

# BR/GT I/97 e/71

## 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, 6 January 1971  
BR/GT I/97/71

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- Secretariat -

NOTE

Subject : Proposal by the Swiss delegation relating to  
Article 68

The delegations to Working Party I will find  
attached a proposal by the Swiss delegation relating to  
Article 68 of the First Preliminary Draft of a Convention  
establishing a European System for the Grant of Patents.

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Proposal of the Swiss Delegation  
for Article 68

(Date of the application)

(1) unchanged

- a) unchanged
- b) unchanged
- c) the application contains a description, claims and any drawings referred to in the description or the claims, even though they do not comply with the requirements of this Convention.

Remark:

For the Swiss Delegation, it is indispensable that the date of the application, in harmony with the regulations of the PCT (see Article 14.2) and with the text worked out by a working party of the Committee of Experts for the revision of the 1953 Strasbourg Convention (see doc. Exp. /Brev. (68) 2, page 23, Article 3.1.b), also depends on the day on which the drawings referred to in the application were filed at the European Patent Office. It would be superfluous to insert into the Convention a regulation, in harmony with the dispositions of the PCT, according which "any reference to the said drawings shall be considered non-existent" if the drawings are not produced within the time limit prescribed by the Receiving Office, because in Article 77 the examination of the European patent application has been set up for formal and obvious deficiencies. In most cases, if the reference to the drawings is not found to be valid, the disclosure of the invention (Article 71) by the description will, in any case, not have taken place.

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