

BR/GT I/166 e/72

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INTER-GOVERNMENTAL CONFERENCE
FOR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 8 May 1972
BR/GT I/166/72

- Secretariat -

N O T E

Subject: Article 110 of the Convention (BR/184/72)

Drawn up jointly by: the French, German, Netherlands and
United Kingdom delegations

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Note drawn up jointly by
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and United Kingdom delegations

Article 110

The Drafting Committee of the Conference which met in March and April gave consideration to the probable impact of Article 110, paragraph 2 (old Article 115, paragraph 4) on opposition divisions, national courts, and revocation divisions constituted under the Second Convention. The above delegations now propose the following redraft of paragraph 2:

(2) If the Board of Appeal remits the case for further prosecution to the authority whose decision was appealed, that authority shall be bound by the decision of the Board of Appeal in so far as the facts are the same. If the decision which was appealed emanated from the Receiving Section, the Examining Division shall similarly be bound by the decision of the Board of Appeal.
