

PCT DIRECT

European Patent Office





Euro-PCT route

European procedure:

- Search report and search opinion is first office action setting foundation for examination
- Since Raising the Bar, applicant is obliged to reply to search opinion when requesting examination
- Substantial increase of direct grants after negative search opinion
- Grants require on average less than 2 actions

PCT Route:

- European applicants can file a PCT application claiming priority of EP 1st filing with EPO/ISA
- No formal link between EP procedure and subsequent PCT filing
- No added value in PCT 2nd filing from earlier work
- Examination postponed to entry into regional phase, in most cases with efficiency loss



PCT Direct: Linking 2nd filings with 1st filings at EPO

- Applicants, when filing a PCT application claiming priority from a 1st EP filing (or 1st national filing searched by EPO) and for which EPO is ISA, can:
 - Amend the claims (description/drawings) for overcoming the objections raised earlier (already possible now), and
 - Reply to the 1st search opinion established by the EPO rebutting examiner's objections and/or explaining the meaning of the amendments, and
 - Optionally, add a marked-up copy of the application documents
 - In a first stage, applications should be filed with RO/EPO to ensure fast transmittal of application to ISA/EPO; later extension to other ROs is envisaged
 - entred into force on 01.11.2014
- Examiners will establish ISR and WOISA on the basis of the reply to the earlier search opinion, without direct reference to the first filing



PCT Direct overview

