

# BR/GT I/154 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

Luxembourg, 28 February 1972

BR/GT I/154/72

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- Secretariat -

NOTE

Subject: Articles 115 and 116

Drawn up by: French delegation

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Article 115

Decision in respect of appeals

(1) Unchanged

(2) Following the examination specified in Article 113, paragraph 1, the Board of Appeal shall either dismiss the appeal and confirm the decision attacked or allow the appeal wholly or in part and annul the decision attacked wholly or in part.

(3) According to the stage reached in the proceedings following the total or partial annulment of the decision attacked, the Board of Appeal shall confirm the revocation of the European patent or the rejection of the European patent application, or shall confirm the European patent or decide on its grant, or shall continue the proceedings up to and including the communication provided for in Article 97, paragraph 1, or in Article 105, paragraph 3, or shall remit the matter for further decision to the authority responsible for the decision in question.

(4) Unchanged.

Article 115

Decision or opinion of the Enlarged Board of Appeal  
on certain points of law

(1) In order to ensure uniform application of the law,  
or if an important point of law arises:

(a) the Board of Appeal shall, during proceedings on a case,  
either ex officio or following a reasoned request from  
the other party to the dispute, stay judgment on the  
appeal and refer it to the Enlarged Board of Appeal,

(b) unchanged.

(2) The Enlarged Board of Appeal shall decide, on the  
basis of documents, within a period of two months calculated  
from the date of receipt of the documents referring the case  
to it. It shall institute oral proceedings, either ex officio  
or on request, only where it considers them necessary. When  
the Enlarged Board of Appeal takes a decision pursuant to  
paragraph 1(a), its decision and the grounds therefor shall  
be binding upon the Board of Appeal in respect of the pending  
appeal.

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