a)
GL/ISPE 19.07

Where the statement concerning amendments filed with the demand indicates that the applicant would like the international preliminary examination to take into account amendments under Article 34 but the applicant failed to submit them with the demand, the IPEA will invite it to do so within a set time limit, pursuant to Rule 60.1(g) (Form PCT/IPEA/431). The IPEA will not start the international preliminary examination until it has received them or before expiry of the time limit set in the invitation pursuant to Rule 60.1(g), whichever occurs first.

Rules 53.9(c),
60.1(g), 66.4bis,
69.1(e)

Similarly, where the applicant would like the international preliminary examination to take into account amendments under Article 19 and any accompanying statements, the IPEA will not start the international preliminary examination before it has received a copy of the amendments.

The EPO as IPEA does not apply Rules 69.1(b) and 69.1(b-bis), i.e. it will not start the international preliminary examination at the same time as the international search.

2. Time limit for international preliminary examination

The time limit for establishing the international preliminary examination report is laid down in Rule 69.2. Where the documents required for the preliminary examination were received in due time, the EPO will establish the IPER within 28 months from the priority date.

Rule 69.2(i)
GL/ISPE 3.24, 19.10

The applicant has a time limit of 31 months from the priority date to enter the European phase before the EPO.

Rule 159(1) EPC
Art. 22(1), (3)
Art. 39(1)(a), (b)

3. Extension of the time limit

Failure to meet the time limit set in the WO-ISA or the WO-IPEA does not constitute a formal loss of rights; see GL/PCT-EPO C-IV.3.

Requests for extension of the time limit for replying to the WO-ISA where it is considered as a first opinion of the IPEA are handled by the formalities officers. As a rule, a one-month extension will be granted if requested before expiry of the normal time limit under Rule 54bis and on condition that the time limit so extended does not expire later than 25 months from the (earliest) priority date; further extensions are not allowed. The extension does not apply to the time limit for filing the demand, which cannot be extended.

A request for extension of the time limit to reply to a WO-IPEA (Form 408) will be granted only if there is sufficient time available to grant the extension

Rule 66.2(e)