

BR/GT II/24 e/72

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

Brussels, 21 April 1972
BR/GT II/24/72

- Secretariat -

NOTE

Subject: Article 7 of the Second Preliminary Draft of a
Convention establishing a European System for the
Grant of Patents

Drawn up by: United Kingdom delegation

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NOTE BY THE UNITED KINGDOM DELEGATION

The United Kingdom delegation considers that it would be appropriate for Working Party II to express a view on Article 5 of the draft Convention (i.e. Article 7 of the Second Preliminary Draft).

We take the view that Article 5 should be deleted. It seems obvious that the relations between the Contracting States will be governed by the Convention. In so far as Article 5 implies that some previous agreement may modify these relations, we consider therefore that it is misleading and inaccurate. It is of course true that the Convention is not intended to derogate from the Paris Convention or the PCT, but we are of the opinion that there is nothing in the Convention which is inconsistent with these other agreements. In view of this, we regard Article 5 as superfluous. In this connection we note that a corresponding provision has been cancelled from the latest draft of the Community Patent Convention. Finally, we would point out that the retention of Article 5 leads to inconsistency with Article 10 of the recently drafted Protocol on the Recognition of Decisions in respect of the Right to the Grant of a European Patent (BR/GT I/161/72) which, according to Article 160 of the new text, is to be an integral part of the Convention.
