

Chapter IV – Special provisions

1. PCT Direct service (see also GL/PCT-EPO B-IV, 1.2)

1.1 General remarks

When filing an international application claiming priority from an earlier national, European or international application already searched by the EPO (i.e. a "doublure"; see GL/PCT-EPO B-IV, 1.1), the applicant may submit to any receiving Office informal comments aimed at reacting to the objections raised in the search opinion established by the EPO for the priority application. At the EPO, this service is called "PCT Direct".

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Such informal comments are to be understood as arguments regarding the patentability of the claims of the international application and also possibly as explanations regarding any modifications to the application documents, in particular to the claims, in comparison with the priority application. If the requirements under GL/PCT-EPO A-IV, 1.2, are met, the informal comments will be taken into account by the EPO as ISA when it establishes the international search report and written opinion for the international application.

For the processing of applications under the PCT Direct service by the EPO as ISA, see GL/PCT-EPO B-IV, 1.2.

1.2 Form of submissions

Applicants may request to have their international application processed under the PCT Direct service by filing a letter ("PCT Direct letter") containing informal comments aimed at overcoming objections raised in the search opinion established by the EPO for the priority application. The earlier application from which priority is claimed must have been searched by the EPO (international, European or national first filing, but not an international-type search).

The PCT Direct letter is to be presented as a separate document attached to the international application; it should be entitled "PCT Direct/informal comments" and clearly identify in the header the application number of the earlier application. The PCT Direct letter does not form part of the international application.

If the claims and/or the description of the international application differ from the earlier application, preferably a marked-up copy indicating the differences should be submitted. A copy of the earlier search opinion could also be annexed to the PCT Direct letter. It should be borne in mind that the letter, together with the annexed documents, will be made available to the public in accordance with the provisions on file inspection.

The PCT Direct letter, any marked-up copy of the claims and/or description, as well as the earlier search opinion, if annexed, are to be submitted as a single document in PDF (not as a ZIP file) and indicated in Box IX of the PCT request form (Form PCT/RO/101). In particular, the words "PCT Direct/informal comments" should be specified under point 11, "other", for