

drawn to the relevance of such a document if the application enters the European phase before the EPO and a reasoned statement as to lack of novelty will be given.

### **9. Copies of documents cited in the SISR**

*OJ EPO 2010, 316*  
*GL/ISPE 15.97*

The applicant will receive a copy of each document cited in the SISR free of charge.

## **10. Non-unity**

### **10.1 General procedure**

*Rule 45bis.6*  
*GL/ISPE 15.89-15.90*

In case of non-unity only one invention is searched; there is no possibility to pay additional fees for further inventions. Furthermore, the decision as to which invention should be considered the main invention and thus searched is handled differently for the SIS procedure, as set out in detail in GL/PCT-EPO B-XII, 10.2.

*Rule 45bis.1(d)*

Where the main ISA has already objected to lack of unity, the applicant can indicate together with the supplementary search request which of the inventions should be searched by the SISA. For further details see GL/PCT-EPO B-XII, 10.3.

*Rule 45bis.6(b)*

If on the other hand the main ISA has not objected to lack of unity, the EPO as SISA is free to do so, as the SISA is not bound by any finding on unity made by the ISA but merely obliged to take such a finding into account.

*Rule 45bis.6(c)*

As for any international search where lack of unity is objected to, the applicant has the right to protest against the non-unity finding. In the SIS procedure this protest is called a review (see GL/PCT-EPO B-XII, 10.4).

### **10.2 Deciding what is to be considered the main invention**

The main invention will normally be the invention first mentioned in the claims. However, the examiner will exercise due discretion in selecting the invention to be searched where the first mentioned invention is one for which no search report would be established, or else where the applicant has requested that the supplementary search should be limited to one of the inventions other than the first identified by the ISA responsible for the main international search. For details, see GL/PCT-EPO B-XII, 10.3.

### **10.3 The main ISA found that unity of invention is lacking**

If the main ISA has already objected to lack of unity and the examiner agrees with the assessment in the main ISR, this can be reported by simply referring to the ISR.

If the examiner forms a different point of view, or agrees with a revised view on unity of invention in a decision relating to a protest before the ISA, the reasoning will be set out in full so that it is easily understood by both the applicant and third parties. No reasons need be given why the lack-of-unity objection raised in the ISR could not be followed.