

but not by the "deemed" common representative under Rule 90.2(b). If the agent or the common representative has not yet been duly appointed, a power of attorney signed by all the applicants has to be submitted together with the notice of withdrawal; the requirement to submit a power of attorney to the EPO is not waived in such cases. If such a power of attorney is not filed together with the notice of withdrawal, the EPO will request the applicant(s) to submit one and the withdrawal will take effect on the date of its receipt. If no power of attorney is received before the expiration of the time limit for filing a withdrawal, the request for withdrawal will not be processed.

Moreover, the EPO will only process unqualified and unambiguous notices of withdrawal. If in doubt, the EPO will seek clarification of the applicant's or applicants' intention before any action is undertaken.

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2.2 Withdrawal of the international application

Applicants may address a notice of withdrawal of their international application to the IB, the RO or, where a demand has been filed, to the IPEA, and may do so at any time prior to the expiration of 30 months from the priority date.

Rule 90bis.1

The EPO as RO or IPEA will mark the notice of withdrawal of the international application with the date on which it was received and promptly transmit it to the IB.

PCT AI sections 326 and 609

For information on the refund of the international filing fee in the event of withdrawal of the international application, see GL/PCT-EPO A-III.9.1; for information on the refund of the international search fee, see GL/PCT-EPO A-III.9.2.

2.2.1 Conditional withdrawal

Applicants may request the withdrawal of their international application on condition that the international publication can be prevented ("conditional withdrawal"). In such a case, the withdrawal does not become effective if the condition cannot be met, that is, if the IB has already completed the technical preparations for the international publication. It is recommended that conditional withdrawals be submitted direct to the IB, especially if the date of completion of the technical preparations is imminent.

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2.3 Withdrawal of designations

An applicant may address a notice of withdrawal of any designations to the IB, the RO or, where a demand has been filed, the IPEA, and may do so at any time prior to the expiration of 30 months from the priority date. Withdrawal of the designation of all designated states is treated as withdrawal of the international application (see GL/PCT-EPO A-IV.2.2). Withdrawal of a designated state which has been elected entails withdrawal of the corresponding election (see GL/PCT-EPO A-IV.2.6). If the withdrawal of a designation reaches the IB prior to completion of the technical preparations for publication, the designation in question is not published.

Rule 90bis.2