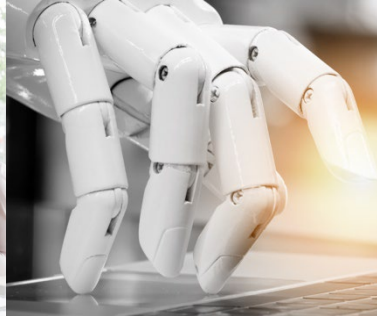
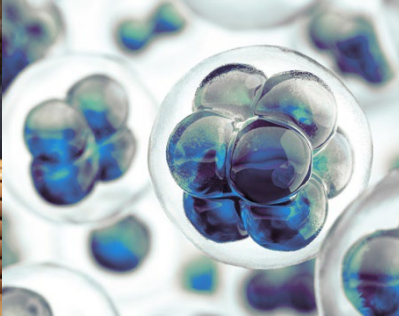




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Update on unity of invention (former PHEP topic)

IP5 Industry Consultation Group Meeting



Content overview

- The foundations set by the IP5 PHEP
- The minimum reasoning methodology
- Work at the PCT MIA Quality Subgroup (QSG)

The foundations set by the IP5 PHEP (1/2)

- PHEP, co-leadership EPO – CNIPA
- Scope: Alignment of practices regarding international applications
- Methodology:
 - Consolidation of data of IP5 Unity of invention report
 - Case studies – 3 areas: mechanics, electricity and chemistry

The foundations set by the IP5 PHEP (2/2)

- Goal: enhance consistency, transparency and predictability
- Mechanism: Define a common methodology to raise objections of lack of unity during the international phase
- Differences in substantive patent laws may lead to different outcomes

The minimum reasoning methodology: Framework

- Unity in the PCT:
 - Rule 13.1 PCT: ‘a single general inventive concept’
 - Rule 13.2 PCT: ‘a technical relationship’ among inventions involving the same ‘special technical features’
- 10.63 PCT ISPE Guidelines: a finding of lack of unity must be based on ‘a logically presented, technical reasoning containing the basic considerations’

The minimum reasoning methodology: Steps

- **Common matter**, if any, between the (groups of) inventions
- Reasons why this matter cannot provide a **single general inventive concept** based on the same or corresponding **special technical features**
- Reasons why there is no **technical relationship** among the (groups of) inventions, if not apparent
- Wrap up in a **concluding statement**

Work at the PCT MIA Quality Subgroup (QSG) (1/2)

- Discussions launched at the QSG with a view to potentially integrating this methodology in Chapter 10 of the PCT ISPE Guidelines
- February 2019: QSG agreed that it would be ‘highly desirable to incorporate into the PCT ISPE Guidelines guidance based on the work undertaken by the PHEP’
- February 2020: The PCT International Authorities were invited to provide further examples to illustrate the minimum reasoning

Work at the PCT MIA Quality Subgroup (QSG) (2/2)

- Over 2020, the PCT International Authorities engaged in the preparation and discussion of several examples
- December 2020: PCT Circular 1610 containing proposed modifications to the PCT ISPE Guidelines was issued for consultation
- March 2021: The QSG will consider the final version of the examples, produced in light of the responses to PCT Circular 1610



Thank you for your attention