

- (i) invites the applicant to correct the priority claim (PCT/RO/110, Annex A), and/or
- (ii) if the filing date of the international application lies within two months of expiry of the priority period, draws the applicant's attention to the possibility of requesting restoration of the right of priority (PCT/RO/110, Annex B).

1.4.1 Correction of the priority claim upon invitation

The RO will invite the applicant to correct defects in a priority claim (indicated in Annex A of Form PCT/RO/110) within a time limit of 16 months from the priority date or, where the correction would cause a change in the priority date, 16 months from the priority date as so changed, whichever expires first, provided that a notice of correction may, in any event, be submitted until the expiry of four months from the international filing date.

R. 26bis.1(a)

R. 26bis.2(a)

AI 314(a)

GL/RO 169

GL/RO 170

Upon receipt of a response to the invitation to correct defects in a priority claim, the RO checks whether the indications furnished by the applicant have been received within the applicable time limit and whether they comply with the formal requirements of Rule 4.10 (see GL/PCT-EPO A-VI, 1.1). If so, the RO follows the procedure laid down in GL/RO 170.

The RO notifies the applicant accordingly, using Form PCT/RO/111, and sends to the IB and the ISA, respectively, a copy of that notification as well as a copy of the corresponding sheet of the PCT request containing the corrections.

If the notice correcting the priority claim is received before the RO declares the priority claim void (see GL/PCT-EPO A-VI, 1.4.2) and not later than one month after the expiry of the time limit, the response is considered to have been received before the expiry of the applicable time limit.

R. 26bis.2(b), last sentence

1.4.2 Failure to correct

If, in response to the invitation to correct a priority claim, the applicant does not submit a notice correcting the priority claim before expiry of the applicable time limit (see GL/PCT-EPO A-VI, 1.4.1), that priority claim is, for the purposes of the PCT procedure, considered void and the RO so declares using Form PCT/RO/111. In addition to marking the PCT request in accordance with GL/RO 172, the RO also sends to the IB and the ISA, respectively, a copy of that declaration and a copy of the corresponding sheet of the request containing the marking.

R. 26bis.1(a)

R. 26bis.2(b)

AI 302

GL/RO 169

GL/RO 171

GL/RO 172

PCT AG I 6.043

1.5 Restoration of the right of priority

Where the international application has an international filing date which is later than, but within two months of, the date on which the priority period expired, the applicant may request restoration of the right of priority with the RO. This request may be made directly on the request form (Box No. VI) or separately (either upon receipt of the information from the RO using Form PCT/RO/110, Annex B (see GL/PCT-EPO A-VI, 1.4(ii)) or on the applicant's own initiative).

R. 26bis.3

GL/RO 166C

GL/RO 166D

GL/RO 166E

GL/RO 166G

PCT AG I 5.064-5.069

Art. 2(1) item 13

RFees