

# BR/GT I/56 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

MP1  
Luxembourg, 10 September 1970  
BR/GI I/56/70

- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

PRELIMINARY DRAFT

CONVENTION FOR A

EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

Articles 4, 159a, 172, 173 and 180

(Text drawn up by the Drafting Committee)

Article 4 (former Article 3)

European Patent Office

This Convention hereby establishes a patent office common to the Contracting States, which shall be called the "European Patent Office", and which shall grant European patents.

Article 159a

Rectification of procedural irregularities

Any irregularities committed by the European Patent Office in proceedings before it may be rectified on terms laid down by the President of the Office, in so far as such rectification does not entail any disadvantages for the applicant, the patentee, or for third parties.

Article 172

Compulsory representation

(1) Subject to the provisions of the following paragraphs, there shall be no obligation on any person to be represented before the European Patent Office.

(2) Natural and legal persons not having either a residence or a registered place of business within the territory of one of the Contracting States must be represented in all proceedings before the European Patent Office.

(3) Subject to any exceptions permitted in the Implementing Regulations, persons referred to in paragraph 2 above may only act vis-à-vis the European Patent Office through their representative. Provided that applications filed otherwise than through a representative shall be effective if the European Patent Office is informed of the appointment of a representative within a period of two months after the filing of the application.

Article 173

Authorisations

(1) Representatives acting before the European Patent Office must submit an authorisation in writing.

(2) If several representatives are appointed, they may, notwithstanding any provisions to the contrary in their authorisations, act either jointly or singly.

(3) Subject to any provisions to the contrary contained therein, an authorisation shall not terminate, vis-à-vis the European Patent Office, upon the death of the person who issued it.

(4) Any representative who has ceased to be authorised shall continue to be regarded as the representative until the termination of his authorisation has been communicated to the European Patent Office.

Note :

This Article is to be re-examined later with government legal experts.

CHAPTER V (new)

OPINION BY THE EUROPEAN PATENT OFFICE

Article 180

Opinion by the European Patent Office

At the request of a competent national court trying an infringement or revocation action, the European Patent Office shall be obliged, against payment of an appropriate fee, to give a technical opinion concerning the European patent which is the subject of the action.

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