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Practical advice and examples II

Withdrawal of the international application



Withdrawal of the international application (Rule 90bis PCT)

- When: Prior to 30 months from the priority date
- How:
 - Filing a notice of withdrawal with receiving Office, International Bureau or International Preliminary Examining Authority if ongoing PCT Chapter II
 - Waiver does not apply
- Effect:
 - Upon receipt of the notice by the applicant
 - International publication will not take place if the notice reaches the IB before technical preparations for publication are completed

Real examples: preventing publication (1/2)

Example 1: Conditional withdrawal	Example 2: Short time frames
<ul style="list-style-type: none">• Applicant requests withdrawal on condition that the application is not published• The notice of withdrawal is received at RO/EP at 15 months from the priority date• The notice of withdrawal is signed by all applicants	<ul style="list-style-type: none">• Applicant requests withdrawal on condition that the application is not published• The notice of withdrawal is received at RO/EP 15 days prior to the date scheduled for international publication• The notice of withdrawal is signed by all applicants

Real examples: preventing publication (2/2)

Example 3: Non payment of fees	Example 4: Deemed common representative
<ul style="list-style-type: none">• Applicant announces that the international search fee will not be paid and he thus requests that the processing of the application is discontinued• The notice is signed by the single applicant	<ul style="list-style-type: none">• Notice of withdrawal signed by deemed common representative• Conditional withdrawal subject to non-publication

Many thanks for your attention!

Feel welcome to contact me: iaurialansac@epo.org