



国家知识产权局

**CNIPA as RO:
the Filing and the RO's Examination
of the Application Selecting the EPO as ISA or IPEA**

CNIPA
2021.01



What is the CNIPA-EPO pilot for ISA files?

the CNIPA-EPO pilot for ISA files

The pilot, launched by the CNIPA and the EPO and implemented on December 1st, 2020, aims to provide nationals or residents of China with the option of selecting the EPO as their ISA or IPEA when filing international patent applications under the PCT.



**Select a
new
ISA or
IPEA**



**No
supplementary
European
search**



**No additional
fee of the pilot,
Save costs at the
EPO**



The IA's filing under the pilot

- The pilot is open to nationals and residents of China.
- The PCT application should be filed in English.
- The applicant should select the EPO as ISA while filing the PCT application.
- The PCT application should be filed with the CNIPA electronically via the CE-PCT system.



The CE-PCT system

- Choose English as the IA' s language
- Choose the EPO as the ISA

新建

新申请 中间文件

请求书语言: 英文

代理人或申请人档案号:

确定 取消

中国PCT国际专利申请客户端

保存 保存全部 保存为模板 输出申请体文件 退出

请求书

申请文件

文件名称	页(项)数
请求书	1

删除 保存 新建

受理局: CN 中国国家知识产权局

国际检索单位: EP 欧洲专利局 (EPO)

申请语言: 英文

发明名称:

请求使用在先检索的结果 协作式检索试点请求



The procedure of RO under the pilot

the CNIPA-EPO pilot for ISA files

Applicant driven

- The applicant should select the EPO as ISA while filing the PCT application in English.
- The pilot runs for two years:
 - First 12 months: 2500 files,
 - Second 12 months: 3000 files.

CNIPA:

Starts the RO's examination, prompts the applicant to meet payment requirement

CNIPA:

Collects fee information and send the search copy to the EPO via the IB.

Applicant:

Pays filing fee and search fee to the CNIPA and the EPO respectively.

Applicant:

Selects the EPO as ISA while filing the PCT application with CNIPA electronically.

The applicant should file documents related to the search to the EPO directly.

EPO:

issues the ISR and the WO/ISA.

When:

For claiming priority, the EPO usually issues the report within 3 months from its receipt of the search copy.

EPO will send all notices related to the search to the applicant, such as Form 202, 210, 237, 206 via the EPO Mailbox service, the postal mail, the WIPO's ePCT service.



The RO's examination under the pilot

- The examination standard: the same as regular PCT applications.
- Subsequently filed documents:
 - Related to the procedure of the RO: filed with the CNIPA.
 - Such as the correction of the document under the Rule 26, the correction or addition of the priority, the restoration of right of priority ,the adding of the missing part of the PCT application.
 - Related to the procedure of the ISA : directly filed with the EPO.
 - Such as rectification of obvious mistakes in the PCT application.



The RO's examination under the pilot

- Payment of fees
 - filing fee , filing surcharge: paid to the CNIPA
 - The payment deadline and the method of the PCT application are the same as regular PCT applications.
 - The PCT application under the pilot could take advantage of the fee reduction in the international phase as regular PCT applications.
 - search fee: paid directly to the EPO
 - The notice of the search fee: PCT/RO/102, PCT/RO/132.
- If the applicant still fails to pay all above fees, the CNIPA will declare the PCT application withdrawn.



PCT/RO/102 and PCT/RO/132

• PCT/RO/102

2. Fees and payment calculation: [↵]

CHF 1280.00 [↵]	CHF 1280.00 [↵]	CHF 0 [↵]
CNY 150.00 [↵]	CNY 150.00 + EUR 1775.00 [↵]	CNY 0 [↵]
Total fees payable [↵]	Amount paid [↵]	Balance [↵]

The details of the calculation are given in the Annex. [↵]

S Search Fee [↵]

Prescribed amount: [↵]	CNY 0 + EUR 1775.00 [↵]	<input type="checkbox"/> correct amount [↵]
Amount paid: [↵]	CNY 0 [↵]	<input type="checkbox"/> overpayment [↵]
Balance: [↵]	CNY 0 + EUR 1775.00 [↵]	<input checked="" type="checkbox"/> balance due [↵]

• PCT/RO/132

The EPO has been selected as International Searching Authority for this application (ISA/EP). [↵]

The applicant is invited to pay, within one month from the date of receipt of the international application at RO/CN, the international search fee directly to the EPO in EUR, using one of the following means of payment: [↵]

- by credit card (MasterCard / Visa / Amex), using the EPO's online credit card payment service. Applicants can register for the EPO's credEPO's credit card payment service to pay their fees at: [↵]
<https://www.epo.org/fee-payment-service/en/login>. [↵]
- if you have a deposit account with the EPO via one of the EPO's online filing tool (OLF or CMS). More information on opening an EPO deposit account and paying fees online can be found at:
<https://www.epo.org/applying/online-services/fee-payment.html>. [↵]

The payment of the international search fee to the EPO initiates the process for the transmission of the search copy to ISA/EP. [↵]

If you have already paid the search fee to the EPO following the above procedure, you can ignore this communication. [↵]



Some considerations under the pilot

- Related to the procedure of the ISA :
 - Subsequently filed documents, such as a request for opposition for the PCT/ISA/206, the applicant should file directly to the EPO.
 - Fees , such as search surcharge ,opposition fee, the applicant should pay directly to the EPO.



Some considerations under the pilot

- Related to the procedure of the IPEA :
 - The demand for international preliminary examination : filed directly with the EPO.
 - Fees related to the procedure of the IPEA : paid directly to the EPO.
 - Documents related to the procedure of the IPEA ,such as the amendment under Rule 34 : filed directly with the EPO.

THANK YOU

