

feature(s) was/were all contained in a dependent claim referring back to said independent claim(s) in the earlier application.

9.2.1.2 Partial refund

The "partial refund" level applies where the EPO can make partial use of the earlier search report for drawing up the international search report.

OJ EPO 2009, 99, 2.2
OJ EPO 2019, A5

This occurs, in particular, where

- (a) the claims of the later application are broader than those of the earlier application and this broadening represents a further generalisation of the same invention as that searched in the earlier application, or
- (b) the claims of the later application are limited with respect to those of the earlier application, due to a limiting feature not disclosed in the earlier application but relating to the same invention as that searched in the earlier application.

9.2.1.3 No refund

No refund is due

OJ EPO 2009, 99, 2.3
OJ EPO 2019, A5

- (a) where the subject-matter claimed in the later application represents an invention different from that searched in the earlier application, or
- (b) the legal requirements for a refund are not fulfilled, for example where the priority of the earlier application is not validly claimed.

9.3 Refund of additional search fees and, where applicable, the protest fee

If the Review Panel finds that a protest was entirely justified, the additional search fees and the protest fee will be refunded.

Rule 40.2(c) and (e)

If it finds that the protest was justified only in part, the corresponding additional search fees will be refunded, but not the protest fee (see GL/PCT-EPO B-VII, 7.2).

9.4 Refund of the supplementary search fee

The EPO as SISA will refund the supplementary search fee where,

Rule 45bis.3(e)
Agreement EPO-
WIPO, Annex D-II,
OJ EPO 2017, A115
OJ EPO 2020, A68

- before it has started the supplementary search, the supplementary search request is considered not to have been submitted; or
- before it has started the supplementary search, the international application or the supplementary search request is withdrawn.

9.5 Refund of the review fee

If the Review Panel finds that the lack of unity objection was not justified, the review fee is refunded to the applicant (see GL/PCT-EPO B-XII, 10.4).

Rule 45bis.6(d)(iii)