

Where the practice for EP and PCT applications is the same (e.g. for the assessment of novelty), cross-references are made to the EP Guidelines. Where the practices are only partially overlapping, the information is contained in full in the PCT-EPO Guidelines, in order to avoid possible confusion. Chapter 3, Annex I, provides an EPC-PCT concordance table.

It goes without saying that whenever "his" or "he" is used in relation to examiner, applicant, inventor, etc., this should be understood as "her or his" and "she or he", respectively.

2.2 Applicability of the PCT-EPO Guidelines

These Guidelines are intended to cover normal occurrences. They should therefore be considered only as general instructions. The application of these Guidelines to individual international patent applications is the responsibility of the formalities and examining staff and they may have to go beyond these instructions in exceptional cases. Nevertheless, as a general rule, parties can expect the EPO in its capacity as RO, (S)ISA or IPEA to act in accordance with these Guidelines until such time as they – or the relevant legal provisions – are amended. Notices concerning such amendments are published in the Official Journal of the EPO and on the EPO website. It should also be noted that these Guidelines do not constitute legal provisions.

2.3 Relationship between the PCT-EPO Guidelines and the ISPE Guidelines

It is explicitly pointed out that the PCT-EPO Guidelines are intended to be complementary to, but not a substitute for, the PCT ISPE¹ and RO Guidelines, as well as the PCT Applicant's Guide ("WIPO PCT Guide") and the Euro-PCT Guide² ("PCT procedure at the EPO, [International phase and entry into the European phase], Guide for applicants").

The ISPE Guidelines published by WIPO set out in detail the procedures and criteria to be followed by all International Searching and Preliminary Examining Authorities. Since practice varies amongst different authorities these Guidelines provide some degrees of freedom as to which procedure/criteria can be used. Such different criteria are listed in the ISPE Guidelines in appendices to the respective chapters or defined within a specific paragraph. Generally, the EPO will use the same criteria when searching and examining an international application as would have been used in the European procedure. This means that where the ISPE Guidelines are either silent or give no guidance on a particular topic, then the equivalent provisions of the EP Guidelines are applied *mutatis mutandis* to PCT search and preliminary examination. A list of policy options is provided in section 3.2 below, Annex II.

2.4 Further sources of information

Regularly updated general information on the EPO and specific information on the procedures before the EPO as receiving Office, International Authority (ISA, SISA and IPEA) and designated/elected Office under the

¹ GL/ISPE and GL/RO: www.wipo.int/pct/en/texts/gdlines.html

² www.epo.org/applying/international/guide-for-applicants.html