

Chapter VII – Other procedures in examination

1. Request for an interview or telephone consultation

Art. 34(2) gives the applicant the right to communicate orally with the IPEA. Thus, a request for a telephone conversation from the applicant or the agent (including those overseas) will be granted, but only after the subject-matter on which the international preliminary examination is to be based has been clarified, i.e. only after the applicant has filed a written response to the WO-ISA, or, if the international search report has raised an objection of lack of unity, to an invitation to restrict the claims or to pay additional fees (Form 405). In that way, the subject-matter to be discussed in the telephone conversation is clarified upfront. Requests for personal interviews are not granted. However, if an applicant requests a personal interview, the examiner should contact him by phone to inform him that it is the EPO's policy not to grant personal interviews, but that the matter can be discussed in the form of a telephone consultation subject to the above condition.

Art. 34(2)

Rule 66.6

GL/ISPE 19.41-19.46

If the applicant has requested a telephone consultation the following applies:

OJ EPO 2011, 532

- (a) as a general rule the applicant has, upon request, the right to one telephone consultation;
- (b) after a telephone consultation the applicant should in general be given a time limit (normally two months) to file amended claims and/or arguments. If, in a telephone consultation, the applicant has expressed his intention not to file further observations/amendments, in other words if the applicant has agreed to receive an IPER without further interaction, minutes of the telephone consultation are sent and these are directly followed up with a negative IPER. No time limit is set in the minutes.
- (c) if, before issuance of the (further) written opinion (Form 408), the applicant has requested a telephone consultation or alternatively a further written opinion, the examiner has the discretion to decide which kind of interaction is most suitable for the application in question;
- (d) in the specific case of a telephone consultation being requested after issuance of the further written opinion but before the date on which the IPER is established, the request must be granted before a negative IPER is issued. However, in this case the applicant does not have the right to file further amendments, unless an agreement has been explicitly reached (see below).

Rule 66.6

Rule 66.6

When a telephone consultation is arranged, the matters for discussion should be clearly stated in advance. If the arrangement is made by telephone, the examiner should record the particulars and briefly indicate in the file (Form 428: minutes of telephone conversation) the matters to be

GL/ISPE 19.45