

Chapter III – Characteristics of the search

1. Scope of the search

1.1 Completeness of the search

The scope of the international search is defined in Art. 15(4), stipulating that the International Searching Authority must endeavour to discover as much of the relevant prior art as its facilities permit and must, in any case, consult the documentation specified in the PCT Regulations (Rule 34). It follows from this definition ("as its facilities permit") that the scope of an international search is equivalent to that of a European search. International and European searches are thus fully identical in scope.

Art. 15(4)

Rule 34

See also ISPE Guidelines 15.18 and 15.20.

1.2 Effectiveness and efficiency of the search

Section B-III, 2.2 in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

GL/ISPE 15.46-15.47

1.3 Search in analogous fields

Section B-III, 2.3 in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

Rule 33.2(b), (c)

GL/ISPE 15.48-15.51

1.4 Search on the internet

Section B-III, 2.4 in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

GL/ISPE 15.56-15.59

Concerning the dating of internet citations, see GL/PCT-EPO G-IV, 6.4.

2. The subject of the search

2.1 Basis for the search

The international search is carried out on the basis of the search copy of the application as transmitted to the ISA by the RO (see GL/PCT-EPO B-III, 2.3.1).

Art. 15(3)

Rule 33.3(a)

GL/ISPE 15.10

Concerning rectification of obvious mistakes and/or incorporation by reference of missing or correct parts or elements, see GL/PCT-EPO B-III, 2.3 and H-II, 2.2.2.

2.2 Interpretation of claims

Section B-III, 3.2 in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

GL/ISPE 15.21-15.23

2.2.1 Claims with explicit references to the description or drawings

Although explicit references in the claims to features elucidated in the description or in the drawings are only permissible where "absolutely necessary" (cf. GL/PCT-EPO F-IV, 4.17), if claims contain such references, the examiner should strive to search these technical features as long as they are unambiguously defined by specific parts of the description.

Rule 6.2(a)

GL/ISPE 5.10, 16.30