

Request from WIPO's Standing Committee on the Law of Patents

TOP (iii) Information relating to the expedited examination programs of IP offices, including information on Prioritized Examination of COVID-19 related patent applications

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1. Expedited examination at EPO

For EPO applicants who require fast-track, i.e. expedited patent procedure, the EPO offers accelerated prosecution of European patent applications free of charge, regardless of the technology. This means that at the EPO expedited patent procedure is possible irrespective of special/ exceptional grounds or rationals¹.

1.1. Programme for accelerated prosecution of European patent applications ("PACE")

EPO applicants requiring faster search or examination can request to have their applications processed under PACE. A detailed overview of the applicable PACE conditions are set out in the Notice from the EPO dated 30 November 2015, [OJ, 2015 A 93](#).

1.2. Patent Prosecution Highway ("PPH")

The Patent Prosecution Highway (PPH) is a further programme to fast-track patent examination at the EPO. It allows applicants to request accelerated processing of a European application if the claims have been deemed patentable/allowable by a PPH partner office. At the same time, it enables the EPO to re-use the work done at other offices.

The EPO's maintains a detailed [overview](#) of the EPO's PPH requirements as well as designated [FAQs](#).

1.3. Further ways to expedite the European grant procedure

1.3.1. Waiving the invitation under Rule 70(2) EPC

Before the applicant receives the search report, he can waive the invitation under Rule 70(2) EPC and request examination unconditionally, irrespective of the results of the search. In this case, confirmation that they desire to proceed further with their application is deemed to be given when the search report is transmitted to them, so that in accordance with Rule 62(1) EPC the search report is not accompanied by a search opinion. Under these circumstances, if the application is not in order

¹ SCP/33/4 Annex, page 2 sets out a list of exemplary grounds and rationales for expedited examination in patent offices across the globe:

applicant age or health;

national security or emergency (e.g., COVID-19);

targeted industries (e.g., green technologies, cancer treatments); .

additional surcharge for service;

pending litigation; and

enhanced efficiencies to offices from patent work-sharing arrangements.

for grant, a communication under Article 94(3) EPC, and Rule 71(1) EPC and Rule 71(2) EPC is transmitted to the applicant. Own-volition amendments under Rule 137(2) EPC may in that case be submitted by the applicant in reply to this communication.

For further information see [Guidelines for Examination in the EPO, C-VI, 3](#)

1.3.2. Acceleration of the Euro-PCT procedure

The EPO maintains a detailed websection on [accelerating PCT applications at the EPO](#). The following is a summary of the key points.

a. Waiving the communication under Rules 161 and 162 EPC

In the case of Euro-PCT applications, the applicant is informed upon entry into the European phase that he may amend the application within six months after notification of the communication. The communication further informs him that any claims fees due must be paid within the same time limit. In case the applicant explicitly waives the right to receive a communication pursuant to Rules 161(2) EPC and 162 EPC and pays any claims fees due, the EPO does not have to wait for a reaction from the applicant and can immediately start with the supplementary European search. This has the effect of saving 6 months from the procedure.

b. Entering the regional phase early

Pursuant to Article 23(1) PCT, the EPO acting as designated Office does not normally start processing Euro-PCT applications until the 31-month time limit that marks the end of the international phase has expired. However, by filing a request for early processing pursuant to Article 23(2) PCT, the applicant can enter the European phase earlier and so shorten the time spent in the international phase by up to 15 months. For the request to be effective, the applicant must comply with the requirements of Rule 159(1) EPC as if the 31-month time limit expired on the date early processing is requested (payment of fees, submitting translations, etc.)

c. Choosing the EPO as ISA

Choosing the EPO as ISA will save the applicant 12 months in total once the application is in the European phase. Firstly, the EPO's international search report (ISR) replaces the European search report, which means there is no need for it to carry out a European search. This saves the applicant the six-month period allowed for this. Secondly, dispensing with the European search report means there is also no accompanying written opinion and so cuts out the six-month period available for replying to it under Rules 70(2) and 70a(2) EPC. If the EPO acts as ISA, the application can therefore go straight to the EPO examining division as soon as it has entered the European phase.

d. Enter the European phase earlier using PCT Direct

The PCT Direct service allows an applicant of an international application claiming priority from an earlier application already searched by the EPO, to provide informal comments to objections raised in the search opinion drawn up in respect of the priority application.

2. Additional remarks on prior art search

The technical information published in patents advances human knowledge, helping researchers everywhere to understand the latest inventions. Therefore, to already expedite prior art searches for key technologies and in order to help the public gain fast access to the wealth of information in the EPO's public patent database - [Espacenet](#) - EPO examiners have prepared hundreds of datasets. By using the EPO experts' knowledge the public can search the following dedicated datasets in key technologies and speed up their searches.

- [Clean energy technologies](#)

The EPO patent examiners and data analysts have compiled these to support scientists and engineers in accessing patent information containing some of the most advanced technical knowledge on clean energy. Areas covered include offshore wind energy, smart solar systems, the optimisation of energy storage technologies and solutions for carbon-intensive industries such as steel and cement production:

- [Renewable energy](#)
- [Solutions for carbon intensive industries](#)
- [Energy storage and other enabling technologies](#)

- [Fighting coronavirus](#)

The EPO patent examiners and data analysts have compiled these datasets to support the important work of clinicians, scientists and engineers. Arranged into four broad themes and updated regularly, the charts show which countries have the most patent filings and which applicants and inventors are most prolific in the relevant fields:

- [Vaccines and therapeutics](#)
- [Diagnostics and analytics](#)
- [Informatics](#)
- [Technologies for the new normal](#)