

2. Competence of the EPO to act as receiving Office

The EPO is competent to act as the receiving Office for an international application provided that:

- The applicant is a **national or resident** of an EPC contracting state which is also a PCT contracting state (currently the case for all EPC contracting states). If there are two or more applicants, at least one must be a resident or national of an EPC contracting state. A person mentioned only as an inventor does not qualify as an applicant. Hence, the nationality or residence of a person mentioned only as an inventor is irrelevant for determining whether the EPO is competent to act as receiving Office.
- The international application is filed in one of the **EPO's official languages** (English, French or German).

Where the applicant is not a national or resident of an EPC contracting state or the application is in a language other than English, French or German, the EPO is not the competent receiving Office and the EPO will transmit the purported international application to the IB. The applicant will be informed accordingly (Form PCT/RO/151). For the purpose of the international filing date, the application will nevertheless be considered to have been received by the IB as receiving Office on the date that the EPO received it. Any fees paid to the EPO will be refunded.

3. Procedure on filing

3.1 Acknowledgement of receipt

The EPO as receiving Office will acknowledge receipt of a purported international application filed on paper using EPO Form 1031, which will be sent by post, as a rule within four working days. In it, the EPO will explicitly confirm the receipt of each document making up the international application and each accompanying item. However the EPO does not verify the number of sheets making up a given document.

The same procedure applies to international applications filed on electronic data carriers.

Upon receipt of paper documents purporting to be an international application, the EPO as receiving Office proceeds according to GL/RO, Chapter IV, paragraph 35.

For general information on the receipt of documents at the EPO and for information on acknowledgement of receipt by fax, see GL/EPO A-II, 3.1, which applies *mutatis mutandis* to international applications.

For international applications filed online using OLF, CMS or Web-Form Filing, receipt is acknowledged electronically following successful submission. The acknowledgement contains the identity of the receiving Office, the date and time of receipt, a reference or application number, a list of the files transmitted and, for online filings using OLF or CMS, a message digest, i.e. the message in compressed form.

R. 19.1-19.2
R. 157(1) EPC
OJ EPO 2014, A33

R. 12.1(a)
Art. 14(1), R. 157(2)
EPC
R. 19.4(b)
GL/RO 274

OJ EPO 2019, A19

OJ EPO 2018, A45

OJ EPO 2018, A45
OJ EPO 2019, A19