

filed the earlier application or that applicant's successor in title. Since the international application has been filed jointly – which shows that the applicant who filed the earlier application consents – there is no need for a special transfer of priority right to the other (additional) applicant(s). For example:

- The earlier application from which priority is claimed names X as applicant. The international application names X and company A as applicants. A transfer of the priority right from X to A is not required in order for A to enjoy a priority right in the proceedings before the EPO as designated Office.
- The earlier application from which priority is claimed names X as applicant. The international application names companies A and B as applicants. In order for both A and B to enjoy a priority right in the proceedings before the EPO as designated Office, X must have validly transferred the earlier application or the priority right to either A or B before the filing date of the international application. A transfer to both A and B is not required but would also fulfil the requirements for claiming priority in the European phase.

If the earlier application was filed by several applicants, all of them must be applicants in the international application or have transferred their rights to the applicant, or one of the applicants, of the international application. It is not sufficient if only one of several applicants filing the earlier application is named as applicant in the international application. For example:

- The earlier application from which priority is claimed names X, Y and Z as applicants. The international application names company A as applicant. X, Y and Z have not transferred their rights but are all named – together with company A – as applicants in the PCT request form (Box No. II and III). In such a situation, no further action is required in order for A to enjoy a priority right in the proceedings before the EPO as designated Office.
- The earlier application from which priority is claimed names X, Y and Z as applicants. The international application names company A and X as applicants. In order for both A and X to enjoy a priority right in the proceedings before the EPO as designated Office, Y and Z must have validly transferred their rights to the earlier application to either A or X before the filing date of the international application.