



Europäisches  
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des brevets

# Programme for accelerated prosecution of European patent applications / PACE

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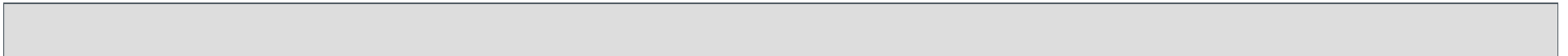


**PACE** enables applicants who want their applications processed rapidly to obtain

- The search report (SR) and the search opinion under Rule 62(1) EPC (ESOP)
- The first examination report
- Any communication under Rule 71(3) EPC

with **tight deadlines**.

**Note** that this service can be provided only when practically feasible (depending on the incoming number of PACE requests).



Accelerated prosecution (search, examination) of European patent applications normally occurs **on written request**:

- Using standard EPO form 1005 11.01, obtainable from the EPO website <http://www.epo.org>, (type “Form 1005” to the search window)
- Using a separate sheet of paper joined to the application

# Accelerated search

## a. First filing (premier dépôt)

- European patent applications claiming no priority
- An accelerated search is always performed
- The Office ensures that, as a rule, applicants obtain their SR and ESOP **within six months** of the filing date
- No separate written request needed

## b. Second filing

- Applicants do claim priority
- The Office makes effort to issue the SR and ESOP **as soon as possible**
- A written request must be filed (e.g. Form 1005)

In either case, the accelerated search **is not possible** if the application is **not complete**, i.e.

- The application refers to an earlier application which replaces the description and any drawings (Rule 40(1)(c),(2))
- Missing parts of the description and drawings are to be filed subsequently (following the Office's invitation, Rule 56)
- The claims are to be filed subsequently

**Note** that the set of claims on filing should be clear and concise (Articles 83, 84 EPC). **Avoid a plurality of independent claims in the same category with overlapping scopes**, cf. Rule 43(2).

- In order to avoid an incomplete search, the applicant may be invited to limit the scope of the search, cf. Rules 62a, 63, 137(5)
- Such an additional exchange between the applicant and the Office **delays the procedure by two months**

# Accelerated examination

Accelerated examination can be **requested in writing**

- **When filing** the application provided the examination is bindingly requested at filing (**waiver case**)
- In response to the search report
- Subsequently
- For Euro-PCT applications, on or after entry into the European phase before the EPO

The Office makes every effort to issue any communication following the request for accelerated examination **within three months** of its receipt.

Any subsequent communication is issued **within three months** of receipt of the applicant's reply **provided it comes in time and is complete.**

**Note** that the accelerated examination can be carried out efficiently only if the applicant **fully cooperates with the Office.**

# Other ways of accelerating the European grant procedure

## a. Waiver case

- Before the applicant receives the search report, he can **waive** the invitation under Rule 70(2) EPC and request examination unconditionally, irrespective of the result of the search
- The SR is issued together with the first communication, instead of the ESOP (Rule 62 EPC), i.e. **one exchange between the applicant and the Office can be spared**
- Quick prosecution for “firmly resolved” applicants

## b. Euro-PCT applications entering the European phase before the EPO as designated Office

- The applicant can reply to the extended international search report (ISR) without waiting for the first communication
- **One exchange between the applicant and the Office can be spared**

**Note** that since 2010 the applicant has to reply to the ISR (new Rules 70a and 161).