

should be issued, and subsequently the search report will be designated as complete.

The procedure above should be followed regardless of whether or not the reference to the drawings and/or the description is allowable according to Rule 6.2(a).

Where the reference does not appear to be justified, the examiner should raise an objection in the written opinion.

2.3 Amended claims or incorporated missing parts/elements

2.3.1 General considerations

Art. 19

Rule 91.1

GL/ISPE 15.10, 15.23

Since there is no right to amend the application until after the international search has been established, the international search must be carried out on the basis of the search copy of the application as transmitted to the EPO as ISA by the RO, except that obvious mistakes or formal matters which are contrary to the PCT and are called to the applicant's attention by the RO may be corrected (see also GL/PCT-EPO H-IV).

2.3.2 Request for rectification of obvious mistakes (Rule 91)

Rule 91

An applicant can request authorisation to rectify obvious mistakes in the international application (see GL/PCT-EPO H-IV.2). The examiner (if the request relates to the description, claims or drawings) will have to assess whether such a request can be authorised according to the criteria set out in Rule 91 – see GL/ISPE 8.07-8.08. If a RO has erroneously authorised such rectification, this may affect the search (see GL/PCT-EPO H-IV.2.1).

Art. 19

GL/ISPE 15.10

If the changes requested by the applicant before the receipt of the ISR are not corrections, but rather amendments, the examiner must refuse them, because there is no right to amend the application until after the international search report has been established. This applies even if the applicant refers to them as corrections and even if they would be allowable amendments not adding subject-matter to the application as originally filed. For example, reformulation of claims, deletion of technical terms, deletion or limitation of claims and the taking of subject-matter from the description into the claims must all be refused at this stage regardless of whether or not they might be allowable, since they are not corrections, but rather substantive amendments.

2.3.3 Incorporating missing parts or elements completely contained in the priority document

Rule 20.6

If an applicant omits to file part(s) of the application or (an) entire element(s) thereof (i.e. all of the description and/or all of the claims), it may still furnish it (them) at a later date without affecting the international filing date, subject to the requirements of Rules 4.18 and 20.6(a) and provided the missing part(s) and/or element(s) were completely contained in the priority document. The examiner checks whether the RO's assessment of the "completely contained" criterion was correct (see GL/PCT-EPO H-II.2.2.2). If the RO erroneously considered that the missing part(s) and/or element(s) were completely contained in the priority document, the search should be extended to include documents which would be relevant if the