

| | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Rule 53.9(a)</u> | The applicant may have filed amended claims under <u>Art. 19</u> with the International Bureau after receipt of the search report and before the demand was filed. When filing the demand, the applicant may revert to the originally filed claims, reversing the amendments made according to <u>Art. 19</u> . If this is the case, preliminary examination proceeds on the basis of the originally filed set of claims. |
| <u>Rule 54bis</u> , <u>Rule 53.9(c)</u> , <u>Rule 60.1(g)</u> , <u>Rule 69.1(a)</u> <u>PCT AG I 10.010</u> | <p>Amendments and/or arguments filed under <u>Art. 34</u> should preferably be filed together with the demand. Where the applicant indicates in the statement concerning amendments filed with the demand that it is doing so, but fails to actually submit the amendments with the demand, the EPO as IPEA will invite the applicant to submit them within a set time limit (Form PCT/IPEA/431). Where the applicant has expressly requested postponement of the start of international preliminary examination until expiry of the time limit under <u>Rule 54bis.1(a)</u>, the EPO as IPEA will take into account any amendments and/or arguments under <u>Art. 34</u> which are filed before then (see also <u>GL/PCT-EPO C-VI, 1</u>).</p> <p>The examiner should carefully check that the examination is based on the correct set of documents.</p> |
| <u>Art. 34(2)(b)</u> <u>Rule 66.4</u> | <p>4. Further opportunity to submit amendments</p> <p>Together with the reply to the WO-ISA, the WO-IPEA or the minutes of a telephone consultation, the applicant has, subject to certain exceptions (see <u>GL/PCT-EPO C-VII, 1(d)</u>), the opportunity to submit (further) amendments under <u>Art. 34</u> to the claims, description and/or drawings.</p> |
| <u>Rule 66.4bis</u> <u>GL/ISPE 20.05</u> | <p>Subsequently filed amendments and/or arguments will be taken into account by the EPO as IPEA only if they are received before the point at which preparation of a written opinion or the IPER has actually started.</p> <p>For further details, see <u>GL/PCT-EPO C-IV, 1</u> and <u>GL/PCT-EPO C-IV, 2</u> and subsections, and <u>GL/PCT-EPO C-VII, 1</u>.</p> |
| <u>Rule 66.8</u> <u>GL/ISPE 20.06</u> | <p>5. Amended sheets</p> <p>Amendments to the claims, the description and the drawings must be made by filing replacement sheets when, on account of the amendments, the replacement sheet differs from the sheets previously filed.</p> |
| <u>Rule 46.5</u> | If amendments are made to the claims, a complete set of new claims should be filed. |
| <u>Rule 92.4</u> <u>GL/ISPE 20.08</u> | The applicant may submit amendments by fax and there is no need for a confirmation letter, unless the faxed document is illegible. Printed or typed amendments are preferred; handwritten amendments are, in general, not acceptable. Nevertheless, if the handwritten amendments are legible they may – at the discretion of the EPO – be admitted. |
| <u>PCT AI Annex C, 3ter</u> | If amendments are made to a sequence listing contained in an application filed in electronic form, a sequence listing in electronic form comprising the entire listing with the relevant amendment must be filed. |