

## Chapter II – Allowability of amendments

### 1. Introduction

Once the EPO as IPEA has concluded that the amendments can be taken into consideration (see GL/PCT-EPO H-I), all amended pages (description, claims, drawings) must be examined to see whether they introduce subject-matter not originally disclosed. The examiner should apply the criteria used under Art. 123(2) EPC for the European procedure *mutatis mutandis*, as indicated below. It is important to note that an amendment which is taken into consideration by the EPO as IPEA is not automatically allowable.

GL/ISPE 20.09

With regard to establishing the WO-IPEA or IPER if any newly filed claim, drawing or part of the description contains amendments which are considered to go beyond the disclosure as originally filed, see GL/PCT-EPO C-III, 4.

### 2. Allowability of amendments

#### 2.1 Basic principle

The examiner should apply the guidelines of section H-IV, 2.1, in the Guidelines for Examination in the EPO *mutatis mutandis*.

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#### 2.2 Content of the application as "originally" filed – general rules

The examiner should apply the guidelines of section H-IV, 2.2, in the Guidelines for Examination in the EPO *mutatis mutandis*.

##### 2.2.1 Features described in a document cross-referenced in the description

The examiner should apply the guidelines of section H-IV, 2.2.1, in the Guidelines for Examination in the EPO *mutatis mutandis*.

##### 2.2.2 Incorporating missing parts or elements completely contained in the priority document

If the applicant files (a) missing part(s) (i.e. part(s) of the description, part(s) of the claims and/or part(s) or all of the drawings) or (a) missing element(s) (i.e. all of the description and/or all of the claims) which has (have) no basis in the priority document, the filing date of the application as a whole will be the date on which the part(s) or the element(s) was (were) subsequently furnished.

Rule 20.3

Rule 20.5

However, after the date of receipt of the purported international application, an applicant does have the possibility to furnish parts of the application or entire elements which were erroneously omitted without affecting the international filing date.

Rule 20.6

This can only be done before the RO within two months of the date of receipt of the purported international application (or at the invitation of the RO) provided that the priority claim was present at that initial date of receipt and only if the applicant can show that the missing part(s) or element(s) was (were) completely contained in the priority document. Missing parts or

Rule 4.18