

## Question 1

Due to late instructions from the client a reply to the extended European Search Report (EESR) under Rule 70(1) EPC was not filed for the European patent application 24123456.7. No request for examination has been filed, and the examination and designation fees were not paid. A Communication of Noting of loss of rights pursuant to Rule 112(1) EPC was received on 6 January 2026.

On 6 February 2026 you filed the response to the EESR, requested examination, and paid the examination and designation fees, including a fee for further processing of 50 % of the relevant fees.

Which of the following statement(s) is/are correct?

- I. You validly requested further processing and completed the omitted acts within the prescribed time limit and, therefore, you will receive a Communication from the European Patent Office that the legal consequence will not ensue.
  - II. The request for further processing and the completion of the omitted acts could still have been validly filed on 6 April 2026.
- a. Only statement I is correct.
  - b. Only statement II is correct.
  - c. Statements I and II are both correct.
  - d. Statements I and II are both incorrect.

Answer: D

To properly request further processing in this case you should complete all the omitted acts:

- Request examination and pay the examination and designation fees including a further processing fee of a fee 50% of the relevant fee
- Reply to the search report
- Pay further processing fees (flat fee) for the procedural acts

The deadline for validly requesting further processing and completing the omitted acts was 9 March 2026

EPC, implementing regulations >Part VII > Chapter V: Rule 135 Further Processing

Further processing under Article 121, paragraph 1, shall be requested by payment of the prescribed fee within two months of the communication concerning either the failure to observe a time limit or a loss of rights. The omitted act shall be completed within the period for making the request.

EPO Guidelines Chapter VI Time limits, loss of rights, further and accelerated processing and re-establishment of rights.

2. The omitted act must be completed within the period for making the request. The request is not deemed to have been filed until the respective fee for further processing has been paid. If the fee for further processing has been paid in due time but the omitted act has not been completed within the period for making the request, the request is inadmissible. Enclosure: Guidelines Part E

## Question 2

On 25 April 2026 you received a Decision to Grant from the European Patent Office, informing you that the mention of grant will be published in the European Patent Bulletin on 6 May 2026.

Which one of the statements below is correct?

- a. The last day to validly file a request for unitary effect was 25 May 2026, and a divisional application could have been validly filed up to 5 May 2026.
- b. The last day to validly file a request for unitary effect is 6 June 2026, and a divisional application could have been validly filed up to 4 May 2026.
- c. The last day to validly file a request for unitary effect is 8 June 2026, and a divisional application could have been validly filed up to 5 May 2026.
- d. The last day to validly file a request for unitary effect is 6 June 2026, and a divisional application could have been validly filed up to 6 May 2026.

Answer: C

Deadline to file a Unitary Patent, one month after grant: 6-05-2026 + 1 month: 06-06-26 > Saturday > Monday 8 June 26

Deadline to file a divisional application, while pending that means before grant: 05-05-2026

On 5-05-26 EPO is closed but the publication of the grant will be taking effect on 6 May, so, even if the office is closed on May 5 you will need to file the divisional while the application is still pending.

The fact that EPO is closed is not an impediment to file through the official filing tools, and the filing date will be the date of effective filing [1.1.1 Filing of applications in electronic form](#)

European patent convention Art. 97.3:

The decision to grant a European patent shall take effect on the date on which the mention of the grant is published in the European Patent Bulletin.

### Question 3

You received a Communication pursuant to Rule 71(3) EPC (Intention to Grant) on 2 December 2025, in your EPO Mailbox. The Communication is dated 4 December 2025. The client did not approve the text intended for grant and instructed you to file a response requesting amendments.

What was the last day to validly file a response to the communication?

- a. 4 April 2026.
- b. 6 April 2026.
- c. 7 April 2026.
- d. 2 April 2026.

Answer: c

04-12-25 (communication date) + 4 months > 04-04-26 = Saturday > Monday 06-04-26 = closing day  
EPO > 07-04-26

## Question 4

The patent attorney requests you to file opposition against European patent 4 035 123 B1 on the last day of the nine-month opposition period. He provides you with the information of the patent to be opposed and sends you all the documents containing the grounds of the opposition and the evidence to be filed.

Which information are you missing for validly filing a notice of opposition?

- a. Information relating to the representative.
- b. Detailed information of the inventors.
- c. Information relating to the opponent.
- d. Information about in which countries the European patent has been validated.

Answer: C

Filing the particular of the opponent is formal requirement to file a valid notice of opposition

Rule 76(2)(a) EPC > A notice of opposition must contain *“the name and address of the opponent”*.

Rule 77(1) EPC > If a mandatory requirement under Rule 76(2) is missing, the opposition is inadmissible.

## Question 5

A response to a Communication pursuant to Art 94(3) EPC needs to be filed today. The patent attorney provides you with the response that should be filed, and requests you to file the amended claims in clean and marked-up versions in DOCX format.

Which one of the statements below is correct?

- a. The EPO only accepts documents in PDF format for filings.
- b. The EPO only accepts documents in DOCX format for the filing of a European patent application.
- c. The EPO will accept the amended claims filed in DOCX format.
- d. Filing a document only in DOCX format is not allowed, and a PDF back-up copy is necessary.

Answer: C

As per 1 April 2026 EPO accepts DOCX documents for filing

Decision of the President of the European Patent Office dated 25 March 2026 concerning the electronic filing of documents dated 31-03-26

Art. 8 Document formats

Guideline filing submissions docx format

3.1 "you can add one or more DOCX document to ANY filing form available in Online Filing 2.0"

2.3 PDF back-up copy > You can, if you wish, file a PDF back-up copy of any application documents filed in DOCX format.

## Question 6

In relation to an opt-out from the exclusive competence of the Unified Patent Court, which of the following statement(s) is/are correct?

I. You can file the opt-out even if a third party has already filed an action against the patent before the Unified Patent Court.

II. The opt-out can be filed as soon as the European patent application is published.

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Statements I and II are both correct.
- d. Statements I and II are both incorrect.

Answer: B

Art. 83(3) UPCA: An opt-out is only possible “unless an action has already been brought before the Court.”

Rule 5.1 UPC Rules of Procedure – opt-out may be filed for “a published European patent application.”

## Question 7

Review the following statements regarding a Benelux design:

- I. Applicants with residency outside the Benelux must appoint a representative.
- II. For appointing a representative to file a Benelux design an authorization is required.

Which of these statement(s) is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Statements I and II are both correct.
- d. Statements I and II are both incorrect.

Answer: D

## Question 8

You filed a European design application on 5 January 2021 claiming priority of a Benelux design application filed on 2 September 2020. Your European design application was registered on 7 January 2021.

What was the last day for validly renewing this Registered Community Design (RCD) without paying additional fees?

- a. 31 January 2026.
- b. 2 February 2026.
- c. 5 January 2026.
- d. 7 January 2026.

**Answer: C**

As of 1 May 2025 registered EU designs (REUDs) will expire on the expiry date of registration (previously the last day of the month in which a design expired). There is then a six-month grace period to renew a design, which starts the day after the REUD expires. Expiry date is 5 months from filing (Aer 50d REUD)

## Question 9

Your client wishes to include an earlier Benelux trademark registration in their European Trademark (EUTM) application by claiming seniority. Which of the following statements is not correct?

- a. Seniority can be validly claimed within two months of the application date of the EUTM.
- b. Seniority can be validly claimed at any time after registration of the EUTM.
- c. Seniority can be validly claimed for the relevant Benelux trademark registration when the Benelux trademark registration has not been renewed, but is still within the 6-month grace period for renewal.
- d. The EUTM must be identical to the earlier mark, contain at least the same goods and services, and must be filed in the name of the same holder.

Answer: C

It is possible to claim seniority from a valid earlier registration. The earlier registration is considered to have lapsed after expiry of the 10-year anniversary, even if renewal is still possible by making use of the 6-month grace period. Therefore the claim is not acceptable, unless the applicant shows that it has renewed the earlier registration. [EUIPO Guidelines, Part B, Section 2, 13.2]

## Question 10

What is not an absolute requirement for the admissibility of an opposition against a European Trademark (EUTM)?

- a. Payment of the required fee within the opposition period.
- b. Appointment of a professional representative within the opposition period when the opponent is from outside the European Economic Area (EEA).
- c. Filing of the Notice of Opposition in an official language of the EUIPO within the opposition period.
- d. Indication of the grounds for opposition within the opposition period.

Answer: B

This is a relative deficiency which can be remedied within 2 months from notification. [Art. 5(5) EUTMDR]

## Question 11

Your client wants to renew an International Trademark Registration (IR). The Benelux basic registration on which the IR is based was filed on 20 January 2025 and registered on 3 April 2025. The IR was filed on 10 March 2025 at the Office of Origin and registered on 10 April 2025.

Which of the following statements is correct?

- a. The due date for renewal of the IR is 10 April 2035.
- b. The due date for renewal of the IR is 30 April 2035.
- c. The due date for renewal of the IR is 10 March 2035.
- d. The due date for renewal of the IR is 3 April 2035.

Answer: A

Art.7 MA, Art.7 Prot, R.29-31

Due date: last day of 10-year period (no end of the month), calculated from international registration date

## Question 12

Which one of the following statements regarding domain names is correct?

- a. The registry is a customer who registers a domain name: the domain name holder.
- b. A domain name is an enforceable property right like a patent right, a trademark right, or a design right.
- c. The Top Level Domain (TLD) in a domain name provides information about the nature of the domain name (gTLD) or about the country of origin of the domain name (ccTLD).
- d. The registrar is a database of domain names.

Answer: C

Registrant: Customer who registers a domain name: the domain name holder

Registrar: organization authorized to sell the domain name

Registry: database of domain names

## Question 13

On 12 May 2025 you filed a Dutch patent application, NL1, for your client. Since NL1 was only filed for priority purposes, it was withdrawn on 12 September 2025 to prevent publication.

On 11 May 2026 you filed a PCT application, PCT1, and inadvertently did not claim priority from NL1.

Today, 26 May 2026, you realize you have filed the wrong drawings for PCT1. The drawings from NL1 should have been added to PCT1.

Review the following statements:

- I. You can correct this mistake by adding the priority claim of NL1 and indicating that the drawings are incorporated by reference.
- II. You can correct this mistake by filing the correct drawings. Your application will receive a re-date.

Which of these statement(s) is/are correct?

- a. Statements I and II are both correct.
- b. Only statement I is correct.
- c. Only statement II is correct.
- d. Statements I and II are both incorrect.

Answer: C

Incorporation by reference is only possible when priority is claimed upon filing.

4.18 PCT: Where the international application, on the date on which one or more elements referred to in [Article 11\(1\)\(iii\)](#) were first received by the receiving Office, claims the priority of an earlier application, the request may contain a statement that, where an element of the international application referred to in [Article 11\(1\)\(iii\)\(d\)](#) or [\(e\)](#), or a part of the description, claims or drawings referred to in [Rule 20.5\(a\)](#), or an element or part of the description, claims or drawings referred to in [Rule 20.5bis\(a\)](#) is not otherwise contained in the international application but is completely contained in the earlier application, that element or part is, subject to confirmation under [Rule 20.6](#), incorporated by reference in the international application for the purposes of [Rule 20.6](#). Such a statement, if not contained in the request on that date, may be added to the request if, and only if, it was otherwise contained in, or submitted with, the international application on that date.

## Question 14

Your client filed a Dutch patent application, NL1, on 30 May 2025. The client opted for an international type search, which was conducted by the EPO.

Your client now asks you to file an international patent application, PCT1, with the EPO, claiming priority of NL1. The client has provided you with the search results of NL1 for you to file with PCT1.

PCT1 contains 40 pages of description, 3 pages of claims, 20 claims, and 5 pages of drawings.

Which fees do you have to pay for the EPO to proceed with the search of PCT1?

- a. The filing fee and the page fee.
- b. The filing fee, the page fee, and the search fee.
- c. The filing fee, the transmittal fee, and the page fee.
- d. The filing fee, the transmittal fee, the page fee, and the search fee.

Answer: D

Even though EPO conducted the search in the priority application, refund of the search fee is at the discretion of EPO and should always be paid upon filing.

IP 5.184. What fees are due in respect of an international application?

Article 3(4)(iv) There are three kinds of fee which must be paid in connection with every international application.

Rule 14 (i) The transmittal fee is fixed by, and accrues to, the receiving Office for the performance of its tasks in connection with the receipt and checking of the international application, and for the transmittal of copies of it to the International Bureau and the International Searching Authority.

Rule 16.1 (ii) The “search fee” is fixed by, and accrues to the benefit of, the International Searching Authority for the carrying out of the international search and the establishment of the international search report and the written opinion of the International Searching Authority.

Rule 15.1, Rule 96 (iii) The “international filing fee” is fixed in the Schedule of Fees annexed to the PCT Regulations and accrues to the International Bureau for the performance of various tasks, including the publication of the international application and, where applicable, the issuance on behalf of the International Searching Authority of the international preliminary report on patentability (Chapter I of the PCT) and the communication of various notifications to the applicant, the receiving Office, the International Searching Authority, the International Preliminary Examining Authority, and the designated and elected Offices.

## Question 15

For your client you have filed an international patent application, PCT1, with the EPO on 24 December 2025, claiming priority from a European application, EP1, dated 24 December 2024.

You recently received an International Search Report dated 23 March 2026.

After discussing the search results with the attorney, the client would like to respond to the search report by filing formal comments and amended claims.

What needs to be done and by when?

- a. You can file the formal comments and amended claims under Art. 19 PCT. This needs to be done before 25 May 2026.
- b. You can file the formal comments and amended claims under Art. 19 PCT. This needs to be done before 24 April 2026.
- c. You can file the formal comments and amended claims under Art. 34 PCT. This needs to be done before 23 June 2026.
- d. You can file the formal comments and amended claims under Art. 34 PCT. This needs to be done before 26 October 2026.

Answer: D

Responding to the search report can only be done by filing a Demand. When filing the amended claims as Art. 19 amendments, you can only briefly explain your amendments but not respond to the search report.

Art 19 PCT

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

*54bis.1 Time Limit for Making a Demand*

(a) A demand may be made at any time prior to the expiration of whichever of the following periods expires later:

(i) three months from the date of transmittal to the applicant of the international search report or the declaration referred to in [Article 17\(2\)\(a\)](#), and of the written opinion established under [Rule 43bis.1](#); or

(ii) 22 months from the priority date.

## Question 16

A new client calls you asking if you can help her. She met one of the attorneys in your firm at a conference and had a very pleasant talk with him. She is currently being represented by another firm, but she would like your firm to file a Request for Preliminary Examination with the EPO for her international patent application.

Which one of the following statements is correct?

- a. You need to file a Request for Preliminary Examination with the International Preliminary Examination Authority for this new client. However, you will also need to file a Power of Attorney.
- b. You need to file a Request for Preliminary Examination with the International Preliminary Examination Authority for this new client. You do not need to file a Power of Attorney.
- c. You need to file a Request for Preliminary Examination with the International Bureau for this new client. However, you will also need to file a Power of Attorney.
- d. You need to file a Request for Preliminary Examination with the International Bureau for this new client. You do not need to file a Power of Attorney.

Answer: B

(6)(a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in [Article 32](#).

The EPO as IPEA has waived the requirement that a signed separate power of attorney or a copy of a general power of attorney be submitted to it if the demand is signed by the purported agent for the procedure before the EPO as IPEA and not by the applicant or the agent for the international phase.

OJ EPO 2010, 335

## Question 17

Your client is calling you in a hurry. Tomorrow, 27 May 2026, he is going to a convention where he will present his new product. However, he has not yet filed a patent application for this invention. He asks you to quickly file a patent application in The Netherlands related to his new product.

Furthermore, he would like you to incur as little costs as possible as he intends to only use the application for priority purposes.

You have already fully prepared the request for grant in OCNL's filing system.

What else do you need to file to obtain a filing date?

- a. A description of the invention and a set of claims, even if the description and the claims do not comply with the formal requirements.
- b. A description of the invention even if the description does not comply with the formal requirements.
- c. A description of the invention that complies with the formal requirements.
- d. A description of the invention and a set of claims, that both comply with the formal requirements.

Answer: B

### 1. Requirements for application number and filing date

- A concise or general indication that you intend to file a patent application;
- Name and address data of the applicant;
- A text that serves as a description. This text may be written in any language. For example, if you submit a description in Spanish it means you meet this requirement. However, certain formal requirements still need to be met (see under B).

These requirements are set out in Article 29 of the Patent Act 1995.

## Question 18

You client asks you to file a Dutch patent application, claiming priority from an Argentinian patent application filed in Spanish on 10 June 2025.

What can you do to validly claim priority of this application, besides stating the country, date and application number of the priority application?

Consider the following statements.

- I. You can file the original priority document of the Argentinian priority application, together with a translation of the priority document into German.
- II. You can file the DAS code of the Argentinian priority application, together with a translation of the priority document into French.

Which of these statements is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Both statements I and II are incorrect.
- d. Both statements I and II are correct.

Answer: D

Even though Argentina is not a PCT country, it does participate in DAS. Both options are possible. Admissible translations are NL/EN/DE/FR

## Question 19

Your client wishes to file patent applications in China, Japan, Europe, India, and the United States. In which of these countries are fee reductions for small entities possible?

- a. Only in China, Japan, and Europe.
- b. Only in Europe, China, and the United States.
- c. Only in Europe, Japan, India, and the United States.
- d. In China, Japan, Europe, India, and the United States.

Answer: D

US: small and micro

CN: small

IN: small

JP: small and micro

EP: small and micro

## Question 20

Your client Tenenkaas Imperium B.V. has filed an international patent application on 3 October 2024, claiming priority of a Dutch patent application filed on 2 January 2024. The applicant is Tenenkaas Imperium B.V. and the inventors are Mr. Theo and Ms. Thea. Both of the inventors are employees of Tenenkaas Imperium B.V.

Your client wishes to enter the national phase in the United States, and hence file US1. Which of the following statements relating to the transfer of rights from the inventors to the applicant is correct?

- a. As the rights to file the application were automatically transferred in the priority application from the inventors to the applicant under the Dutch law, proof of the transfer does not have to be filed for US1.
- b. The latest day to validly file the appropriate documentation with the USPTO proving the transfer of rights from the inventors to the applicant is one day before grant.
- c. It is not required to file an assignment for US1. Other proof of ownership such as an employment contract is also accepted for proving the transfer of rights from the inventors to the applicant.
- d. If an assignment is not timely filed with the USPTO for US1, the application will be deemed to have withdrawn.

Answer: C

## Case 1

Your client contacts you on 9 September 2025 with instructions to file a European Union (EU) trademark application. You prepare and file the trademark application that same day. On 22 September 2025 the trademark application was published.

- a. Based on this publication date, what was the opposition period, and what was the final day on which an opposition can be validly filed against your client's trademark application?

The opposition period was three months starting from the day after publication of the EU trademark application. This means the last day on which an opposition could be filed was 22 December 2025.

Art. 46 EUTMR.

After two months you received a communication from the EUIPO that an opposition was filed against your client's trademark application based on an earlier Spanish national trademark registration. You reported this to your client. Subsequently, the EUIPO issued a Notice of Admissibility confirming that the opposition was admissible. This meant that the cooling-off period began.

- b. What was the initial duration of the cooling-off period?

The initial cooling-off period was 2 months from the date on which the parties were informed that the opposition is admissible.

Art. 6 EUTMDR

- c. Was it possible to extend the cooling-off period? If so, what was the time limit, and was it possible for your client to file this request individually?

Yes, the cooling off period could be extended by up to 22 additional months for a maximum total duration of 24 months. An extension is only possible upon a joint request by both parties. Your client could not request an extension individually.

Art. 6 EUTMDR

Unfortunately, the EU trademark application was refused following the opposition. Your client nevertheless wished to obtain protection in the Benelux.

- d. Was it possible to convert the EU trademark application into a Benelux trademark application? If so, what were the requirements?

Yes. The refused EU trademark application could be converted into a Benelux trademark application. The requirements to do so were as follows:

1. File a request with the EUIPO within 3 months from date on which the EU trademark application ceases to have effect (when the refusal decision became final)
2. Indicate the Member States/territory in which a national trademark is desired (in this case the Benelux)
3. Pay the conversion fee

## Art. 140 EUTMR

Your client subsequently obtained protection in the Benelux. The Benelux trademark was registered today on 26 May 2026.

- e. For what time period is this trademark registration valid?

The registration is valid for 10 years from the filing date

## Art. 2.9 BCIP

It may happen that several years later you will miss the renewal deadline, due to a lack of instructions from your client.

- f. Would it then still be possible to renew the Benelux trademark registration, and if so, what are the requirements?

Yes. It is still possible to renew the Benelux trademark registration during the six-month grace period following expiry (must be requested within this time). You need to pay the prescribed fee and an additional fee

## Art. 2.9 BCIP

## Case 2

Mr. Chen is a Chinese national and resident who has never filed a European patent application before. Mr. Chen intends to enter the European regional phase by filing European patent application EP-X.

EP-X will be based on international patent application, PCT-X, naming Mr. Chen as applicant and inventor. PCT-X has a filing date of 3 September 2024 and claims priority from Chinese patent application, CN-X, and United Kingdom patent application, GB-X, both filed on 3 September 2023. PCT-X was filed with the Chinese Patent Office acting as the receiving Office and was published in the Chinese language.

Mr. Chen files EP-X himself by submitting the application by postal services to the EPO in Munich.

- a. Is Mr. Chen entitled to file EP-X himself? Motivate your answer.

Yes, natural or legal persons not having their residence or principal place of business in a Contracting State shall be represented by a professional representative and act through him in all proceedings established by this Convention, other than in filing a European patent application; the Implementing Regulations may permit other exceptions.

### Art. 133 (2) EPC

EP-X was filed on 1 April 2026 with amended claims, and an English translation of PCT-X. The international publication contains 12 pages of description, 4 pages of claims with a total of 45 claims, 1 page abstract, and 45 pages of drawings.

The English translation contains 10 pages of description, 3 pages of claims, 1 page abstract, and 46 pages of drawings. The amended claims consist of 2 pages with a total of 16 claims.

Upon filing, Mr. Chen declared that he is a micro-entity and requests a reduction of fees under Rule 7a(3) EPC.

- b. Mr. Chen paid all necessary fees upon filing. Mention all fees and calculate the amounts which Mr. Chen paid upon filing EP-X.

Filing fee NOT online: € 285 - 30% = € 199,50

- Additional page fee: 12 pages description + 2 pages amended claims + 1 page abstract + 45 pages drawings = 60 pages. 60 – 35 = 25 additional pages.

25 pages \* € 17 = € 425 - 30% = € 297,50

- Search fee: € 1.595 – 30% = € 1116,50
- Examination fee: € 2.010 – 30% = € 1.407
- Designation fee: € 720 – 30% = € 504
- Additional claim fee is optional, can also be paid when filing a R162 reply

- c. Mr. Chen would like to pay the renewal fee for the third year for EP-X as early as possible. Calculate the earliest date on which it is or was possible to validly pay the renewal fee for the third year.

The renewal fee for the 3rd year may be validly paid up to 6 months before the due date. The due date for paying the 3rd year renewal fee is 3 September 2024 > end of month, + 2 years = 30 September 2026. 6 months before is 31 March 2026. (end of month).

#### R.51(1) EPC

After filing, Mr. Chen has requested Ms. Jansen, a professional representative listed with the EPO, to act as his representative for EP-X. Ms. Jansen sends an authorization form to Mr. Chen for a signature. However, Mr. Chen prefers not to sign the form.

- d. What can Ms. Jansen do in order to register her as representative for EP-X?

Since Ms. Jansen is on the list of representatives, she does not need an authorization and merely needs to inform the EPO that she has been appointed for EP-X.

#### EURO-PCT guidelines 5.3.017

Ms. Jansen has been registered as the representative of EP-X. The EPO issues an invitation to file a translation of the priority document CN-X. Ms. Jansen files a German translation of the priority document.

- e. Will this translation be accepted by the EPO? Motivate your answer.

Yes, the translation need not necessarily be in the language of the proceedings as long as it is in English, French or German.

#### Rule 53(3) EPC, Art. 14(1) EPC.

Mr. Chen is concerned about potential double patenting with respect to GB-X and wishes to withdraw the designation of the United Kingdom as a contracting state from EP-X.

- f. Is it possible to withdraw the designation of the United Kingdom, and if so, until when can this be done?

Yes, the designation of a Contracting State may be withdrawn at any time up to the grant of the European patent.

#### Art. 79(3) EPC

Due to a conflict with Mr. Chen, Ms. Jansen decided to relinquish her representation of EP-X, and filed a request with the EPO to withdraw her representation for EP-X. The EPO informed Mr. Chen by a Communication that Ms. Jansen's authorization has been terminated and invited him to appoint a professional representative within 2 months of the Communication. Mr. Chen forgot about this Communication, and consequently, a Communication noting a loss of rights under Rule 112(1) EPC was issued on 11 May 2026.

- g. Indicate all actions that must be taken, and the respective deadlines, to keep the application alive.

Appoint a new professional representative and request further processing by payment of the further processing fee. Deadline to request further processing: 11 May 2026 + 2 months = 11 July 2026 (Saturday). Shifts to 13 July 2026.

## Case 3

Mr. Sam Son, a Belgian national resident in the Netherlands, has invented a new kind of mop that improves cleaning floors. Therefore, Mr. Son filed European patent application EP1 on 27 November 2024 in the name of his Dutch company Belgenmop B.V.

Mr. Son already knew that he wanted to file a PCT application. However, he wants patent protection in the European Union, the USA, Venezuela, China, Taiwan, Japan, and Uruguay. At the end of the priority year of EP1 he wanted to file as few subsequent applications as possible.

- a. Apart from a PCT application, how many subsequent applications should be filed at the end of the priority year, and in which countries?

*Two: one in Venezuela and one in Taiwan. These countries are not party to the PCT.*

PCT application PCT1 was filed in English in the name of Belgenmop B.V. claiming priority from EP1. Dr Alberto Vermicelli was appointed as the agent.

- b. What is/are the competent receiving office(s)?

*1. OCNL; 2. EPO; and 3. International Bureau.*

*Belgenmop B.V. is a Dutch company, and the application is filed in English*

### *Rule 19.1 PCT*

*(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,*

*(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,*

*(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or*

*(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.*

On 2 December 2025 Mr. Son was thinking about requesting early publication of PCT1. However, on that day the international search report or the declaration referred to in Article 17(2)(a) PCT (no meaningful search possible) were not yet available for publication together with the international application.

- c. Which step(s) would have needed to be taken if a request for early publication had to be filed on 2 December 2025?

*A special publication fee needs to be paid (Rule 48.4 PCT).*

In the end Mr. Son decided not to request early publication of PCT1. On 10 January 2026 the International Searching Authority transmitted the International Search Report to the International Bureau and to Belgenmop B.V.

- d. What was the time limit for voluntarily amending the claims of PCT1 without requesting a demand for preliminary examination? Motivate your answer.

Two options (see Rule 46.1 PCT below):

1. 10 January 2026 + 2 months = 10 March 2026 (Monday)
2. 27 November 2024 + 16 months = 27 March 2026 (Thursday).

27 March 2026 is the later date, so the time limit is 16 months from the priority date.

*Voluntary claim amendments can be filed under Article 19 PCT.*

*Time Limit: Rule 46.1 PCT: "The time limit referred to in Article 19 shall be two months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever time limit expires later, provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable 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 technical preparations for international publication have been completed." (emphasis added).*

- e. Where should the voluntarily amended claims be filed?

*With the International Bureau (Article 19 PCT and Rule 46.2 PCT).*

- f. When will PCT1 be published?

Thursday 28 May 2026. This is the first Thursday after 18 months from the priority date. The International Bureau is not closed on that day.

*Article 21(2) PCT:*

*"(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64(3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.*

*(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time limit referred to in subparagraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations."*

*PCT applications are usually published on Thursdays.*

*PCT applicant's guide, 9.013: "International publication takes place promptly after the expiration of 18 months from the priority date. However, when the applicant asks the International Bureau to publish the international application earlier, the International Bureau does so. If the applicant asks for early publication and the international search report, or the declaration referred to in Article 17(2)(a), is not available for publication with the international application, a special fee, the amount of which is indicated in Annex B (IB), is payable to the International Bureau. Normally, international publication takes place every Thursday, except when the International Bureau is closed for business. In such cases, the publication date will be announced in the PCT Newsletter."*

Today is 26 May 2026.

- g. Is it still possible today to withdraw PCT1 to avoid publication of PCT1? Motivate your answer.

No.

*Article 21(5) PCT: “There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.”*

*Rule 90bis.1(c) PCT: “No international publication of the international application shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.”*

*PCT applicant’s guide, 9.014: “The technical preparations for publication are completed by the 15th day prior to the date of publication. However, any change that should be taken into consideration for publication on a specific publication date should reach the International Bureau at least one day before the 15-day time limit to allow the International Bureau to process the change. The last day for receipt of such changes will therefore always be on Tuesday at midnight (Central European time (CET)), i.e. 16 days before the publication date when publication falls on a Thursday (or 17 days before the publication date when publication exceptionally takes place on a Friday because the International Bureau is closed for business on a Thursday).”*

h. Who can sign the notice of withdrawal of PCT1, and under which circumstances?

1. Applicant under any circumstance (Rule 90bis.5 PCT)
2. Agent, if PoA is signed by applicant (Rule 90bis.5 PCT + Rule 90.4 PCT and Rule 2.1 PCT)

*Rule 90bis.5 PCT: “Any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 shall be signed by the applicant or, if there are two or more applicants, by all of them. An applicant who is considered to be the common representative under Rule 90.2(b) shall not be entitled to sign such a notice on behalf of the other applicants.”*