

F I L  L U N

Last-minute
PCT refresher
for EQE 2026

25 February 2026

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Hi, I'm

Zsafia Pintz

EQE tutor and European Patent Attorney

PCT time limits		
Legal basis (Art.)	Description	Time limit
Art.3(4) PCT	Fees to be paid to rO at filing (Art.3(4)(iv) PCT): - Transmittal fee (R.14.1 PCT) - International filing fee (R.15 PCT) - Search fee (R.16.1 PCT)	1 month from date of receipt - R.14.1(c) PCT - R.15.3 PCT - R.16.1(f) PCT -> R.15.3 PCT
	Translation for ISA (Art.3(4)(i), R.12.3 PCT)	1 month of date of receipt at rO (R.12.3(a) PCT)
	Translation for publication (Art.3(4)(i), R.12.4 PCT)	14 months of the priority date (R.12.4 PCT)
Art. 8 PCT	File a certified copy of priority document (R.17.1(a) PCT) (Or, if it is issued by the rO, request rO to prepare and transmit a copy to the IB - R.17.1(b) PCT)	16 months from priority date (R.17.1(a) PCT) (But considered received on last day if received by IB before publication) (Request to rO must also be done no later than 16 months from priority date - R.17.1(b) PCT)
	Request restoration of right of priority (R.26bis.3 PCT)	2 months from the expiry of the priority period (R.26bis.3(e) PCT)
	Withdrawal of priority claims (R.90bis.3 PCT)	30 months from priority date (R.90bis.3(a) PCT)
Art.11 PCT	Defects under Art.11(1) (R.20.3 PCT) or missing parts (R.20.5 PCT)	2 months from date of invitation under R.20.3(a) or 20.5(a) (R.20.7(a)(i) PCT) or, if no invitation is sent, 2 months from date on which elements referred to in Art.11(1) (iii) were first received by the rO (R.20.7(a) (ii) PCT)
(Art.16 PCT - ISA) (No separate Article for SISA)	Request (optional) supplementary search from IB (R.45bis PCT) - Payment of handling fee (R.45bis.2 PCT) - Payment of supplementary search fee (R.45bis.3 PCT)	22 months from priority date (R.45bis.1(a) PCT) - Handling fee within 1 month of date of receipt of request (R.45bis.2(c) PCT) - Search fee also within 1 month of date of receipt of request (R.45bis.3(c) -> R.45bis.2(c) PCT)
	Request review of opinion (in case of non-unity after SIS) by payment of review fee if necessary (R.45bis.6(c) PCT)	1 month from date of notification of non-unity (R.45bis.6(c) -> R.45bis.6(a)(ii) PCT) (same deadline for payment of review fee)
	Establishing supplementary search report (or making the declaration that no report will be established (R.45bis.7 PCT)	28 months from priority date (R.45bis.7(a) PCT)
Art.17(3)(a) PCT	Further search fee(s) (optional) in case of non-unity after ISR, payable to ISA: - Additional fee (R.40.2(a) PCT) (can be paid under protest) - Protest fee (R.40.2(e) PCT)	1 month from date of invitation from ISA to pay additional fee - Additional fee - R.40.1(ii) PCT - Protest fee - R.40.1(iii) PCT (time limit same for both fees)
Art. 18 PCT	Establishing ISR	The later of: 3 months from receipt of the search copy by ISA or 9 months from the priority date (R.42.1 PCT)

Art.19 PCT	File (optional) amendment of claims to IB after receipt of ISR (Art. 19, R.46 PCT) (no payment)	The later of: 2 months from transmittal of ISR or 16 months from priority date (R.46.1 PCT) (But considered received on last day if received by IB before the technical preparations for publication are completed - R.46.1 PCT)
Art.21 PCT	International Publication (Art.21 and R.48 PCT)	Promptly after the expiration of 18 months from priority date (Art.21(2)(a) PCT) (Technical preparations completed 15th day before the publication date - AG-IP 9.014)
Art.22 PCT	Chapter I national entry at dO (R.49.1 PCT)	30 months from priority date (Art.22(1) PCT) (However, National law may fix time limit to expire later - Art.22(3) PCT)
Art.31 PCT	Request (optional) international preliminary examination (Chapter II) - Payment of handling fee (R.57 PCT) - Payment of international preliminary examination fee (R.58.1 PCT)	The later of: 3 months from transmittal of ISR or 22 months from priority date (R.54bis.1 PCT) - Handling fee within the later of: 1 month of date of receipt of demand or 22 months from priority date (R.57.3(a) PCT) - Exam. fee: same as handling fee (R.58.1(b) -> R.57.3 PCT)
Art.34(3)(a) PCT	Further search fee(s) (optional) in case of non-unity after IPER, payable to IPEA: - Additional fee (R.68.2, 68.3 PCT) (can be paid under protest) - Protest fee (R.68.3(c),(e) PCT)	1 month from date of invitation from IPEA to pay additional fee - Additional fee - R.68.2(iii) PCT - Protest fee - R.68.2(v) PCT (time limit same for both fees)
Art.35 PCT	Establishing IPER	The latest of (R.69.2 PCT): (i) 28 months from priority date or (ii) 6 months from the time provided under R.69.1 PCT for the start of the international preliminary examination, or (iii) 6 months from the date of receipt by the IPEA of the translation furnished under R.55.2 PCT
Art.37 PCT	Withdrawal of the Demand or election	30 months from priority date (R.90bis.4(a) PCT)
Art.39 PCT	Chapter II national entry at eO (R.49 PCT applies similarly to Chapter I national entry, R.76.5 PCT)	30 months from priority date (Art.39(1)(a) PCT) (However, National law may fix time limit to expire later - Art.39(1)(b) PCT)
-	File third party observations (AG-IP 11.109)	28 months from priority date (Section 804) (Applicant may comment before 30 months from priority date.)
-	Rectification of Obvious Mistakes (R.91.1 PCT)	26 months from priority date (R.91.2 PCT)
-	Recording changes regarding applicant, agent or inventor by the IB	30 months from priority date (R.92bis.1(b) PCT)

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PCT - the boring stuff

- Effective from 1978
- Not a patent, but an international application, i.e. a 'waiting room' (the international phase cannot end with a granted patent)
- No case law - only Articles & Rules (that are sometimes in conflict with each other...)
- Articles are in a logical order
- Consists of an 'International' and a 'national' (or 'regional') phase
- 158 member states (most recent states that joined: Uruguay, Mauritius, Cabo Verde, Iraq and Jamaica)
→ automatically designated at filing under R.4.9(a)(i) PCT (but can be withdrawn up to 30 months from the priority date under R.90bis.2 PCT)
- Not members: e.g. Argentina, Taiwan (most frequent examples in the EQE ►)
 - Few more non-member examples: Andorra, Afghanistan, Bahamas, Bangladesh, Bolivia, Fiji, Macao, Maldives, Nepal, Pakistan

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International Bureau (IB) of WIPO

Responsible for administrative tasks, such as:

- transmitting information between Offices and between applicant and Offices,
- acting as receiving Office - R.19.1(a)(iii) PCT
- publishing the international applications - Art. 21 PCT
- recording changes - R.92bis.1 PCT
- providing access to its files,
- receiving fees.

However, no examination or search is carried out by the IB.

Most important PCT Articles

- Art. 8 - Priority
- Art. 11 - Filing date
- Art. 14 - Defects of IA
- Art. 19 - Amendment of claims before publication
- Art. 21 - International publication
- Art. 22 - Copy, translation, fee to Designated Office
- Art. 29 - Effects of International publication
- Art. 39 - Copy, translation, fee to Elected Office
- Art. 34 - Procedure before IPEA
- Art. 49 - Right to practice

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Most important PCT Rules

- R. 2.4, R. 4.10 - Priority
- R. 12 - Language & translations
- R. 14, R. 15, R. 16 - Fees upon filing
- R. 17 - Priority document
- R. 19 - Competent rO
- R. 20 - Filing date, defects, missing parts, incorporation by reference
- R. 26bis - Correction or addition of priority claim
- R. 40 - Further search (lack of unity)
- R. 45bis - Supplementary international search
- R. 46 - Art. 19 amendments
- R. 48 - International publication, publication languages, early publication
- R. 54bis - Time limit for demand
- R. 57, R. 58 - Fees of the demand
- R. 80 - Computation of time limits, date of receipt
- R. 90 - Agents, common representatives
- R. 90bis - Withdrawals (of IA, of priority, of demand)
- R. 91 - Rectification of obvious mistakes
- R.92bis - Recording of changes

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Time limit calculation

Date of notification in both PCT and EPC (since 1 Nov 2023) is the date on the communication.

Late receipt does not change the date of notification.

However, the end of a period computed from a date of notification may be postponed if you rely on postal mail.

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Time limit calculation - example

Date of communication (setting a 1-month time limit): **1 March 2026**

Communication received: **13 March** → 12 days after the date of communication, so **5 days more than 7 days**

Time limit:

Option 1

If you don't do anything: 1 March 2026 + 1 m (R.80.2 PCT) → 1 Apr 2026 (Wednesday)

Option 2

If you initiate dispute and prove (including providing satisfactory evidence) that you only received the communication on 13 March:

1 March 2026 + 1 m (R.80.2 PCT) → 1 Apr 2026 + **5 days (R.80.6 PCT)** → 6 Apr 2026, Easter Monday, so **R.80.5 PCT** applies → 7 April 2026 (Tuesday) is the last day to respond

What to use first, R.80.5 or R.80.6 PCT? Answer: **R.80.6 PCT**

Priority related legal basis

**4 main priority
related requirements**

Topic	EPC	PCT	Paris Convention (PC)
12-month period	Art.87(1) EPC	Art.8(2)(a) PCT and Art.4C(1) PC	Art.4C(1) PC
Calculation of the 12 months, the day of filing not included	R.131(2) EPC (R.131(4) EPC for adding months)	A. 8(2)(a) PCT and Art.4C(2) PC	Art.4C(2) PC
Expiration on a non-working day or official holiday	R.134(1) EPC	A. 8(2)(a) PCT and A.4C(3) PC	Art.4C(3) PC
First application and first application exception	Art.87(4) EPC	Art.8(2)(a) PCT and Art.4C(4) PC	Art.4C(4) PC
Same invention	Art.87(1) EPC	Art.8(2)(a) PCT and Art.4C(4) PC	Art.4C(4) PC
Same applicant	Art.87(1) EPC	Art.8(2)(a) PCT and Art.4A(1) PC	Art.4A(1) PC

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Instead of FP...

R.12.3 PCT - Translation for the Purposes of International Search:

First chance to file translation: (a) Where the language in which the IA is filed is not accepted by the ISA that is to carry out the international search, the applicant shall, **within one month from the date of receipt** of the IA by the rO...

Second chance to file translation: (c)(ii) in the event that the required translation is not furnished within the time limit under paragraph (a), to furnish it and to pay, where applicable, **the late furnishing fee** referred to in paragraph (e), within **one month from the date of the invitation** or **two months from the date of receipt of the IA by the rO**, whichever expires later.

Third (and final) chance to file translation: (d) Where ... the applicant has not, within the applicable time limit under paragraph (c)(ii), furnished the required translation and paid any required late furnishing fee, the IA shall be considered withdrawn and the rO shall so declare. **Any translation and any payment received by the rO before that Office makes the declaration under the previous sentence and before the expiration of 15 months from the priority date shall be considered to have been received before the expiration of that time limit.**

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Instead of FP...

Payment of transmittal fee (R.14.1 PCT), international filing fee (R.15 PCT) and search fee (R.16.1 PCT)

First chance to pay these fees: **1 month from date of receipt** (transmittal fee (R.14.1(c) PCT), international filing fee (R.15.3 PCT) and search fee (R.16.1(f) and R.15.3 PCT)

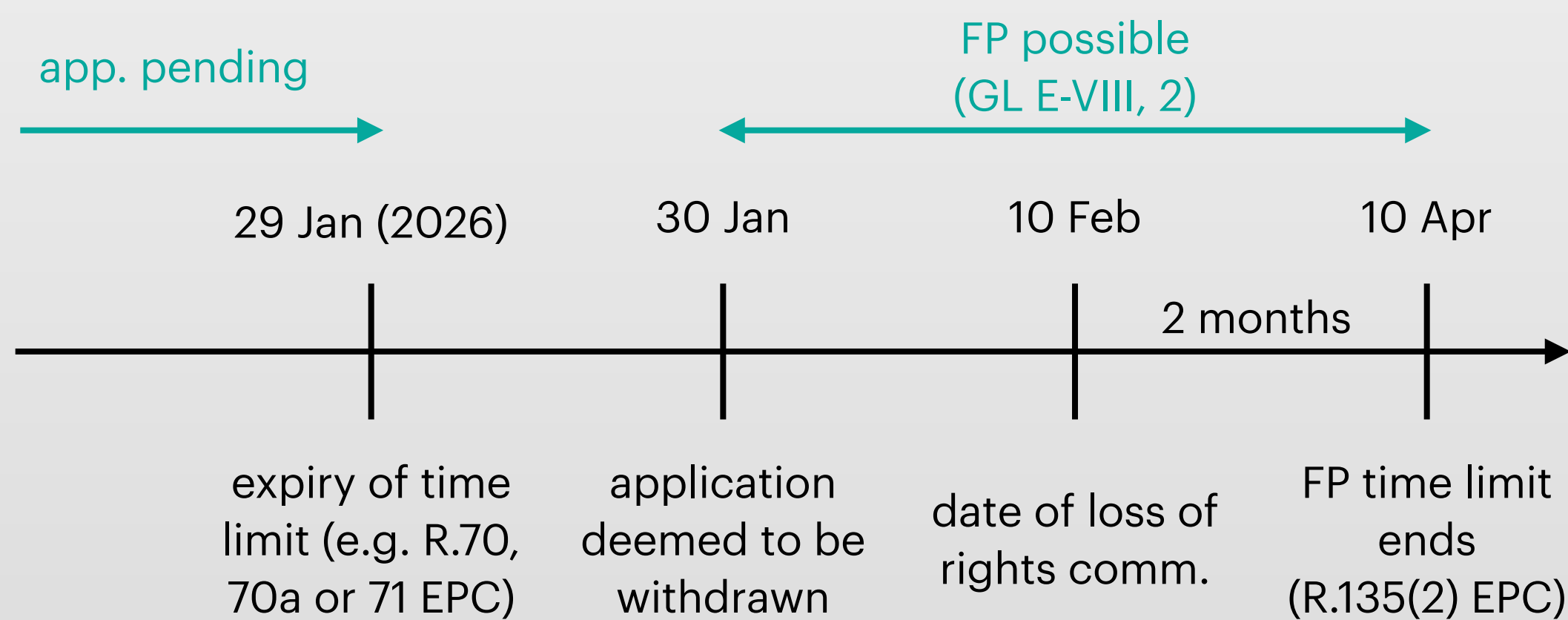
Second chance to pay these fees: Any payment received by the rO **before that Office sends the invitation under R.16bis.1(a)** shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.3 or 16.1(f). - R.16bis.1(d) PCT - Extension of Time Limits for Payment of Fees

Third chance to pay these fees: **1 month from the date of the invitation with a late payment fee** under Rule 16bis.2 PCT (if applicable) - R.16bis.1(a) PCT

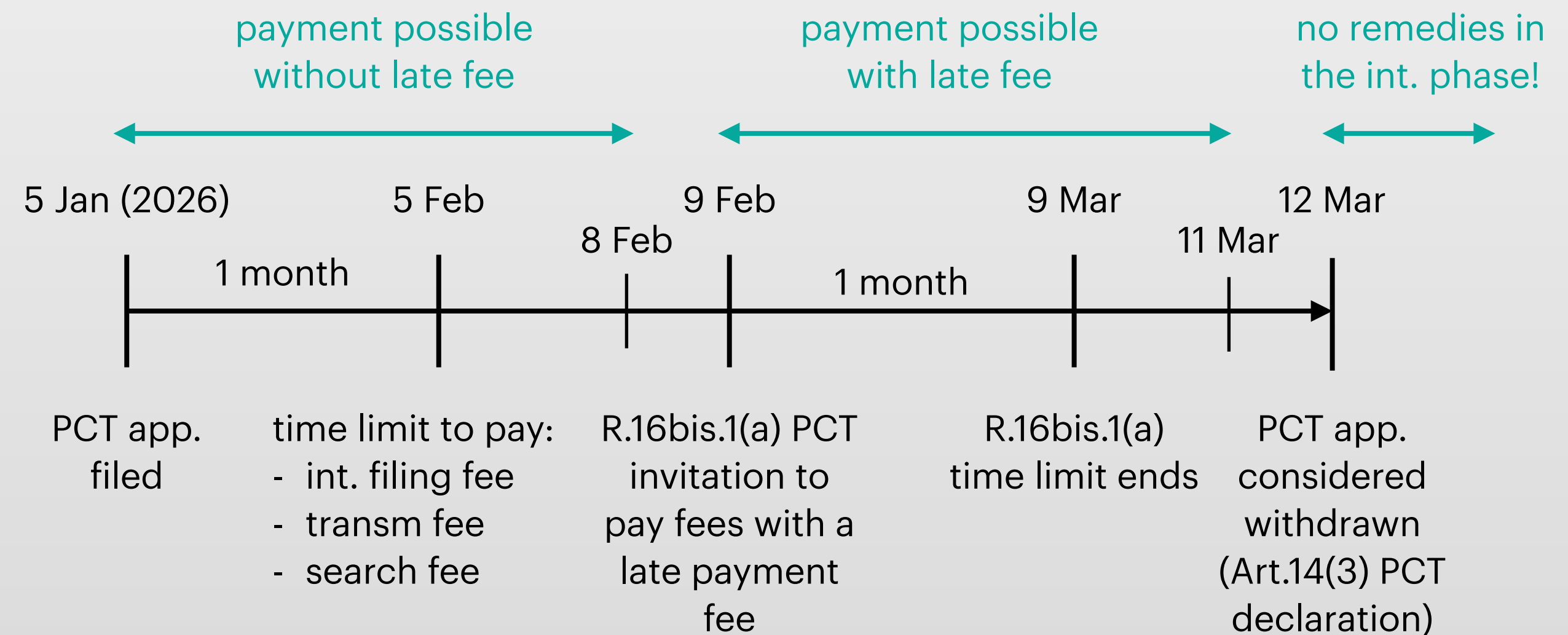
Fourth (and final) chance to pay these fees: Any payment received by the rO **before that Office makes the applicable declaration under Art.14(3)** shall be considered to have been received before the expiration of the time limit referred to in R.16bis.1(a). - R.16bis.1(e) PCT

FP in EPC vs no FP PCT

EPC



PCT



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Instead of FP...

R.17.1 PCT - Obligation to Submit Copy of Earlier National or International Application

First time limit to submit the copy: Not later than **16 months after the priority date** - R.17.1 PCT

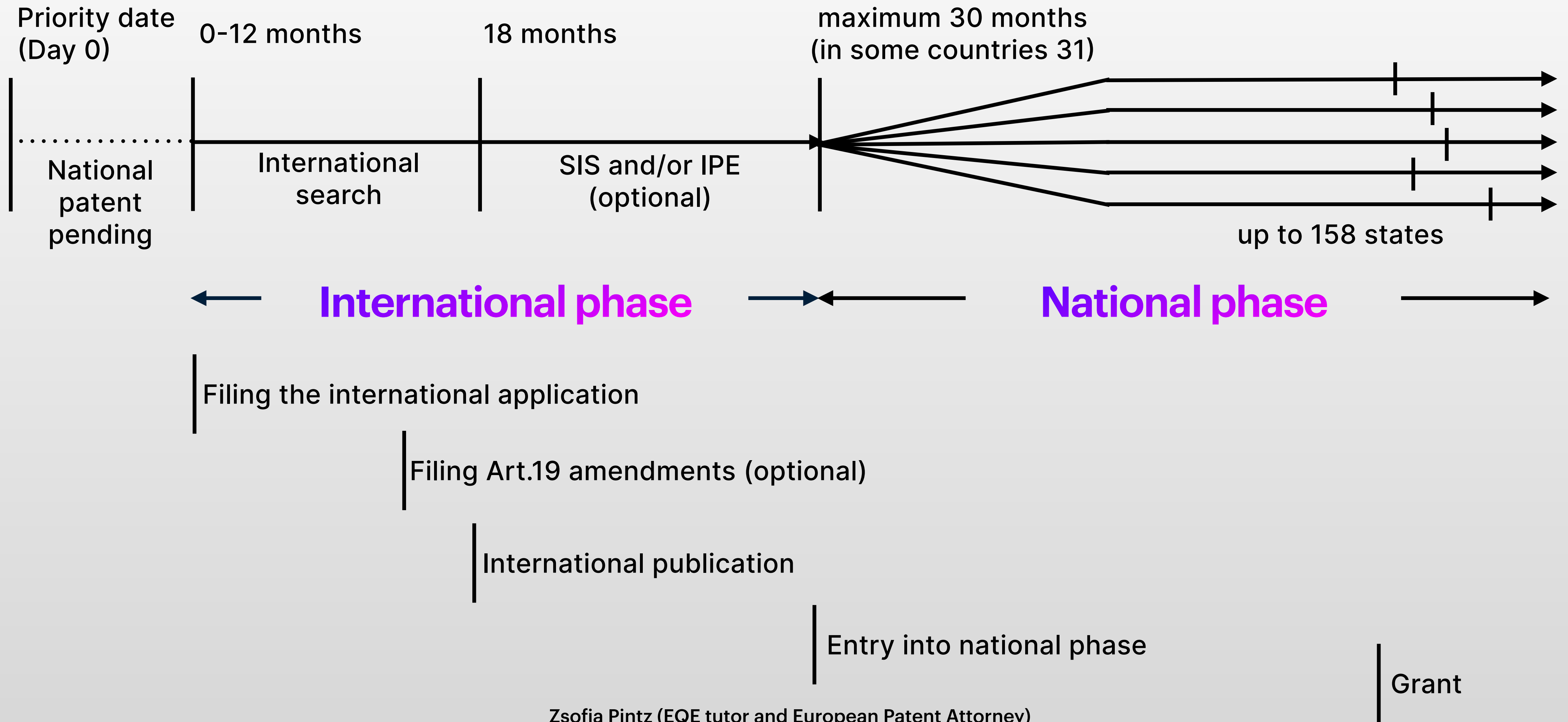
Second chance to submit the copy: "... provided that any copy of the said earlier application which is received by the IB after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it **before the date of international publication** of the IA" - R.17.1 PCT

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PCT timeline

1. Filing the international application
 - A. According a filing date
 - B. Formalities
2. International search
3. Filing Art. 19 amendments - optional
4. International publication
5. Supplementary international search - optional
6. International preliminary examination - optional
7. Entry into national phase

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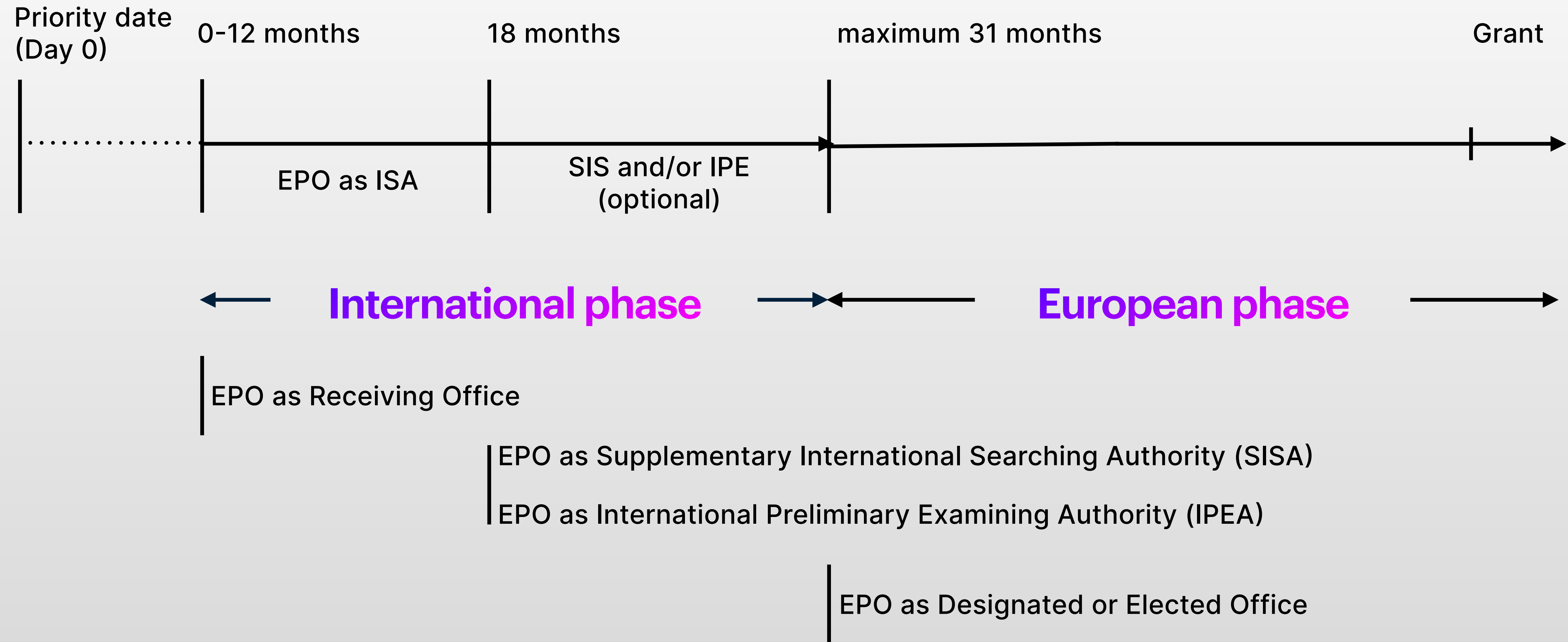
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Role of the EPO

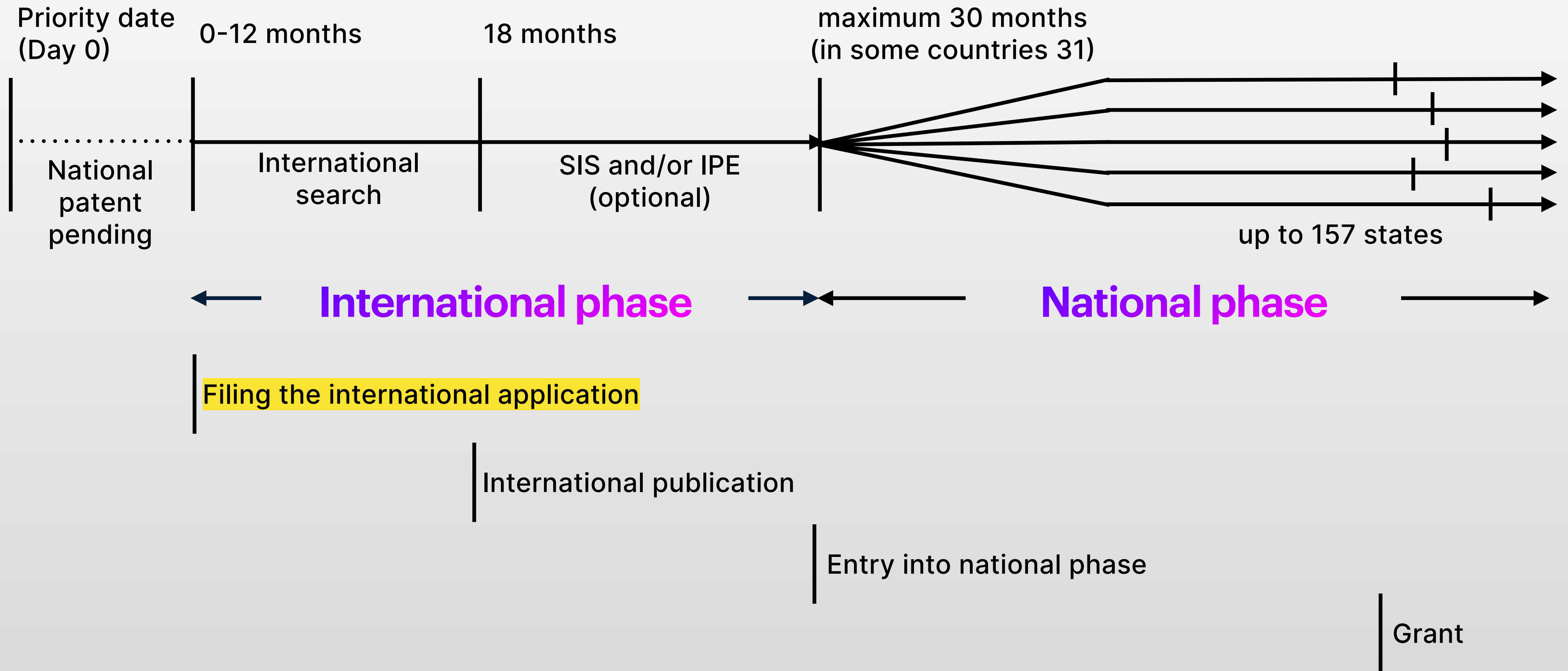
1. Filing the international application - EPO as Receiving Office
2. International search - EPO as ISA
3. *International publication*
4. Supplementary international search (optional) - EPO as SISA
5. International preliminary examination (optional) - EPO as IPEA
6. Entry into national phase - EPO as Designated or Elected Office

Tip: Everything the EPO does for a PCT application can be found in the Euro-PCT guide! (Not only the Euro-PCT phase)

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Filing

- Who can file? (*not anyone, like in EPC*) → *have a list of PCT member states, because at least one applicant must be from a PCT state (R.18.3 PCT)*
- Where can you file? (RO=Receiving Office) → *use R.19 PCT*
- Language of filing (*depends on rO*) → *use Annex C of the rO*
- What is needed to get a filing date? (*at least one claim is required*) → *Art.11 PCT, AG-IP 6.005*
- Fees: international filing fee, transmittal fee, search fee → *e.g. my time limit table*
- Formalities examination → *Art.14 and Rule 26 PCT*
- Representation (agent/common representative) → *R.90 PCT*
- Time limits for translation (for ISA and/or for publication) → *e.g. my time limit table*
- Missing parts/missing elements ('incorporation')
- Claiming priority (Paris convention) → *e.g. my priority legal basis table, R.26bis for adding or correcting priority*
- Missing the priority year ('restoration of right of priority') → *R.26bis.3 PCT and AG-IP 5.063-5.069*
- Remedies (e.g. rectification of obvious mistakes during international phase under R.91.1 PCT)

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Filing, general - D1 questions

- 2010 D1 - Q3 (restoration of right of priority)
- 2011 D1 - Q3 (no claims - incorporation)
- 2013 D1 - Q5 a) (agent)
- 2014 D1 - Q4 (EPO as rO, signature, withdrawal)
- 2015 D1 - Q3 (priority, joint applicants, rO)
- 2016 D1 - Q2 (priority, translation)
- 2017 D1 - Q5 (restoration of right of priority)
- 2018 D1 - Q1 (missing claims - incorporation, provisional protection)
- 2019 D1 - Q3 a) (no claims - incorporation)
- 2021 D1 - Q5 (languages, translation, rO)
- 2023 D1 - Q2 (defect in priority, correcting priority claim)
- 2023 D1 - Q5 a) (missing abstract)
- 2024 D1 - Q1 (languages, translation, correction of obvious mistake, claim amendments)
- 2025 D1 - Q1 (withdrawal of priority claim)

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2017 D1 - Q5

French applicant G **intended** to file international application PCT-G claiming priority of French patent application FR-NAT1 filed on 16 February 2016 and French patent application FR-NAT2 filed on **12 February 2016**. Despite **all due care taken** by the applicant, PCT-G was filed on **14 February 2017** with the EPO as receiving Office. PCT- G did not claim priority of FR-NAT2.

Restoration of right of priority is only possible, if:

- ✓ Mistake was unintentional / all due care was taken (The EPO applies the “due care” standard for restoration, both as rO and as dO/eO.)
- ✓ Filing date is within 2 months of the expiry of the priority year

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2018 D1 - Q1

On 20 February 2018, the **last day of the priority period**, applicant A filed international application PCT-A with the EPO as receiving Office. The request was filed using **form PCT/RO/101**. PCT-A was filed in French and **duly claims priority** of FR-A filed by applicant A in French. FR-A contains a description, drawings and one claim, the claim spanning two pages. PCT-A was **intended to be identical** to FR-A. Today, 27 February 2018, the applicant noticed that the **second page of the claim of PCT-A is missing** from the documents submitted to the EPO.

The applicant would like to obtain provisional protection in the EPC Contracting States for the subject-matter claimed in FR-A as soon as possible.

Incorporation by reference is only possible, if:

- ✓ Statement of incorporation was made at filing - R.4.18 PCT → this is satisfied if form PCT/RO/101 was used (the statement is pre-printed in that form)
- ✓ Priority was already claimed at filing - R.4.18 PCT
- ✓ Priority application completely contains the element or part - Rule 20.6(b) PCT
- ✓ Time limit of R.20.7(a) PCT can be met

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R.20 PCT

- Follow **R.20.3** PCT if:
a full element is missing (full description/all claims) → this means there is no filing date yet!
- Follow **R.20.5** PCT if:
only part of the description/claims/drawings or all drawings are missing
- Follow **R.20.5bis** PCT (entered into force on 1 July 2020) if:
a part or an element was erroneously filed ("entire element referred to in Article 11(1)(iii) (d) or (e) has or appears to have been erroneously filed, or that a part of the description, claims or drawings has or appears to have been erroneously filed including the case where all drawings have or appear to have been erroneously filed")

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Representation - R.90 PCT

- Term used: EPC: professional representative; PCT: **agent**
- The PCT allows a receiving Office / designated Office to **apply its national law** for representation after processing of the IA has started before that Office - **Art. 27(7) PCT**
 - So, **EPO applies Art.133 EPC** → applicants not having their residence or principal place of business in an EPC contracting state need to be represented by a professional representative before the EPO
- An appointed agent who has the right to represent the applicant before the receiving Office is **automatically also entitled to act** before the International Bureau, the International Searching Authority and the International Preliminary Examining Authority. - Art. 49 PCT, AG-IP 5.042
- An agent in the international phase will **not** automatically **be accepted** as 'agent' for the **national phase** (for EPO see Euro-PCT guide 5.3.011)
- Do you need an agent? → check Annex C of the rO
- Special rules for withdrawals (see next slide)

Is an agent required by the receiving Office?

No, but an address for service in India is required

The list of registered patent agents is available on the website of the Office at:
<https://iprsearch.ipindia.gov.in/AgentRegister/>

Who can act as agent?

Any patent agent registered to practice before the Office

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Representation - special exceptions

Withdrawals

1. Deemed common representative cannot sign - R.90bis.5 PCT

An applicant who is considered to be the common representative under Rule 90.2(b) shall not be entitled to sign any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 on behalf of the other applicants without evidence of their consent.

2. POA cannot be waived - R.90.4(e) or R.90.5(d) PCT for general POAs

A separate power of attorney or a copy of a general power of attorney must, in any event, still be furnished for any case of withdrawal (Rules 90bis.1 to 90bis.4), even if the requirement has been waived for other cases. (AG-IP 5.044)

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Missing signature

Request:

Rule 4.15 PCT: The international application must be signed by the applicant, or, where there are two or more applicants, by all of them.

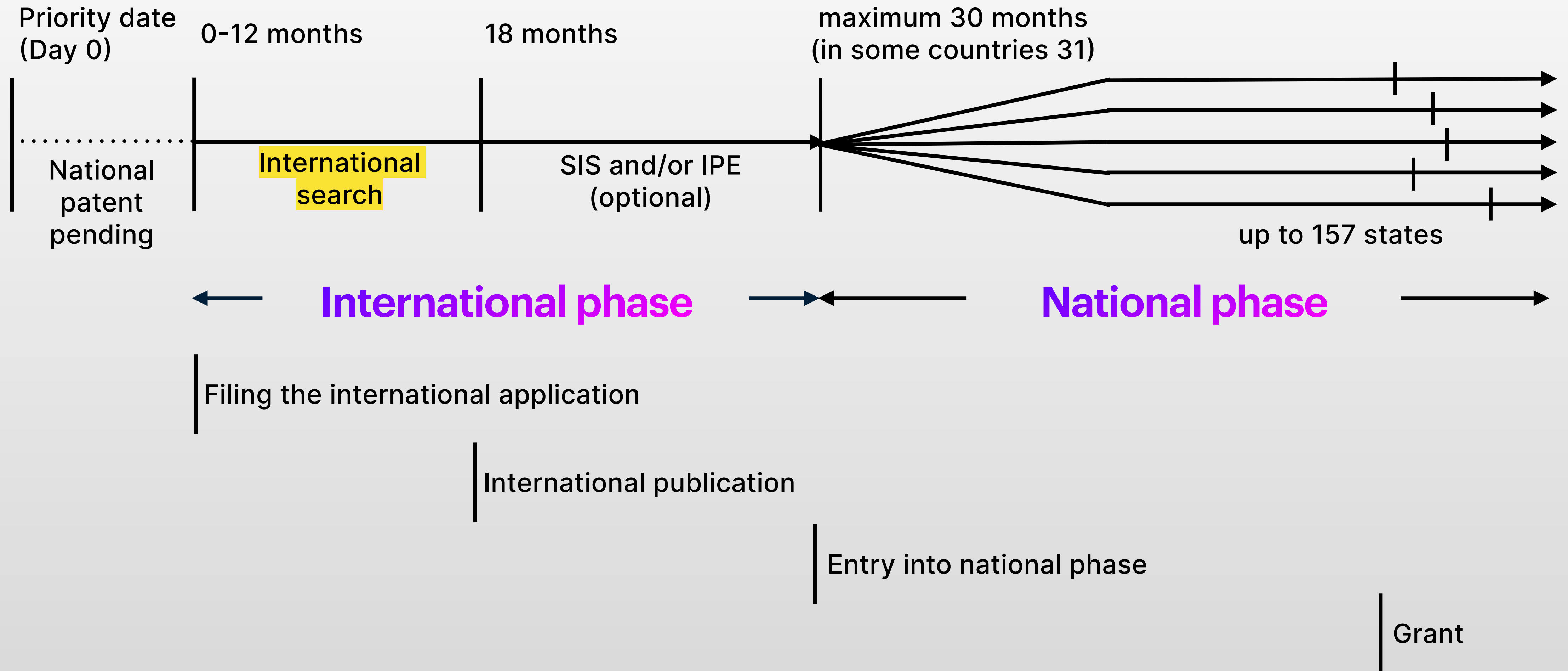
Rule 26.2bis(a) PCT (and AG-IP 5.088): "However, if there is more than one applicant, the receiving Office will not invite the applicant to furnish missing signatures when the request is signed by at least one of the applicants."

Demand:

Rule 53.8 PCT: The demand must be signed by the applicant, or, where there are two or more applicants, by all of them.

Rule 60.1(a-ter) PCT: It is sufficient if one of them signs.

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International search

Chapter 7 of AG-IP

- Competent ISA (based on rO/nationality/residency) → *my Competent ISAs table or PCT fee table*
- Prior art (only written disclosures are relevant Art.15(2) & Rule 33.1 PCT – this is still valid for your 2026 exam) → *AG-IP 7.003*
- Lack of unity, invitation to pay additional fee(s) for further search(es) (within 1 month) → *AG-IP 7.016-7.021, Art.17 and R.40 PCT*
- Optional Art. 19 PCT amendments → *Art. 19 PCT and AG-IP 9.004-9.006*

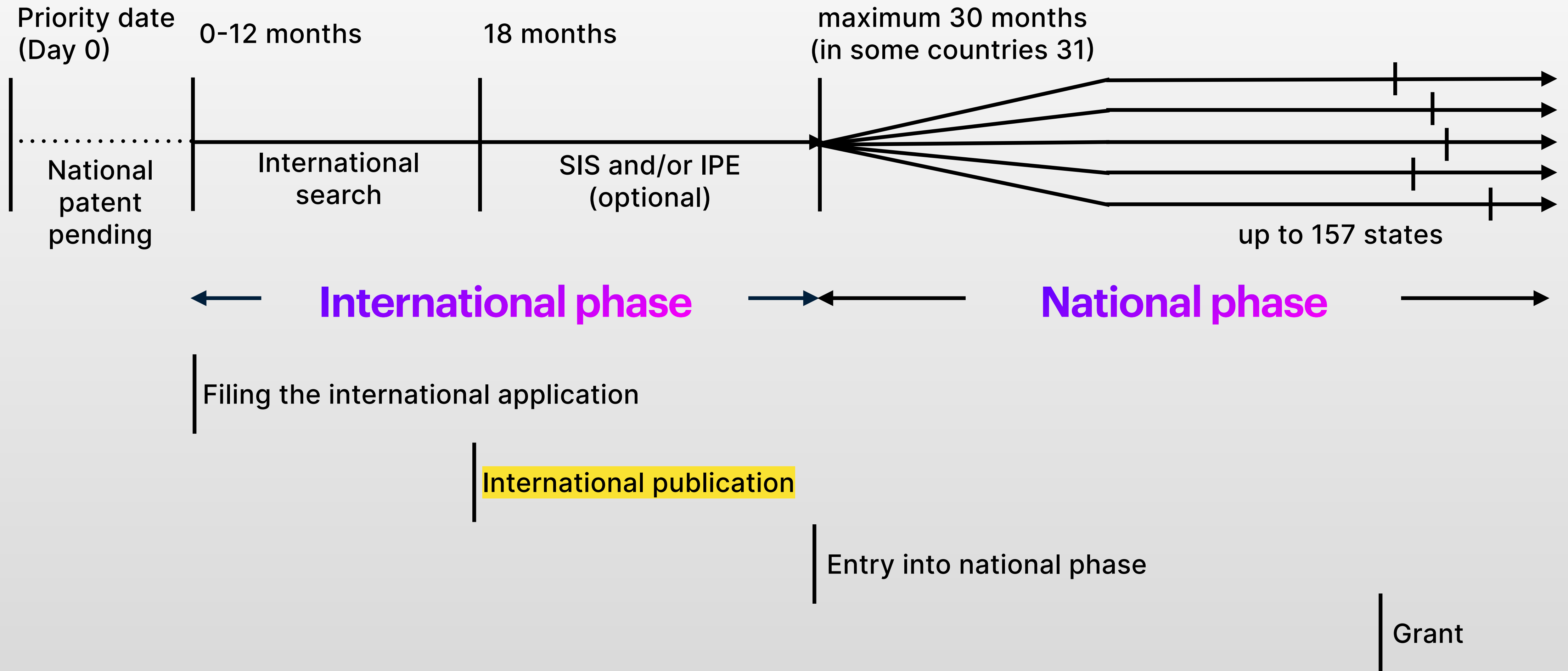
What to file: A complete set of claims in replacement of the claims originally filed & a letter indicating the differences plus the basis for the amendments. (An additional statement is optional) - R.46.5 PCT and AG-IP IP 9.004
- No search (the lack of an ISR does not, in itself, have any influence on the validity of the IA, see AG-IP 7.013) → *Art.17(2) (a) PCT*
- If no search (Art.17(2) PCT) → no Art.19 amendments (see the wording of Art.19(1) and AG-IP 9.004)
- The results of an international search are not binding on the designated Offices in the national phase - Art.27(5) PCT

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International search - D1 questions

- 2019 D1 - Q5 (lack of unity, additional search)

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International publication

Chapter 9 of AG-IP

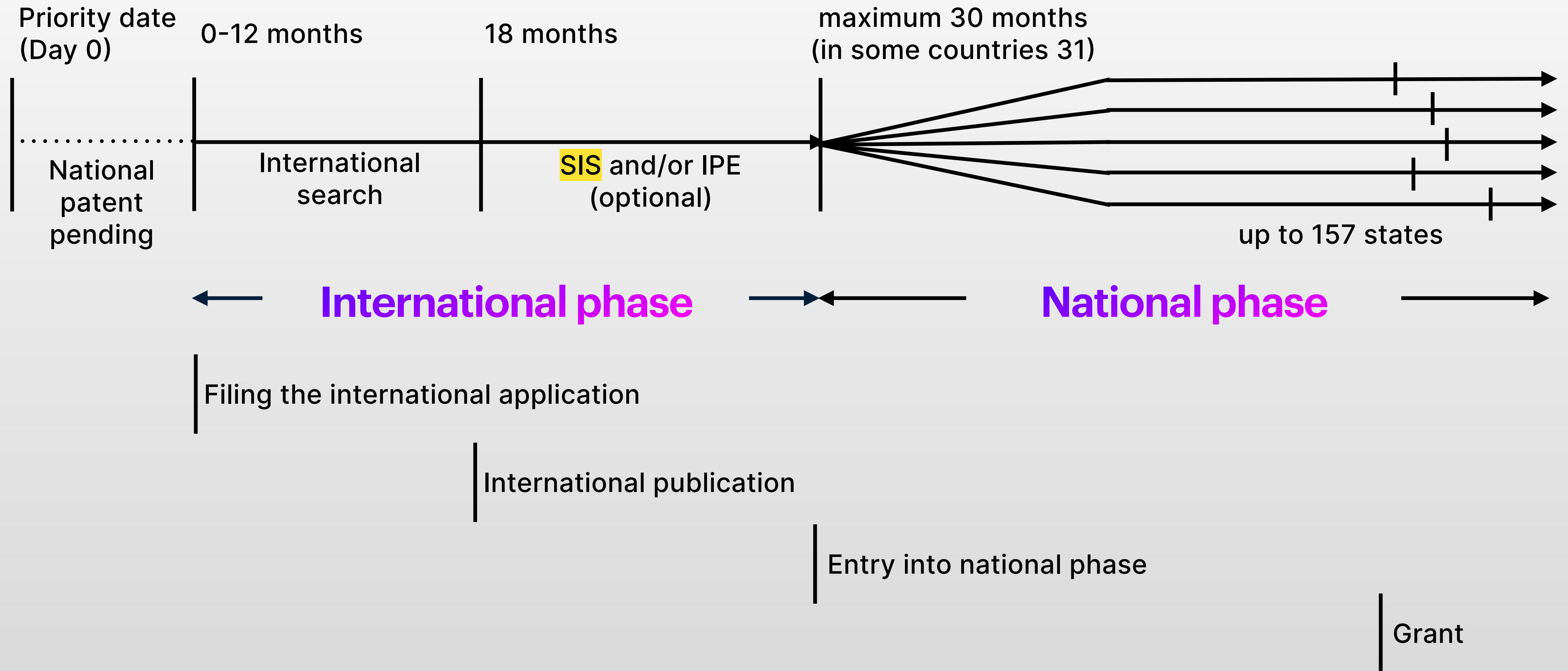
- Languages of publication: Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, Spanish → *R.48.3 PCT*
- Requesting early publication (if no ISR yet, a special publication fee applies) → *R.48.4 PCT*
- Preventing publication ('technical preparations' being completed 15 days before the actual date) → *Art.21(5) PCT*
- Postponing publication (withdrawing priority claim) → *R.90bis.3 PCT*
- Third party observations (only novelty and/or inventive step) → *AG-IP 11.109-11.117*
- Provisional protection (e.g. obtain provisional protection in EPC countries)
- Art.19 amendments are also published - R.48.2(f) PCT

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International publication - D1 questions

- 2012 D1 - Q5 (international publication, languages)
- 2018 D1 - Q1 (missing claims - incorporation, provisional protection)
- 2019 D1 - Q2 a) (third-party observations)
- 2024 D1 - Q1 b) Art.19 amendments

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Supplementary international search

Chapter 8 of AG-IP and R. 45bis PCT

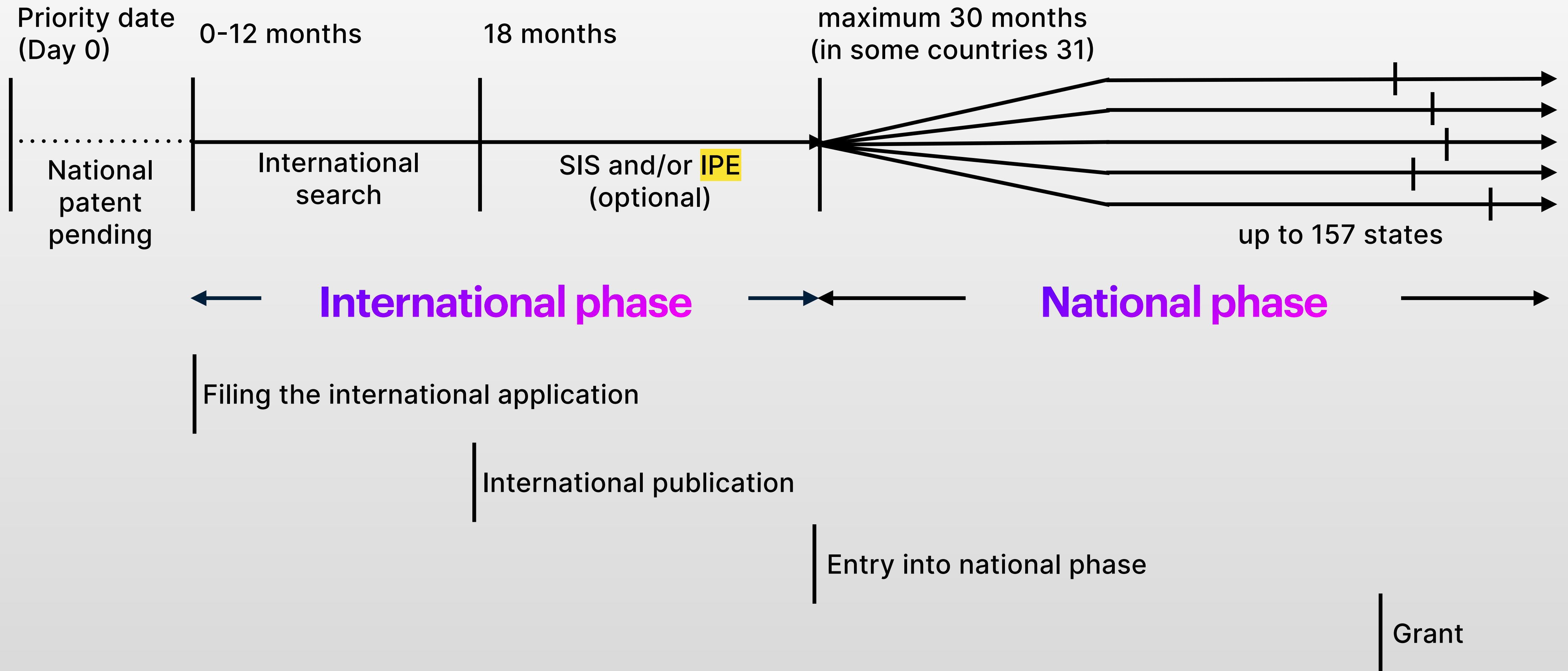
- Optional (and quite rare, about 60 yearly)
- Prepared by a SISA (must be different from ISA), there are only 10 SISAs
- Time limit: within 22 months from the priority date
- Fees: Supplementary search fee and handling fee (to IB!)
- The SIS is carried out on the basis of the international application as filed. - R.45bis.5(b) PCT
 - "The SIS is conducted on the international application as originally filed, and neither amendments filed under Article 19 PCT and/or Article 34 PCT nor informal comments will be taken into account." - EPG 3.4.007
- Established: 28 months from the priority date

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Supplementary international search - D1 questions

- 2012 D1 - Q3
- 2022 D1 - Q3
- 2025 D1 - Q5

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International preliminary examination

Chapter 10 of AG-IP and R. 45bis PCT

- Optional (about 10 000 yearly)
- Filing a 'demand' = requesting international preliminary examination ('Chapter 2', 'Elected office')
- Language of the demand → *Rule 55.1 EPC*
- Time limit: within 22 months from the priority date or 3 months from transmittal of ISR, whichever expires later
- Where to file: demand must be submitted directly to an IPEA (International Preliminary Examining Authority) which is competent to carry out international preliminary examination on the international application concerned
- Fees: Preliminary examination fee and handling fee (to IPEA!)
- Description, drawings and claims can be all amended (Art.34 PCT)
- Defects in demand → *Rule 60 PCT*
- Transmittal to competent IPEA → *Rule 59.3 PCT*
- Does not lead to the grant/or refusal but to establishing 'IPER' (IPRP Chapter II) - R.70 PCT

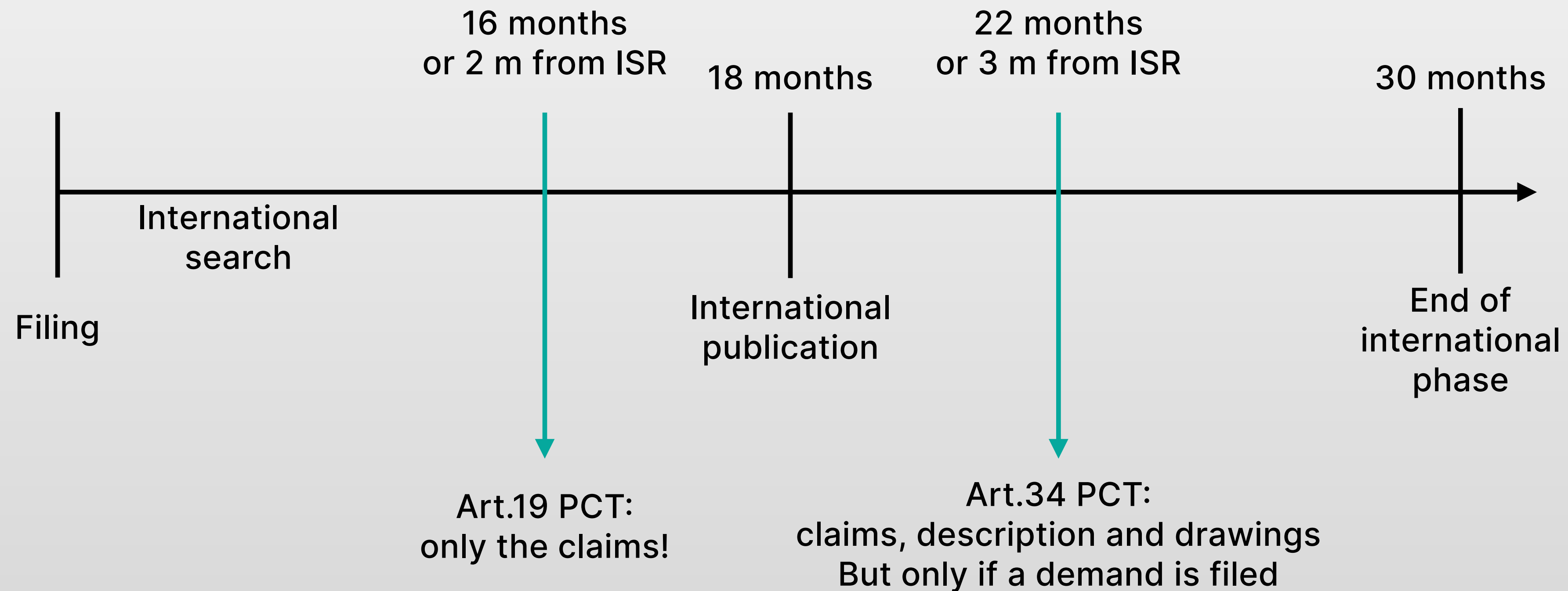
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International preliminary examination - D1 questions

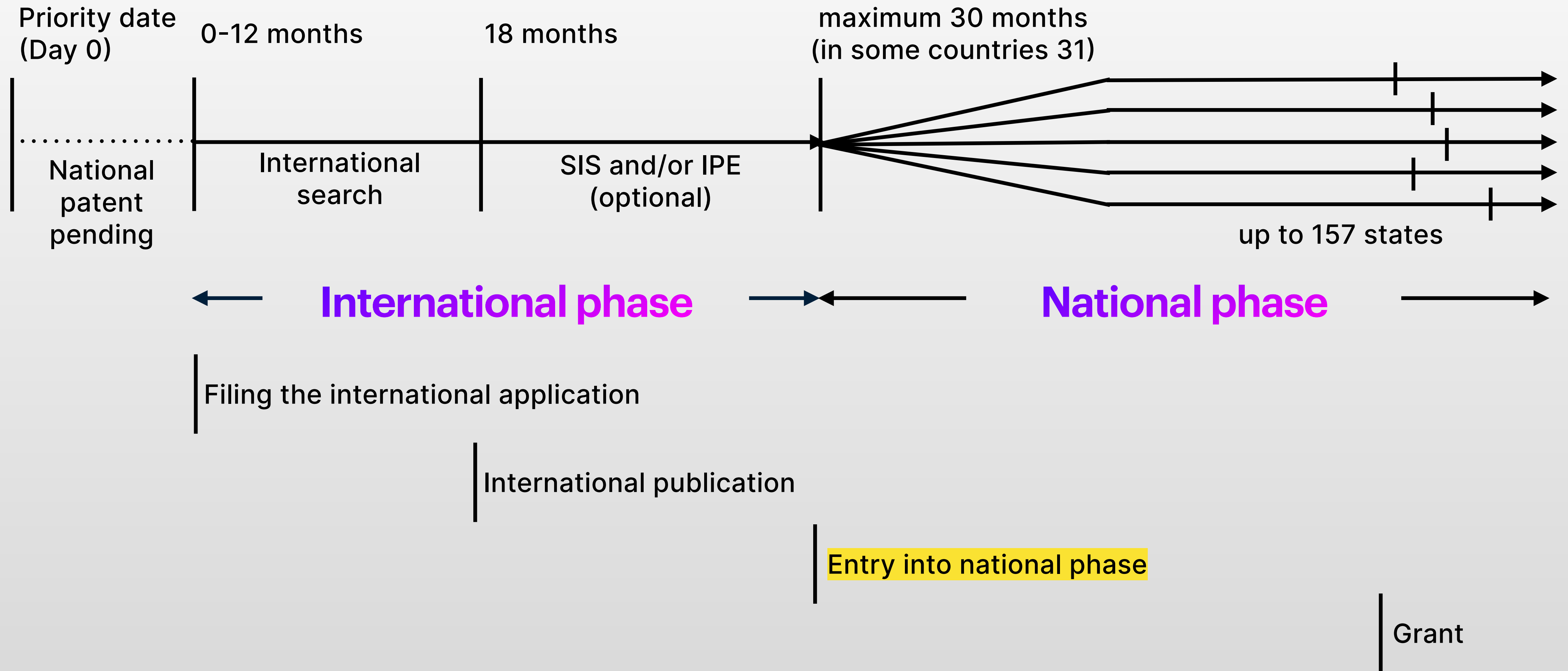
- 2013 D1 - Q5 b) (agent)
- 2023 D1 - Q2 b) (time limit for filing demand)
- 2025 D1 - Q5

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Amendments



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Entry into national phase

from Art. 153 and R.159 EPC

- Designated Office (if no demand filed for preliminary examination) - Art. 22 PCT
- Elected Office (if demand filed for preliminary examination) - Art. 39 PCT
- Early processing possible in case of explicit request (Art. 23(2) or 40(2) PCT)
- Time limit for entry: 30 months (e.g. USA, BR, CN, JP)
or 31 months (e.g. EPO, IN, EA, AU)
- Luxembourg: 20 months in Chapter I and 30 months in Chapter II
- Grant in the national phase by the national Office has the same effect as a patent granted on a direct national application

Entry into EP phase

- Requirements based on Rule 159 EPC (Don't forget the renewal fees!)
- Early processing (must comply with all R. 159(1) requirements on that date!)
- Late entry with further processing
- Accelerated processing
- Representation (invitation under R.163(5) EPC)
- R.161/162 EPC
- Lack of unity (R.164 EPC)
- Supplementary European Search
- "Minimum entry" under Art.153(5) EPC to create Art.54(3) prior art
- Restoration of right of priority before the EPO, using all due care (if only 'unintentional' criteria was used in international phase)
- Review/excuse procedure

Euro-PCT entry - R. 159(1) EPC				
Action	Legal basis	Time limit	Does it have to be done?	Notes
Filing translation	R. 159(1)(a) EPC	31 months of priority date	Only if the international application was not published in EN/DE/FR.	If IA published in EN/DE/FR, language of proceedings cannot be changed in EP phase. G4/08
Specifying the documents	R. 159(1)(b) EPC	31 months of priority date	Yes, always, but no consequence if missed (R. 160(1) EPC).	No FP necessary for this act.
Payment of filing fee	R. 159(1)(c) EPC	31 months of priority date	Yes, always.	Can include additional page fee (GL A-III 13.2). Language-based fee reduction (R. 7a(1) EPC) not possible.
Payment of designation fee	R. 159(1)(d) EPC	The later of: 31 months of priority date OR 6 months from publication of ISR under R. 39(1) EPC	Only if the time limit under R. 39(1) EPC expired earlier (which is usually the case).	Special remedy: can be paid within 2 months of expiry with a 50% surcharge.
Payment of extension and/or validation fees	GL A-III 12.2	The later of: 31 months of priority date OR 6 months from publication of ISR under R. 39(1) EPC	No, only if applicant wants protection in those states.	FP only possible together with the designation fee if that is also missed.
Payment of search fee	R. 159(1)(e) EPC	31 months of priority date	Only if EPO was not (S)ISA, because only then is a supplementary European search drawn up. - Art. 153(7) EPC	If there is a supplementary European search, R. 161(2) and R. 70(2) applies.
Request examination & payment of examination fee	R. 159(1)(f) EPC	The later of: 31 months of priority date OR 6 months from publication of ISR under R. 70(1) EPC	Only if the time limit under R. 70(1) EPC expired earlier (which is usually the case).	If FP is requested, both the flat fee (for the request) and the 50% of the examination fee must be paid.
Renewal fee for the 3rd year	R. 159(1)(g) EPC	The later of: 31 months of priority date OR due date according to R. 51(1) EPC	Only if the due date under R. 51(1) EPC was claimed, the 3rd renewal fee can usually be paid after entry.	FP not possible. The 6-month time limit under R. 51(2) EPC can be used as remedy.
Filing certificate of exhibition	R. 159(1)(h) EPC	31 months of priority date	Only if Art. 55(1)(b) EPC is used.	

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Entry into EP phase - D1 questions

- 2010 D1 - Q5 (EP entry, lack of unity)
- 2013 D1 - Q5 c) (agent)
- 2016 D1 - Q3 (entry, EP entry, early processing, acceleration)
- 2016 D1 - Q4 (Supplementary European Search, lack of unity)
- 2016 D1 - Q5 (minimum EP entry, Art.54(3) prior art)
- 2017 D1 - Q1 (EP entry, lack of unity)
- 2021 D1 - Q2 (restoration of right of priority)
- 2023 D1 - Q5 b) (excuse procedure before EPO as dO)
- 2025 D1 - Q1 (delaying entry into EP phase)

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How to answer the questions?

1. Read the question (once or twice) carefully
2. Recognise the issue (look for the hints in the question, e.g. "validly claimed", filing date mentioned, non-EPC resident applicant, "provide options")
3. Immediately decide which book/material you are going to use
e.g. PCT applicant's guide for general PCT questions and Euro-PCT guide for EPO related questions and Zsafia's table for the time limits and EP entry
4. Look up the issue in that material (shouldn't take more than 5 seconds to open the book at that Article/Rule)



Other refreshers

EPC vs PCT differences:

<https://www.fillun.com/eqe-blog/epc-vs-pct>

24 PCT-related quiz questions on my EQE blog:

Questions: <https://www.fillun.com/eqe-blog/advent-calendar-2025-questions>

Answers: <https://www.fillun.com/eqe-blog/advent-calendar-2025-answers>



Advent Calendar 2025 - Questions only

As part of Fillun's 5th Advent calendar, PCT-related quiz questions were posted on LinkedIn on every day of December. If you didn't follow it on LinkedIn, but would like to refresh PCT by answering the questions, you can find the questions in this post.



Advent Calendar 2025 - Answers

In this post you can find the answers to the EQE Advent calendar posts, quiz questions posted on LinkedIn (from 1 December 2025).

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Thank you!

fillun.com/eqe-blog

Zsafia Pintz (EQE tutor and European Patent Attorney)

Good luck!