

2.4 Withdrawal of priority claims

Rule 90bis.3

An applicant may address a notice of withdrawal of one or more priority claims 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.3
GL/RO 321

Where the priority date of the international application has changed following withdrawal of a priority claim, any time limit which is computed from the original priority date, and which has not already expired, is recomputed from the priority date resulting from that change. Time limits computed from the original priority date which have already expired are not reinstated (Rule 90bis.3(d)). Nevertheless the IB may proceed with the international publication based on the original priority date if the notice of withdrawal of a priority claim reaches the IB after completion of the technical preparations for publication (Rule 90bis.3(e)).

PCT AI section 326

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

2.5 Withdrawal of the supplementary search request

Rule 90bis.3bis
PCT AI section 520

Applicants may withdraw their request for supplementary international search by addressing a notice of withdrawal to either the IB or the authority specified for the supplementary search, and may do so at any time before transmittal by the SISA of the supplementary international search report or of the declaration that no such report will be established. The EPO as SISA will mark the notice of withdrawal with the date on which it was received and promptly transmit it to the IB. For information on the refund of the supplementary international search fee by the EPO as SISA, see GL/PCT-EPO A-III, 9.4.

2.6 Withdrawal of the demand or of elections

Rule 90bis.4

Applicants may withdraw their demand or any or all elections by addressing a notice of withdrawal to the IB, and may do so at any time prior to the expiration of 30 months from the priority date. The withdrawal takes effect on the date of receipt of the notice by the IB, the IPEA being notified of that date. If the applicant nevertheless submits the notice of withdrawal to the IPEA, the IPEA will mark the date of receipt on the notice and transmit it promptly to the IB. The notice is considered to have been submitted to the IB on the date marked by the IPEA.

Rule 90bis.6(c)

Where the demand or all elections are withdrawn, the IPEA is notified of the withdrawal by the IB and the processing of the international application by the IPEA is discontinued.

GL/ISPE 22.20

The demand or the copy thereof must be transmitted to the IB even where it has been withdrawn by the applicant. For information on the refund of the handling fee, see GL/PCT-EPO A-III, 9.6; for information on the refund of the preliminary examination fee in the event of withdrawal of the demand, see GL/PCT-EPO A-III, 9.7.