

6.1 Correct element or part not furnished for the purpose of incorporation by reference

R. 20.5bis(b) and (c)

The EPO as receiving Office will process requests for correction of an element or a part which is not furnished for the purpose of incorporation by reference, since this option is not covered by the notification of incompatibility referred to in GL/PCT-EPO A-II, 6.

The procedure to be followed varies depending on whether the correction is requested either on/before the date on which the requirements under Art. 11(1) for the accordance of an international filing date are fulfilled (see GL/PCT-EPO A-II, 6.1.1) or after that date (see GL/PCT-EPO A-II, 6.1.2).

6.1.1 International filing date has not yet been accorded

R. 20.5bis(c)

AI 310

GL/RO 203A

If the international filing date has not yet been accorded, the wrong element or part will be replaced with the correct one and the international filing date will be the date on which the requirements under Art. 11(1) are fulfilled, taking into account the correct element or part only. The EPO as receiving Office follows the procedure outlined in AI, section 310.

6.1.2 International filing date has already been accorded

R. 20.5bis(c)

AI 310 and 310bis

GL/RO 203A and B

If the requirements under Art. 11(1) have already been fulfilled and the international filing date has been accorded, the wrong element or part will be replaced with the correct one and the international filing date will be changed to the date on which the correct element or part was received, unless the applicant requests that the correct element or part be disregarded under Rule 20.5bis(e). The EPO as receiving Office follows the procedure outlined in AI, sections 310 and 310bis.

6.2 Correct element or part furnished for the purpose of incorporation by reference

R. 19.4(a)(iii)

R. 20.5bis(a)(ii) and (d)

R. 20.8(a-bis)

AI 309(g)

GL/RO 195

If the applicant requests within the time limit under Rule 20.7 that a correct element or part be incorporated by reference, the EPO as receiving Office will transmit the international application to the IB as receiving Office, provided the applicant authorises it to do so. No fee will be charged under Rule 19.4(b) for such transmittal. Unless the applicant has already submitted authorisation to transmit the international application, the EPO as receiving Office will invite the applicant to do so using Form PCT/RO/152.

If the applicant does not authorise the transmittal, the request will be treated as a request for correction under Rule 20.5bis(b) or (c). The EPO as receiving Office will therefore follow the procedure outlined in GL/PCT-EPO A-II, 6.1.