

BR/GT I/143 e/72

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, 11 February 1972
BR/GT I/143/72

- Secretariat -

PROVISIONAL AGENDA

for the 11th meeting of Working Party I
(Luxembourg, from 28 February to 3 March 1972)
Beginning of the meeting: Monday 28 February at 3.00 p.m.

-
1. Opening of the meeting and adoption of the provisional agenda.
 2. Discussion of the provisions referred to Working Party I by the Conference for examination (cf. Annex).
 3. Other business.
-

BR/GT I/143 e/72 lor/KM/prk

LIST OF THE PROVISIONS
REFERRED TO WORKING PARTY I BY THE CONFERENCE
FOR EXAMINATION (1)

Article 9, paragraph 2:

- (i) Sub-paragraph (a): scientific discoveries.
- (ii) Rearrangement of sub-paragraphs (a), (b), (d), and (g), particularly combination of (g) (computer programmes) with (d).
- (iii) Sub-paragraph (e): physical treatment; diagnostic methods; retention or deletion of the word "animal".

Article 11:

Problem of self-collision (2).

Article 15:

Retention or deletion of the last sentence of paragraph 1.

Re. Article 16, No. 1:

Introduction of a time limit for the suspension of grant proceedings.

Article 18 together with Article 97:

Problem raised by CEIP of a lacuna between provisional protection and final protection.

.../...

(1) The delegations acting as rapporteurs have been asked to submit proposals for the Articles for which they are responsible (except Articles 11 and 21; for these, see footnotes).

(2) The Swiss delegation has been asked to submit proposals.

Article 20:

Examination of the proposal put forward by various international organisations (BR/165/72) with a view either to supplementing the text of Article 20, or to preparing an interpretative declaration by the Diplomatic Conference.

Article 21:

Examination as to whether patents of addition might be retained in order to find a partial solution to the problem of self-collision (1).

Article 34, paragraph 3:

Examination of the advisability of retaining the last phrase of the first sentence (only the text drawn up in the language of the proceedings is authentic). In the event of a positive answer, examine whether the provision concerned is in the appropriate place.

Article 56, paragraph 2, second sub-paragraph, (c):

Cf. Article 97.

Article 59:

Relation between Article 59, paragraph 1 and Article 23, paragraph 2 (entry of a transfer in the Register of European Patents). Repercussions of the solution on Article 149, paragraph 6.

Article 67:

Re-examination of the time limit for payment of the designation fee.

.../...

(1) The French delegation has been requested to submit proposals.

Article 71:

Drafting of a provision laying down procedures for disclosure of the invention in respect of micro-biological processes (CNIPA proposal).

Article 71a:

Examination of the second sentence: either deletion of the word "fully" or a less strict rule.

Re. Article 145, No. 4a:

Re-examination of the provision in the event of a mistake in the priority date.

Article 75, paragraph 2(a):

- (i) Period during which translations of documents relating to priority may be produced (twenty months instead of sixteen).
- (ii) Possible reduction of the fee covering translation expenses.
- (iii) Re-examination of the need to provide for a certificate of conformity; in the event of this certificate being retained, examine whether such certification is to be made by an administration.

Article 78, paragraph 7:

Re-examination of sub-paragraph (a) in order to establish whether it should comprise the same possibilities as sub-paragraph (b).

Article 79, paragraph 4(a):

Clarification of the consequences which might arise out of an abstract comprising new elements in relation to the application as filed.

Article 79, paragraph 5:

- (i) Alignment of the one-month period with that of the PCT.
- (ii) Examination of the effect of such a period on the IIB with regard to the transmission of the complementary report.

Article 88:

- (i) Examination of a provision providing that, in order to file the request for examination, the applicant should be informed of the date on which the period laid down in paragraph 2 is to begin.
- (ii) Possible re-examination of paragraph 4 in the event of patents of addition being re-introduced.

Article 97:

- (i) Cf. Article 18.
- (ii) Relation between Article 97, paragraph 2, and Article 56, paragraph 2, second sub-paragraph, (c).
- (iii) Examination of the consequences of payment by the applicant of the fees laid down in paragraph 2, if the applicant is not in agreement with the form in which the Examining Division wishes to grant the patent.
- (iv) Should provision be made, particularly with a view to calculating the period laid down in Article 107a, paragraph 1, for a new notification to the Examining Division in the event of the applicant making known that he was not in agreement with the form in which the Examining Division proposed to grant the patent?

Article 106a:

- (i) Advisability of providing for a period dating from infringement proceedings, after which the presumed infringer may no longer intervene in opposition proceedings.
- (ii) Should intervention be restricted to the department of first instance, i.e. to the Opposition Division?

Article 107a, paragraph 1:

- (i) Cf. Remark above under Article 97.
- (ii) Question of knowing whether the authentic language is that in which the patent is granted or that of the translation.

Article 115:

Clarification of the relation between paragraphs 2 and 3.

Article 116:

Examination of the proposals from interested circles (Working Document No. 7 of 27 January 1972) in the light of the Conference's discussions.

Article 123:

- (i) Translation of the claims of the international application and possible repercussions of the solution to be adopted on Article 34.
- (ii) Possible simplification of the wording of Article 123.

Article 137b, paragraphs 1 and 4:

- (i) Paragraph 1: Align the wording with that of Article 137a, paragraph 1.
- (ii) Paragraph 4: Possible publication of the amended claims at the initiative of the applicant, pursuant to the first sentence of paragraph 4.

Article 138:

Re-examination of the last sentence.

Article 141, Re. Article 141, No. 2, and Article 142:

Re-examination in conjunction with the general problem of time limits (restitutio in integrum, payment of an additional fee within a short period following the expiry of a time limit, or other possibilities).

Articles 153 and 154:

Re-examination, if necessary, by the Co-ordinating Committee of these Articles in the light of proposals to be submitted by the interested circles.

Implementing Regulations:

Examine the suggestions from the interested circles. Working Party I will diverge from the Regulations under the PCT only if this proves to be in the applicant's interest.

Rules relating to Fees:

Article 9, paragraph 1, last sentence:

Re-examination.
