

BR/GT I/157 e/72

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

Luxembourg, 29 February 1972
BR/GT I/157/72

- Secretariat -

NOTE

Subject: Article 123 of the Second Preliminary Draft of a
Convention establishing a European System for the
Grant of Patents

Drawn up by: German delegation

BR/GT I/157 e/72 lor/AV/gc

Article 123

Publication of the international patent application

(1) (corresponds to present paragraph 5) If the international application, in respect of which the European Patent Office acts as a designated Office under Article 121, paragraph 1, is not published by the International Bureau in one of the languages specified in Article 34, paragraph 1, the applicant shall provide a translation of the application in one of the languages specified in Article 34, paragraph 1, not later than twenty months after the priority date of the international application; otherwise the European application shall be deemed to be withdrawn.

(2) (new) The European Patent Office shall publish any translation provided under paragraph 1. It shall also publish in respect of each international application a translation of the claims prepared by it and approved by the applicant in those languages specified in Article 34, paragraph 1, in which the international application has not already been published by the International Bureau or which has to be published under the first sentence of this paragraph. The language specified in Article 34, paragraph 1, in which the International Bureau has published the international application, or in which a translation is provided under paragraph 1, shall be the language of the proceedings.

(3) (corresponds to present paragraph 4; amendments underlined) Publication of the international application by the International Bureau, together with the publication of the translation of the claims pursuant to paragraph 2, second sentence, or the publication of the translations pursuant to paragraph 2, first and second sentences, shall take the place of the publication of the European patent application pursuant to Article 35.

(4) as in present paragraph 6 unchanged

(5) as in present paragraph 1 unchanged; add at the end:

"Article 19, paragraph 4, shall apply".

(6) as in present paragraph 2

(7) as in present paragraph 3.

It should be examined at the Final Drafting whether a new Article should be made out of paragraphs 5 to 7.
