

## Chapter VIII – Common provisions

### 1. Representation

#### 1.1 General principles

The PCT explicitly allows the receiving Office to apply its national law to the extent that it requires applicants to be represented by an agent having the right to represent them before it. On this basis, the EPC provisions concerning professional representation apply in respect of international applications processed by the EPO as receiving Office.

Art. 27(7)

Art. 133(1), (2) EPC

An agent is required by the EPO acting as receiving Office if the applicant has neither a residence nor their principal place of business in an EPC contracting state. Such applicants must act through an agent in all proceedings before the EPO acting as receiving Office except for filing the application and paying fees.

In view of the importance of careful preparation of the international application and of its proper processing, it is in any case highly advisable for applicants to use the services of an agent.

An appointed agent who has the right to represent the applicant before the receiving Office is automatically also entitled to act before the International Bureau, the International Searching Authority, any Authority specified for supplementary search and the International Preliminary Examining Authority ("agent for the international phase").

Art. 49

R. 90.1

PCT AG I 5.041-

5.051, 10.019-10.023,  
11.001-11.014

Information on the representation of the applicant in the international phase is to be indicated in Box No. IV of the PCT request form, in a separate power of attorney or via a separate notice referring to an existing general power of attorney, taking into account the instructions provided in the Notes to the PCT request form concerning Box No. IV and in GL/RO 117-121 as well as the information provided below.

GL/RO 117-121

#### 1.2 Representation by an agent

Two categories of agent ("professional representative" in EPC terminology) have the right to practise before the EPO as receiving Office:

Art. 27(7)

Art. 134(1), (8) EPC

OJ EPO 2013, 500,  
535

PCT AG I 11.001-  
11.004

- professional representatives or associations of representatives entered in the directory of professional representatives maintained by the EPO;
- legal practitioners qualified to act as a professional representative in patent matters in an EPC contracting state and having their place of business in that state.

Only a person belonging to at least one of these two categories may be appointed as an agent for an international application filed with the EPO as receiving Office.

If the agent is appointed using Box No. IV of the PCT request form, they must be indicated there by name unless they belong to an association of