

The documents found are indicated as follows:

GL/ISPE 19.21

- (a) If the newly found documents are published after the filing date (E documents) and are relevant for novelty, they are mentioned in Section VI of the WO-IPEA and IPER (for the level of detail see GL/PCT-EPO B-XI.4.3). Rule 64.3
- (b) If the newly found documents are published before the priority date and are relevant for novelty and/or inventive step, they are mentioned in Section V of the WO-IPEA and IPER and detailed reasoning is provided. Rule 64.1
- (c) If the newly found documents are published in the priority period (P documents) and are relevant for novelty and/or inventive step, and if the priority is (assumed to be) valid, the documents are mentioned in Section VI of the WO-IPEA and IPER; comments are optional (see GL/PCT-EPO B-XI.4.2). This applies only if there are other objections; otherwise, see GL/PCT-EPO C-IV.5.4.
- (d) If the newly found documents are published in the priority period (P documents) and are relevant for novelty and/or inventive step, and if the priority is invalid, the documents are mentioned in Section V of the WO-IPEA and IPER and detailed reasoning is provided.

Documents found during the top-up search and mentioned in the WO-IPEA will also be mentioned in the IPER, unless rendered irrelevant by amendments or arguments provided by the applicant during the international preliminary examination. It will be always indicated in Box I of the IPER that additional relevant documents were found during the top-up search.

5.4 Intended positive IPER and top-up search

If a positive WO-ISA was drafted or the objections in the negative WO-ISA have been overcome by the applicant's amendments/arguments, and if the top-up search reveals:

- (a) no relevant documents, a positive IPER is issued directly.
- (b) pertinent prior art published before the priority date, a WO-IPEA or telephone minutes is/are issued (GL/PCT-EPO C-IV.2.2). Details of how the document is indicated can be found in GL/PCT-EPO C-IV.5.3(b). Rule 64.1
- (c) only P/E documents which are (could become) prior art under Art. 54(3) EPC in later EP proceedings (independently of the validity of the priority), a WO-IPEA with detailed novelty reasoning is sent (GL/PCT-EPO B-XI.3.4); the document is introduced in Section VI and its possible relevance upon entry into the EP phase is indicated. Details of how the document is indicated can be found in GL/PCT-EPO C-IV.5.3(a).