

## Chapter II – Allowability of amendments

### 1. Introduction

Once the EPO as IPEA has concluded that the amendments can be taken into consideration (see GL/PCT-EPO H-I), all amended pages (description, claims, drawings) must be examined to see whether they introduce subject-matter not originally disclosed. The examiner should apply the criteria used under Art. 123(2) EPC for the European procedure *mutatis mutandis*, as indicated below. It is important to note that an amendment which is taken into consideration by the EPO as IPEA is not automatically allowable.

GL/ISPE 20.09

With regard to establishing the WO-IPEA or IPER if any newly filed claim, drawing or part of the description contains amendments which are considered to go beyond the disclosure as originally filed, see GL/PCT-EPO C-III.4.

### 2. Allowability of amendments

#### 2.1 Basic principle

The examiner should apply the guidelines of section H-IV.2.1, in the Guidelines for Examination in the EPO *mutatis mutandis*.

GL/ISPE 20.12

#### 2.2 Content of the application as "originally" filed – general rules

The examiner should apply the guidelines of section H-IV.2.2, in the Guidelines for Examination in the EPO *mutatis mutandis*.

##### 2.2.1 Features described in a document cross-referenced in the description

The examiner should apply the guidelines of section H-IV.2.2.1, in the Guidelines for Examination in the EPO *mutatis mutandis*.

##### 2.2.2 Incorporating missing or correct parts or elements completely contained in the priority document

If the applicant files (a) missing or correct part(s) (i.e. part(s) of the description, part(s) of the claims and/or part(s) or all of the drawings) and/or (a) missing or correct element(s) (i.e. all of the description and/or all of the claims), the filing date of the application as a whole will be the date on which the part(s) and/or the element(s) was (were) subsequently furnished, unless the RO accepted the incorporation by reference of the missing or correct part(s) and/or element(s).

Rule 20.3

Rule 20.5

Rule 20.5bis

Rule 20.7

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An applicant therefore has the possibility to furnish parts of the application and/or entire elements which were erroneously omitted without affecting the international filing date by requesting their incorporation by reference to the priority document (see GL/PCT-EPO A-II.5).

Rule 4.18

Rule 20.6

Similarly, an applicant therefore also has the possibility to request the correction of erroneously filed parts of the application and/or entire elements without affecting the international filing date by requesting their incorporation by reference to the priority document. This latter possibility is, however, not available before all ROs. In particular, the EPO acting as RO

Rule 19.4(a)(iii)

Rule 20.5bis(a)(ii)

Rule 20.8(a-bis)

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