

# BR/GT I/107 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

Luxembourg, 29 January 1971

BR/GT I/107/71

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- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

FIRST PRELIMINARY DRAFT  
OF A CONVENTION ESTABLISHING  
A EUROPEAN SYSTEM  
FOR THE GRANT OF PATENTS

Articles 66, 68, 77 and 78

(Text drawn up by the Drafting Committee)

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Article 66 (former Article 68)  
Requirements of the application

(1) Unchanged from BR/70/70

(2) - deleted - (cf. Article 68c)

(3) )  
      ) Unchanged from BR/70/70

(4) )

Article 68 (former Article 68b)

Date of the application

The filing date of a European patent application shall be the date on which it satisfies the following conditions:

- (a) )
- (b) ) Unchanged from BR/70/70
- (c) there is a description and claims in one of the languages referred to in Article 34, paragraphs 1 and 2, even though they do not comply with the other requirements of this Convention.

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PART V  
EXAMINATION, GRANT AND OPPOSITION

CHAPTER I

Procedure prior to the introduction  
of the request for examination

Article 77 (former Article 76)

Examination of the European patent application for  
formal and obvious deficiencies

(1) The Examining Section shall examine the application in the light of the provisions of Articles 68 and 69.

(2) If a European application has been accorded a filing date, and is not deemed to be withdrawn by virtue of Article 69, the Examining Section shall examine:

(a) to (g) Unchanged from BR/70/70

(h) (new) whether the application complies with the requirements of Article 66, paragraph 1(d);

(i) (new) whether the application complies with the requirements of Article 66, paragraph 1(e).

Article 78 (former Article 77)

Notification and refusal of the application

(1) - deleted -

(2) If the examination provided for in Article 77, paragraph 2(a) to (f) and (i), reveals that the invention or the application for a European patent does not meet the requirements to be taken into consideration in this examination, the Examining Section shall inform the applicant accordingly and invite him to make observations or to remedy the disclosed deficiencies within a period to be fixed by the Section. The description, claims and drawings may be amended only to an extent sufficient to remedy the disclosed deficiencies in accordance with the observations of the Examining Section.

(3) to (6) Unchanged from BR/70/70

(7) (new)

- (a) If the examination provided for in Article 77, paragraph 2(h), reveals that the drawings were filed later than the filing date of the application, the application shall be re-dated to the date on which the drawings were filed;
- (b) If the examination provided for in Article 77, paragraph 2(h), reveals that the drawings have not been filed, the Examining Section shall invite the applicant to do so within a period of one month. If the applicant files the drawings in due time, the application shall be re-dated to the date on which they were filed; otherwise the references to the drawings shall be considered as cancelled.