

apply as for any international search carried out by the EPO as ISA (see GL/PCT-EPO B-VIII, 2, 3 and subsections).

Any such limitation of the search will be indicated in the search report and/or the annexed explanations (of equal value to the information contained in a WO-ISA) as set out in GL/PCT-EPO B-X, 8, and B-XI, 6, with the exception that in the case of a declaration of no search (Form PCT/SISA/502) no explanations from the SISA are provided for. For any other limitation of the search, the reasoning will be given only in the explanations annexed to the SISR and an automatic reference thereto will be inserted in the SISR.

Rule 45bis.5(d) and  
Rule 45bis.5(e)

Furthermore, the SISA does not have to search claims which were not searched by the main ISA. However, the examiner will not limit the SIS merely on the grounds that the main ISA did so, but will make a case-by-case assessment based on EPO practice to determine whether the limitation made by the main ISA was appropriate under EPO practice.

For non-unity: see GL/PCT-EPO B-XII, 10.

## **6. Filling out the search report**

GL/ISPE 15.96

The SISR is filled out in the same way as for any international search, with the exception that publication details do not have to be provided since the main ISA has already provided the publication data and IPC classes.

The examiner will not cite in the SISR a document already cited in the ISR unless he attaches a different significance to it, e.g. as a Y document in combination with a newly cited document or where the main ISR has clearly failed to recognise the extent of the document's relevance.

Furthermore, it will be indicated in the SISR whether or not the main ISR was available and taken into account.

## **7. Explanations under Rule 45bis.7(e)**

Rule 45bis.7(e)  
GL/ISPE 15.96(iv), (v)

No separate WO-ISA is established for a SIS. Instead, only a free-text sheet is used, and this will contain the same information as the separate sheet that is part of the WO-ISA in the form of "explanations". Upon entry into the European phase, the applicant is obliged to respond to these explanations, as set out in Rule 161(1) EPC. A positive conclusion must be reasoned in the same way as in a WO-ISA/IPER.

Formally, the explanations under Rule 45bis.7(e) are part of the SISR (Form PCT/SISA/501) and are contained in an annex called the "Scope Annex".

Although the Scope Annex will concentrate on the documents cited in the SISR, in some circumstances it might be appropriate to raise objections based on documents cited in the ISR.

An example would be that of a document cited in the ISR which could be used as a Y document for inventive step for some dependent claims in the Scope Annex. In this case it might be necessary to cite the document again