

BR/GT I/14 e/69

Travaux Préparatoires EPC 1973

Comment:

The collection represents purely an internal research tool for the purpose of Directorate Patent Law of the European Patent Office. No guarantee can be given for its completeness or correctness.

The documents produced before 1969 cannot be provided in English as this was not an official language in the period before that date. These documents therefore are provided in French and German.

Luxemburg, 15 October 1969

BR/GT I/14/69

- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

PRELIMINARY DRAFT

FOR A CONVENTION RELATING TO THE ESTABLISHMENT OF A
EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

Articles 54 to 58

(Text drawn up by the Drafting Committee)

CHAPTER III

ORGANISATION OF THE DEPARTMENTS

Article 54

The Departments

For implementing the procedures laid down in this Convention, the European Patent Office shall comprise :

- (a) Examining Sections and Divisions;
- (b) - deleted -
- (c) - deleted -
- (d) Boards of Appeal
- (e) - deleted -
- (f) an Enlarged Board of Appeal

Article 55

Examining Sections

(1) Without prejudice to any further special responsibilities entrusted to it pursuant to the provisions of this Convention, an Examining Section shall be responsible for the examination of each application for a European Patent up to the time of receipt by the European Patent Office of both a request for examination under Article 88 and a report on the state of the art.

(2) Each Examining Section shall consist of a single technical examiner.

(3) - deleted -

(4) - deleted -

Article 56

Examining Divisions

(1) An Examining Division shall be responsible for the examination of a European patent application from the time when an Examining Section ceases to be responsible under Article 55.

(2) An Examining Division shall consist of three technical examiners. Nevertheless, the proceedings prior to a final decision will, as a general rule, be entrusted to one member of the Division. If the nature of the decision so necessitates, the Division shall be enlarged by the addition of a legally qualified examiner; in the event of parity of votes, the vote of the Chairman of the Division shall be decisive.

Note:

The Working Party is of the opinion that it is necessary to provide in the final text for a simplified procedure of amendment to Part Articles 55 and 56 in the light of experience.

Article 57

Patent Administration Divisions

- deleted -

Article 58

Boards of Appeal

(1) The Boards of Appeal shall be responsible for decisions on appeal from the decisions of the Examining Sections and Examining Divisions.

(2) When it is required to give a decision on appeal from a decision of an Examining Division consisting of four members as provided for in Article 56, paragraph 2, or when it considers that the nature of its decision so necessitates, a Board of Appeal shall consist of three technically qualified members and two legally qualified members. In other cases the Board of Appeal shall consist of three legally qualified members, except for appeals against decisions concerning the refusal or the division of an application for a European patent or the grant of a European patent. In these cases the Board of Appeal shall consist of two technically qualified members and one legally qualified member, assisted by a technically qualified member who shall act as rapporteur but shall not take part in the decision.

(3) - incorporated in the new Article 58 b, paragraph 2 -

(4) - incorporated in the new Article 58 b, paragraph 3 -