

# BR/GT I/54 e/70

## 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.



INTER-GOVERNMENTAL CONFERENCE  
FOR THE SETTING UP OF A EUROPEAN  
SYSTEM FOR THE GRANT OF PATENTS

Luxembourg, 8 September 1970  
BR/I/54

- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

PRELIMINARY DRAFT

CONVENTION FOR A

EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

Articles 73 and 153

(Text drawn up by the Drafting Committee)

## CHAPTER II

### PRIORITY

#### Article 73

##### Priority right

(1) A person who has duly filed, in or for any State party to the Paris Convention for the Protection of Industrial Property, an application for a patent or for the registration of a utility model or for a utility certificate or for an inventor's certificate, or his successors in title, shall enjoy, for the purpose of filing an application for a European patent in respect of the same invention, a right of priority during a period of twelve months from the date of filing of the first application.

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|-----|---|--|
| (2) | { | unchanged as compared with the<br>1970 First Preliminary Draft<br>Convention |
| (3) |   |  |
| (4) |   |  |

(5) If the first filing has been made in a State which is not a party to the Paris Convention for the Protection of Industrial Property, the above-mentioned provisions shall apply only in so far as that State, according to a notification published by the Administrative Council, and by virtue of bilateral or multilateral agreements, grants, on the basis of a first filing made at the European Patent Office and subject to conditions equivalent to those laid down in the Paris Convention, a right of priority having equivalent effect.

PART IX

COMMON PROCEDURAL PROVISIONS  
OF THE EUROPEAN PATENT OFFICE

CHAPTER I

GENERAL PROVISIONS GOVERNING PROCEDURE

Article 153

Membership of the Boards of Appeal etc., and challenges thereto

(1) Members of the Boards of Appeal or of the enlarged Board of Appeal may not take part in an appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties, or if they participated in the decision under appeal.

(2) If, for one of the reasons mentioned in paragraph 1, or for any other reason, a member of a Board of Appeal or of the Enlarged Board of Appeal considers that he should not take part in an appeal proceedings, he shall inform the Board accordingly.

(3) { unchanged as compared with the  
(4) { 1970 First Preliminary Draft Convention

Note on paragraph 4:

The question whether the member concerned should also be excluded from the vote in the cases referred to in paragraph 3 will be examined later, in consultation with government legal experts.

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