

1.10 Representation before the EPO as designated or elected Office

Art. 27(7), 49
R. 90.1
Art. 134 EPC
GL/EPO A-VIII, 1
PCT AG I 11.001

A (common) agent appointed in the PCT request as agent for an international application is appointed only for the international phase. This means that a professional representative authorised to act before the EPO and who acted for the applicant(s) in the international phase is not automatically considered to be the representative for the European phase. However, if the EPO is the receiving Office and the agent is appointed by a separate authorisation, the applicant(s) may, at the same time, indicate in that authorisation that the agent is also appointed to represent the applicant(s) before the EPO as designated or elected Office in the European phase. To designate an agent for the international and European phases at the same time, the applicant may use Form EPA/EPO/OEB 1003, which is available on the EPO website.

If an agent is appointed by reference to an existing general power of attorney, the appointment of the agent for the European phase too must be explicitly stated in the separate notice.

1.11 Power of attorney

R. 90.4(b)

Generally, a separate power of attorney must be submitted to either the receiving Office or the International Bureau or, where it appoints an agent to represent an applicant specifically before the ISA, SISA or IPEA, to that Authority.

R. 90.4(c)

It must be duly signed and the name and address of the appointed person must comply with Rule 4.4.

OJ EPO 2010, 335

However, the EPO in its capacity as receiving Office, ISA, SISA and IPEA has waived the requirement under Rule 90.4(b) that a separate power of attorney be submitted to appoint a (common) agent or a common representative (see GL/PCT-EPO A-VIII, 1.13). Thus, in cases where this waiver is applicable, the requirements of signature and proper indication of name and address under Rule 90.4(c) do not apply.

1.12 General power of attorney

R. 90.5

A "general power of attorney" is a separate power of attorney appointing an agent to represent an applicant in relation to any international application which they may file. Generally, for such appointment to be effective:

- reference must be made in the PCT request, the PCT demand or a separate notice to the general power of attorney;
- the general power of attorney must be deposited with the receiving Office or, in the case of appointment specifically before the ISA, SISA or IPEA, with that Authority;
- a copy of the general power of attorney must be attached to the PCT request, the PCT demand or the separate notice, as the case may be.

OJ EPO 2010, 335

However, the EPO in its capacity as receiving Office, ISA, SISA and IPEA has waived the requirement under Rule 90.5(a)(ii), that a copy of a general