

BR/GT I/133 e/71

Travaux Préparatoires EPC 1973

Comment:

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- Secretariat -

PROVISIONAL AGENDA

for the 10th meeting of Working Party I
to be held at Luxembourg from 22 to 26 November 1971,
commencing at 10.00 a.m. on Monday, 22 November 1971

1. Opening of the meeting and adoption of the provisional agenda.
 2. (a) Continuation of discussions on the questions remaining open with regard to the Drafts of the Convention and the Implementing Regulations after the 9th meeting of Working Party I
(cf. Annex I).
 - (b) Discussion of the questions that Working Party I was not able to settle at its 8th meeting
(cf. Annex II) (1).
 - (c) Examination of the questions which arose during the work of the EEC Member States on the Preliminary Draft of the Convention for the European Patent for the Common Market (Second Convention) and which also concern the First Convention
(cf. Annex III).
 3. Other questions remaining open
(cf. Annex IV)
 4. Discussion of the IIB study on relations between the latter and the European Patent Office.
 5. Other business.
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- (1) It is suggested that the delegations include Government legal experts in the work on item 2(b) of the Agenda. In order to enable the said experts to make the necessary arrangements, it is proposed that discussion on this item of the agenda commence at 9.30 a.m. on Wednesday 24 November.

ANNEX I

List of questions remaining open after the
9th meeting of Working Party I

Articles 82, 83 and 95a	Preliminary Draft Convention, notes BR/GT I/135/71 (German Delegation) (1)
Articles 83, 94 and 95	BR/GT I/124/71 (Netherlands Delegation)
Article 127 (formerly Article 128)	(a) BR/125/71, point 73 (b) BR/125/71, points 72 and 73 BR/GT I/113/71, pp. 15 and 16
Article 133	BR/GT I/113/71, pp. 16 and 17
Article 138	Preliminary Draft Convention, note
Article 142	Preliminary Draft Convention, note BR/GT I/122/71 (observations by the UK Delegation)
Re. Article 145, No. 11 IR	Preliminary Draft Implementing Regulations, note BR/GT I/122/71 (observations by the UK Delegation)
Article 149	BR/GT I/122/71 (observations by the UK Delegation)

(1) This document will be distributed at a later date

Article 150

BR/GT I/113/71, p. 17

Article 153

Preliminary Draft Convention,
note
BR/125/71, point 82

Article 160
(formerly Article 159)

Preliminary Draft Convention,
note
BR/100/71, pp: 31 and 32
BR/125/71, points 86 to 89
BR/GT I/113/71, p. 3

ANNEX II

List of questions remaining open
after the 8th meeting of Working Party I

Articles 15 and 16
Re. Article 16, Nos. 1,
2, 3 and 4 IR
Article 22

Proposal by the Chairman
(BR/GT I/136/71) (1)

Re. Article 63, No. 1 IR

Article 136 and Re. Article
136 IR

Re. Article 140, No. 2 IR
(formerly Article 139)

BR/125/71, point 178

Re. Article 145, No. 7 IR

Article 171

Preliminary Draft Convention,
notes
BR/125/71, points 133 to 138

(1) This document will be distributed at a later date.

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ANNEX III

Questions arising from the
Second Preliminary Draft Convention
on the European Patent for the Common Market

While drawing up the Second Preliminary Draft of a Convention for the European Patent for the Common Market, the "Community Patent " Working Party examined two problems which it would prefer to be settled in the First Convention. Consequently, these questions will have to be submitted to Working Party I.

- (a) Article 59a of the Second Convention provides that no request for the revocation of a European patent may be made while opposition proceedings against the grant of a patent are being conducted at the European Patent Office or while notice of opposition may still be given.

Working Party I is asked to examine whether an infringer or a person against whom an infringement action has been instituted should, within conditions to be laid down, be allowed to be a party to opposition proceedings.

(BR/GT I/125/71 - French Delegation)

- (b) In connection with Article 130 of the Second Preliminary Draft of the First Convention, which corresponds to Article 53 of the Second Preliminary Draft of the Second Convention, Working Party I is asked to examine whether renewal fees may be paid in advance and subject to what conditions.

(BR/GT I/134/71 - German Delegation)

ANNEX IV

The following points are not included in the preceding Annexes and remain open. They are set out below for the record.

(a) Points to be re-examined by the Conference

Institutional structure of the BR/125/71, point 94
"Union" Preliminary Draft Convention,
note to Article 30

Article 35 o
(weighting of votes) BR/125/71, points 121 and
123

(b) List of the Articles on which the Conference or Working
Party I has agreed to ask the non-governmental international
organisations to express their views at the second meeting
with the latter

Article 35a, paragraph 1(a) Power of the Administrative
Council to determine that the
Examining Division should
consist of one Examiner.

Article 88 () (a) Entitlement of a third
party to make a request
for examination
(b) Whether a request for
examination should be
possible only after
receipt of the report
on the state of the art
by the applicant.

Re. Article 141, No. 1
paragraph 2 Whether the period should
run as from the despatch of
a notification by the EPO
to the person concerned or as
from its receipt by the latter.

Article 149
(Inspection of files) BR/125/71, point 79, p. 43

Articles 153 and 154
(representation) BR/100/71, p. 29

