

If the EPO is not the RO, the identity of drawings and the word-for-word identity of (parts of) the description/claim(s) must also be checked by the examiner (unless the documents needed are not available at this stage).

2.2.2.2 Review by the examiner

If the missing or correct part(s) and/or element(s) was (were) indeed completely contained in the priority document, the examiner will treat the file as having the filing date accorded by the RO. The examiner will proceed in the same way where unable to check whether the missing or correct part(s) and/or element(s) was (were) indeed completely contained in the priority document because, at the time of the search or the preliminary examination, the priority document(s) or any other document needed (i.e. the subsequently filed sheet(s) embodying the missing or correct part(s)/element(s) or the translation of the priority document) is (are) not available to the ISA or IPEA. If the documents needed for the check are not available, this will be indicated in the WO-ISA/IPER, in Section I of the separate sheet.

Rule 20.5(a)(ii)
Rule 20.5(d)
Rule 20.5bis(a)(ii)
Rule 20.5bis(d)
OJ EPO 2020, A81
GL/ISPE 15.11

If the missing or correct part(s) and/or element(s) was (were) not completely contained in the priority document, the decision on the filing date made by the RO is still valid for the international phase. However, the examiner will indicate in the WO-ISA/IPER in Section I of the separate sheet that there are doubts as to whether the missing or correct part(s) and/or element(s) was (were) actually completely contained in the priority document. The search report and the WO-ISA or the IPER, as applicable, will also include documents which would be relevant if the application were to be redated (see GL/PCT-EPO B-III, 2.3.3).

A review of the decision by the RO can only take place in the regional phase (Rule 82ter.1(b)).

After entry into the regional phase before the EPO (Euro-PCT phase) the applicant can withdraw the subsequently filed missing or correct parts and/or correct elements in order to avoid the redating of the application. In this case, it should be noted that amendments which are acceptable under the less strict criterion of Art. 123(2) EPC can always be filed during the Euro-PCT phase.

Rule 82ter.1(d)

2.2.3 Sequence listings filed after the date of filing

Any sequence listing not contained in the international application as filed will – if not allowable as an amendment under Article 34 – not form part of the international application.

Rule 13ter.1(c)

See GL/PCT-EPO B-VIII, 3.2, for the effect on the search and GL/PCT-EPO B-XI, 7, for the effect on the WO-ISA. For the effect on examination in Chapter II, see GL/PCT-EPO C-VIII, 2.1.

2.2.4 Priority documents

It is not permissible to add to an international application matter present only in the priority document for that application, unless this is done under the provisions of Rule 20.6 (GL/PCT-EPO H-II, 2.2.2). For correction of errors, see GL/PCT-EPO H-IV.