In addition, the following refunds may apply:

9.1 Refund of the international filing fee

Rule 15.4   The international filing fee is refunded where

–   no date of filing can be accorded; or

–   the application is withdrawn or considered withdrawn before its transmittal to the IB.

9.2 Refund of the (additional) international search fee

Rule 16.2 and 16.3
Rule 41
OJ EPO 2019, A5
OJ EPO 2009, 99
PCT AG I 5.073
Agreement EPO-
WIPO, Annex D-II,
OJ EPO 2017, A115
OJ EPO 2020, A68

The international search fee is refunded where

–   no date of filing can be accorded; or

–   the international application is withdrawn or considered withdrawn before its transmittal to the ISA; or

–   the international application is withdrawn or considered withdrawn before the start of the international search; or

–   the EPO can base the ISR partly or entirely on an earlier search that it has performed on an application whose priority is validly claimed for the international application. The (additional) search fee paid will be refunded in part or in full depending upon the extent to which the EPO benefits from the earlier search. See also GL/PCT-EPO B-IV, 1.1.

The EPO acting as ISA decides whether the requirements are met and, where applicable, refunds the applicable amount. No refund is made for any search other than a search carried out by the EPO on an earlier application from which the right of priority is validly claimed.

The cases referred to below are intended to illustrate the most common situations:

9.2.1 Examples of refunds

9.2.1.1 Full refund

OJ EPO 2009, 99, 2.1
OJ EPO 2019, A5

The "full refund" level applies where the EPO can make full use of the earlier search report for drawing up the international search report.

This occurs, in particular, where the claims of the earlier and the later application are identical or where the claims of the later application are limited with respect to those of the earlier application, this limitation being due to

(a)   the deletion of alternative features from an independent claim or

(b)   the introduction of one or more limiting features into one or more of the independent claims of the later application where the limiting