

Learning path for patent administrators

International publication:
EPAC – entry level

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Introduction

This publication, "International publication, EPAC – entry level", is part of the "Learning path for patent administrators" series is edited and published by the European Patent Academy. The series is intended for patent administrators who are taking part in training and certifications organised by the European Patent Office (EPO). It is also freely available to the public for independent learning.

Topics covered include: general aspects of the patent system; the European patent system and the European patent granting procedure; the International Patent System (PCT) and the PCT procedure; European and international publications; filing a European patent application and filing an international application; the formalities during the European and during the international search; the formalities during the European examination and during the international preliminary examination; the formalities during the appeal procedure after refusal (EPC), during the opposition procedure (EPC); national validation (EPC); entry into national/regional phases and entry into the European phase (PCT).

Each chapter focuses on one topic at entry, intermediate or advanced level, as appropriate. The series will be revised annually to ensure it remains up to date.

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All references to natural persons are to be understood as applying to all genders.

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1. Learning objectives

Participants in this course will learn about:

- who takes care of the international publication
- deviations from the standard procedure
- the contents of the international publication

2. International publication: general information

- The international bureau (IB) is in charge of international publication (IPub).
- Every international application (IA) is subject to IPub.
- IPub will take place 18 months after the priority date has expired, usually on the Thursday following that date.
- The IB stops working on IPub two weeks before the IPub date and freezes the database on Wednesday evening at 18.00 hrs.
- Earlier IPub is possible at the applicant's request.
- Later IPub is possible in exceptional circumstances.

Legal references:

Art. 21 PCT

Rule 48 PCT

3. Early, late or no international publication

- The applicant may request early IPub at any time before the regular date for IPub.
- The IB may decide to postpone IPub in exceptional cases.
- There will be no IPub in the following cases:
 - The applicant withdraws the IA before completion of the technical preparations for IPub.
 - The receiving office (RO) declares the IA withdrawn before completion of the technical preparations for IPub.
 - The RO never accorded an international filing date.
 - The only designated states left at the time of IPub have declared that IPub is not required.

Legal references:

Art. 21 PCT

Rule 48, 90bis PCT

4. International publication: languages

- Arabic
- Chinese
- English
- French
- German
- Japanese
- Korean

- Portuguese
- Russian
- Spanish

The RO/IB accepts more than 400 different languages for the filing of IAs.

Legal references:

Art. 21 PCT

Rule 48 PCT

5. International publication: contents and form

- IPub takes place electronically on PATENTSCOPE.
- The main elements of the IPub are:
 - a standardised front page containing:
 - bibliographic data including the international filing date (IFD) and priority date(s)
 - the title of the invention
 - the abstract in English and another language, if applicable
 - figure(s) characterising the invention, accompanying the abstract
 - the description, the claims and the drawings, if any
 - the ISR, if available
 - amended claims under Art. 19 PCT and the corresponding statement
- Further information that may be found in the IPub:
 - a reference to a declaration of non-establishment of an international search report (ISR)
 - a request for restoration of right of priority, which has been filed but is still pending
 - a request for rectification of an obvious mistake, which has been authorised
 - an indication that the ISR was not available at the time of IPub
 - an indication that the time limit for amending claims under Art. 19 PCT is still running

Examples

- Example IPub on [PATENTSCOPE](#)

Legal references:

Art. 19, 21 PCT

Rule 26bis.3, 48 PCT

6. Beyond the course

You can deepen what you have learned during this course with the following further reading:

- [PCT Applicant's Guide, Chapter 9: international publication](#)

European Patent Academy
European Patent Office
Munich
Germany
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Responsible for the content
European Patent Academy
academy@epo.org