

filings on paper, and as a remark for filings in electronic form using the EPO Online Filing software or new online filing (CMS). For filings in electronic form using WIPO's ePCT portal, the PCT Direct letter and any marked-up copy of the claims and/or description are to be uploaded as "Other documents" by selecting the box "Applicant letter to ISA concerning earlier search ("PCT Direct")".

Informal comments filed under PCT Direct must be self-contained. Third parties must be able to fully understand these comments as they stand. If explicit references are made to the search opinion for the first filing, that search opinion should be annexed to the international application. The reason for this requirement is that the search report, the search opinion or any other submissions that are part of the file of the earlier application may not be publicly available.

1.3 Processing by the EPO as RO

The PCT Direct letter and its annexes are transmitted to the EPO as ISA and to the IB, together with, respectively, the search copy and the record copy.

The PCT Direct letter and its annexes are made available to the public via file inspection in the European Patent Register and on WIPO's PATENTSCOPE.

For details on the procedure in the event of missing indications or missing informal comments, see GL/RO 116F and 116G.

For information on the procedure if informal comments are submitted after the filing of the international application, see GL/RO 116H.

1.4 Processing by the EPO as ISA

For the procedure followed by the EPO as ISA when assessing a PCT Direct request, see GL/PCT-EPO B-IV.1.2.2.

2. Withdrawals

2.1 General remarks

An applicant may withdraw his international application, one or more designations, priority claims, his request for supplementary international search, his demand or any or all elections by filing a notice of withdrawal within the prescribed time limits. Any such withdrawal is free of charge.

A notice of withdrawal must be signed by the applicant or, if there are two or more applicants, by all of them. It may instead be signed, on behalf of the applicant(s), by the duly appointed agent or common representative, 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

Rule 90bis.1 to 90bis.4
PCT AG I 11.048,
11.050, 11.056 and
11.060

Rule 90bis.5
OJ EPO 2004, 305