

BR/GT I/108 e/71

Travaux Préparatoires EPC 1973

Comment:

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

Brussels, 1 February 1971

BR/GT I/108/71

- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

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

Articles 82, 83, 87 and 88
(Text drawn up by the Drafting Committee)

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Article 82
Amendment of documents

(1) Before receiving the report on the state of the art, the applicant may not amend the description, claims or drawings of a European patent application, except for the purpose of correcting linguistic or clerical errors or obvious mistakes.

(2) The provisions of paragraph 1 shall not prejudice the application of Article 78, paragraph 2 and Article 79, paragraph 5.

Note:

See the note to Article 83.

Article 83
Amendment of claims

(1) After receipt of the report on the state of the art, but before making a request for examination pursuant to Article 88, the applicant may abandon one or more of the original claims of the application or submit new or amended claims.

- (2))
 - (3))
- Unchanged from BR/70/70

Note:

It should be examined whether Articles 82, 83 and 95a should be combined in a general provision.

Article 87 (former Article 87a)

Observations concerning the patentability of the
invention in respect of which an application
has been filed

(1) Following the publication of the European patent application, any person may present observations concerning the patentability of the invention in respect of which an application has been filed. Such observations must be made in writing and must include a statement of the grounds on which they are based.

(2) The observations referred to in paragraph 1 shall be communicated to the applicant who may comment on them.

CHAPTER II
Procedure for grant
Article 88
Request for examination

- (1))
 - (2))
- Unchanged from BR/70/70

(3) If the applicant makes the request after receiving the report on the state of the art, he may comment on this report and on any observations communicated to him and shall where necessary amend the description, claims and drawings.

- (4))
 - (5))
 - (6))
 - (7))
- Unchanged from BR/70/70

