



European (PCT) patent application



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A European regional phase application based upon a PCT application must be filed within 31 months of the priority date.

The documents/information/instructions required by us to prepare a European patent application based on a PCT application are as follows:

- The PCT application number, publication number and filing date.
- A copy of any amendments made under Articles 19 or 34 PCT to the application.
- Filing and (where applicable) search fees must be paid within 31 months from the priority date. If there are more than 15 claims in the patent specification, then extra fees will have to be paid for each claim over 15. Amendments to reduce the number of claims, and hence the number of claims fees payable, can be made at the time of European phase entry or in response to an EPC communication issued shortly afterwards. We need to know if the applicant wishes to make any amendments upon European regional phase entry.
- Designation and examination fees must also usually be paid within 31 months from the priority date. The designation fee serves to designate the application to all countries which were a party to the EPC when the PCT application was filed. The applicant can also choose, by paying an extension or validation fee, to extend the EPC application to any countries which were EPC extension or validation states when the PCT application was filed. We need to know if the applicant is interested in any validation or extension states because the fees are payable at the same time as the designation fee.
- Where the language of the PCT application was not English, French or German a translation into one of the three languages must be provided. A translation of the specification as originally filed together with a translation of any amendments under Articles 19 or 34 PCT is required within 31 months of the priority date.
- If an international preliminary examination has been carried out, it is helpful for us to have a copy of any written opinion and the international preliminary examination report (with annexes and a copy of any documents cited in the report).

The European Patent Office does not require any forms to be signed by the applicant. It does have the right to request a power of attorney form signed by the applicant, but rarely does.



The prosecution stages of a European patent application derived from the PCT

