

1.2.1 Requests for PCT Direct

Applicants may request to have their international application processed under PCT Direct by filing a letter ("PCT Direct letter") containing informal comments aimed at overcoming objections raised in the search opinion established by the EPO for the priority application. Such informal comments are to be understood as arguments regarding the patentability of the claims of the international application and also possibly as explanations regarding any modifications to the application documents, in particular to the claims, in comparison with the earlier application. PCT Direct letters do not form part of the international application.

Upon receipt of a PCT Direct letter, the international application will be processed under PCT Direct only where the following two requirements are met:

- (a) the informal comments are filed together with the international application with the receiving Office in the form specified in GL/PCT-EPO A-IV, 1.2, and
- (b) the international application claims priority of an earlier application searched by the EPO (European, national or international first filing).

1.2.2 Processing of PCT Direct letters

PCT Direct letters filed with the receiving Office will be transmitted to the EPO as International Searching Authority and to the International Bureau of WIPO together with the search copy and record copy, respectively.

At the EPO as International Searching Authority, the examiner performing the international search will take informal comments filed under PCT Direct into account when preparing the international search report and written opinion, provided that they meet the requirements (a) and (b) listed in GL/PCT-EPO B-IV, 1.2.1, and that they are in the form specified in GL/PCT-EPO A-IV, 1.2.

The written opinion will reflect this by acknowledging the PCT Direct letter and addressing its content insofar as it is relevant to the international search procedure. The examiner, however, may make explicit reference to the earlier search opinion only if it is annexed to the PCT Direct letter.

In accordance with the PCT provisions on file inspection, PCT Direct letters will be available to the public on WIPO's PATENTSCOPE.

1.3 Third-party observations

For general information on third-party observations in the PCT phase, see GL/PCT-EPO E-II.

If the formalities officer forwards third-party observations to the examiner before a final report (ISR, SISR or IPER) is established, the examiner should consider them in the same way as in the European procedure (see GL/EPO E-VI, 3). However, given that under the PCT third-party observations should refer to novelty or inventive step only, their relevance will in most cases depend on the relevance of the prior-art documents in