

# **BR/GT I/128 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.



- Secretariat -

WORKING PARTY I

WORKING DOCUMENT

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

Articles 21  
35e  
61  
85  
117  
122

- FIRST PRELIMINARY DRAFT OF THE IMPLEMENTING REGULATIONS

Re. Articles 21, No. 1  
21, No. 2  
21, No. 3  
66, No. 3  
85, No. 1

(Texts drawn up by the Drafting Committee)



CHAPTER IV

Patents of addition

Article 21

European patents of addition

- deleted -

Article 35e

Attendance of observers

(1) The International Patent Institute at The Hague shall be represented at the meetings of the Administrative Council, in accordance with the provisions to that effect contained in the agreement.

(2) The World Intellectual Property Organisation or any other inter-governmental organisation charged with the implementation of international procedures in the field of patents with which the Administrative Council has concluded an agreement shall be represented at the meetings of the Council, in accordance with any provisions to that effect contained in such agreement.

(3) ( Unchanged from Second  
( Preliminary Draft Convention  
( published 1971

## CHAPTER V

### Relations with national authorities

#### Article 61

#### Exchange of publications

- (1) ( Unchanged from Second
- (2) ( Preliminary Draft Convention  
( published 1971

(3) The European Patent Office may conclude agreements relating to the exchange of publications with or their supply to the central industrial property offices or other authorities of any State, or international bodies.

## Article 85

### Publication of a European patent application

(1) European patent applications shall be published as soon as possible after the expiry of a period of 18 months from the date of filing of the patent application or, if a priority has been claimed, as from the date or earliest date of priority. Nevertheless at the request of the applicant the application may be published before the expiry of the period referred to above. The publication shall contain the description, the claims and any drawings and, in annex the report on the state of the art, in so far as the latter is available before the termination of the technical preparations for publication. If the report on the state of the art has not been published at the same time as the application, it shall be published separately.

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( Unchanged from Second Preliminary  
( Draft Convention published 1971  
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CHAPTER V

International application pursuant to the  
Patent Co-operation Treaty of 19 June 1970

Article 117

Application of the Patent Co-operation Treaty

(1) { Unchanged from Second Preliminary  
Draft Convention published 1971

(2) International applications made under the Co-operation Treaty may be the subject of proceedings before the European Patent Office. In such proceedings, the provisions of that Treaty shall be applied, supplemented by the provisions of this Convention. In case of conflict, the provisions of the Co-operation Treaty shall prevail. In particular, for an international application the time limit within which a request for examination must be made under Article 88, paragraph 2, of this Convention shall not expire before the time prescribed by Article 22 or Article 39 of the Co-operation Treaty as the case may be.

(3) { Unchanged from the Second Preliminary  
Draft Convention published 1971

Article 122

International search report

Subject to the provisions of Article 137, the international search report under Article 18 of the Co-operation Treaty or any declaration made under Article 17, paragraph 2(a), of that Treaty and their publication under Article 21 of that Treaty shall take the place of the report on the state of the art under Article 79, paragraph 4, and its publication in the European Patent Bulletin.

Re. Article 21

No. 1.

Prohibition of conversion of an application for an  
independent patent

- deleted -

Re. Article 21

No. 2

Dependency of a European patent of addition upon  
the parent patent

- deleted -

Re. Article 21

No. 3

Grant of a patent of addition to assignees  
of the applicant for or proprietor of a parent patent

- deleted -

Re. Article 66

No. 3

Form and contents of claims

Unchanged from First Preliminary Draft  
of the Implementing Regulations, published 1971

Amendment concerns the French text only.

Re. Article 85

No. 1

Publication of European patent applications  
and European patent specifications

The President of the European Patent Office shall prescribe the form of the publication of the European patent application and of the specification of a European patent and the data which are to be included. The same shall apply for the publication of the translations pursuant to Article 133, paragraphs 2 and 3, of the Convention. The President of the European Patent Office may lay down special conditions for the publication of the abstract.

