

## Chapter II – Formal requirements to be met before the start of the international preliminary examination

### 1. Filing of the demand

The demand for international preliminary examination must be made using the prescribed form (PCT/IPEA/401).

Art. 31(3)  
Rule 53

A demand for preliminary examination selecting the EPO as IPEA must be filed with the EPO in Munich, Berlin or The Hague, in writing, by hand, by post, by facsimile or electronically. As of 1 November 2016 the ePCT service may be used for online filing of the demand under PCT Chapter II, and also for indicating the payment of fees related to the demand.

Art. 31(6)(a)  
OJ EPO 2014, A71  
OJ EPO 2016, A78  
OJ EPO 2018, A25,  
A45

The EPO will indicate the date of receipt on the demand and promptly notify the applicant of that date. If the demand is filed by fax, no written confirmation needs to be filed unless the applicant is invited by the EPO as IPEA to do so.

Rule 92.4(e), (g)  
OJ EPO 2007,  
Spec. ed. 3,  
A.3 (Art. 3 and 7 of  
the Decision)

If the applicant filed the demand incorrectly with the International Bureau (IB), a receiving Office, an International Searching Authority or a non-competent International Preliminary Examining Authority, that Office or Authority or the IB will mark the date of receipt and will transmit the demand to the EPO as IPEA.

Rule 59.3

The time limit for filing the demand for international preliminary examination with the EPO is as defined in Rule 54bis.1.

### 2. The EPO as competent IPEA

The IPEA receiving the demand should ensure that it is competent to act as IPEA.

Art. 31(6)(a) and 32,  
Rule 59.3

Although the EPO's competence as an IPEA is not restricted to international applications from EPC contracting states, restrictions of various nature limit its competence.

In particular, the EPO is competent to act as IPEA only if the international search was carried out by the EPO or by the Austrian, Finnish, Spanish, Swedish or Turkish patent office, the Nordic Patent Institute (NPI) or the Visegrad Patent Institute (VPI).

Agreement EPO-  
WIPO,  
OJ EPO 2017, A115  
OJ EPO 2018, A24

### 3. Identification of the international application in the demand

The international application must be identified by indicating the international application number, the international filing date, the title of the invention and the name and address of the applicant.

Rules 53.6 and  
60.1(b)