

BR/GT I/89 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

Brussels, 22 December 1970
BR/GT I/89/70

- Secretariat -

N O T E

Subject : Summary of observations submitted by the non-governmental international organisations on the First Preliminary Draft of a Convention establishing a European System for the Grant of Patents

1. In the course of its meeting from 30 November to 2 December 1970, Working Party I instructed the Secretariat to draw up a summary of the observations submitted by the non-governmental international organisations on the First Preliminary Draft Convention in reply to the invitation by the Conference.
2. On the date of drafting of the present document (21 December 1971), opinions have been submitted by the following organisations (1) :

- Chambre de Commerce International (CCI) : BR/65/70
- Committee of National Institutes of Patent Agents (CNIPA) : BR/74/70

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- (1) If further observations are submitted the Secretariat will distribute a supplementary list in due time before the next meeting of Working Party I.

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- Conférence Permanente des Chambres de Commerce et d'Industrie de la C.E.E. (CPCCI) : BR/69/70
- Conseil des Fédérations Industrielles d'Europe (CFIE) : BR/75/70
- European Industrial Research Management Association (EIRMA) : BR/64/70
- Fédération Internationale des Conseils en Propriété Industrielle (FIPCI) : BR/45/70
- Union of European Patent Agents (UEPA) : BR/55/70
- Union des Industries de la Communauté Européenne (UNICE) : BR/66/70.

3. The texts of the opinions referred to under 2 have been sent to the delegations to the Conference or are being distributed in the language or languages in which they were submitted to the Secretariat. The latter will send out translations of the texts as soon as they are available.

4. The observations contained in the opinions fall into the two following categories :

- (i) some concern Articles incorporated in the First Preliminary Draft of 1970 (printed text). In this case the attached table refers to these Articles ;
- (ii) other observations, for example those relating to the term of the European patent or revocation, concern points not covered by the Articles of the First Preliminary Draft of 1970, but which form the subject of provisions which Working Party I has drawn up and which are incorporated in the new text of the First Preliminary Draft listing all the provisions currently adopted; this will be distributed as soon as possible (BR/70/70). For reasons of convenience, the table refers to the new Articles drawn up since the publication of the First Preliminary Draft.

5. As it cannot be ensured that the opinions will be submitted uniformly in the three languages, the attached table refers to the items contained in the opinions, not to the pages. If any opinion does not contain reference items, the annex will refer by way of exception to the page in question.
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Article or Problem	CCI (BR/65/70)	CNIPA (BR/74/70)	CPCCI (BR/69/70)	CIFE (BR/75/70)	EIRMA (BR/64/70)	FICPI (BR/45/70)	UEPA (BR/55/70)	UNICE (BR/66/70)
Maximum or Minimum solution						II, point 79	point 1	
5	point 2		point 3			II, points 77 and 78		
6			point 4		point 1		point 1 c	
9				pages 1 to 3				point 2
11		point V				I, points 61 and 62		
11, paras. 3 and 13	point 4	point IV	point 5	pages 3 and 4	point 2	I, points 1 to 29 particularly points 26, 27 and 29	point 4	point 3
15		point V			point 4			
19		point VIII						
20	point 3	point VII			point 5			point 4
20 a			point 2				point 1 b	
21	point 5	points V and VI		pages 4 and 5	point 3	I, points 20 and 30 to 41, particularly p. 40	point 5	point 5

Article or Problem	CCI (BR/65/70)	CNIPA (BR/74/70)	CFCCI (BR/69/70)	CIFE (BR/75/70)	EIRMA (BR/64/70)	FICPI (BR/45/70)	UEPA (BR/55/70)	UNICE (BR/56/70)
22				page 6 and 6				
23				page 6				
28				page 7				
34		point III				I, points 54 to 57, particularly points 56 and 57	point 6	
55				page 7				
56				page 7				
66	point 6		point 6		point 7	I, points 74 and 75 II, point 80		
67		points I and II, 2						
68						I, points 61 and 62		
71				page 7 and 8				
73					point 6	I, points 61 and 62		
74		points V and VI	point 7			I, points 36, 39, 40b 61 and 62 II, points 8 and 82		point 5

Article or Problem	CCI (BR/65/70)	CNIPA (BR/74/70)	CI CCI (BR/69/70)	CIFE (BR/75/70)	EIRMA (BR/64/70)	FICPI (BR/45/70)	UEPA (BR/55/70)	UNICE (BR/66/70)
75				page 8				
77 and 78	point 6	point 1		pages 8 and 9	point 7	I, points 58 to 60, particularly point 58		point 6
79	points 6 and 10	points I, 1 and II, 2	point 6	page 9	point 7	I, points 73 to 75 II, point 80	point 10	point 8
82						I, point 75 II, point 80		
85		point III, 1	point 8				point 7	
88, 89 and 159 (former 188b)			point 9a and 9b			I, points 42 to 53, particularly points 42, 44, 45, 49 and 52	point 2	
Opposition proceed- ings in general (Art. 101 ss.)	point 7	point III, 3	points 10 and 11	page 1	point 8	I, point 57 II, points 83 to 85	point 3	point 7

Article or Problem	CCI (BR/65/70)	CNIPA (BR/74/70)	CI-CCI (BR/69/70)	CIFE (BR/75/70)	ETRMA (BR/64/70)	ICPI (BR/45/70)	UEPA (BR/55/70)	UNICE (BR/66/70)
111						I, point 65	point 9	
116	point 9		point 12					
122	point 10	point II		page 9	point 9	I, points 72, 74 and 75	point 10	point 8
124 to 128	point 11				point 10	I, points 52 and 53		
133	point 8		point 1	pages 1 and 2	point 8		point 1a	point 9
134				page 2				
137 (former 154a)						I, point 75		
148 (former 162)						I, points 25, 63 and 64	point 8	
156 (former 186)						I, points 49 to 53		
158 (former 188a)			points 1 and 2					

Article or Problem	COI (BR/65/70)	ONIPA (BR/74/70)	CICCI (BR/69/70)	CIFE (BR/75/70)	EMMA (BR/64/70)	FICPI (BR/45/70)	UEFA (BR/55/70)	UNICE (BR/66/70)
159 (former 188b)			point 9c			I, points 47 and 48		
Problems not covered by the Con- vention								
- prior use privilege							point 1d	
- compul- sory licence							point 1e	

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