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Orig.: German

Munich, 23.10.1998

SUBJECT: Revision of the EPC: Article 129(a) EPC

DRAWN UP BY: European Patent Office

ADDRESSEES: Committee on Patent Law (for opinion)

SUMMARY

This document contains a proposal to amend Article 129(a) EPC so as to separate the European Patent Bulletin and the Register of European Patents.

I. INTRODUCTION

1. Under Article 129(a) EPC as currently worded, the European Patent Bulletin includes entries made in the Register of European Patents (Article 127 EPC). The information which has to be entered in the Register is listed in Rule 92(1) EPC; other provisions relating to Register entries are contained in Rules 19, 20-22 and 61 EPC. Under Rule 92(2) EPC, the President of the EPO can also include other information in the Register, but so far has made little use of this power(see OJ EPO 1983, 458; 1986, 61 and 327), because under Article 129(a) EPC such additional information would also have to go into the Bulletin, making the printed version too unwieldy.
2. Ever since the EPO opened, users (especially documentation specialists) have been making suggestions for improving and expanding the Register. To implement these ideas and make much more procedural data available online without (in view of Article 129(a) EPC) unduly inflating the Bulletin, the EPO has been publishing this data in a separate, unofficial "Information register (epidos)". However, splitting up the data between two separate registers is not user-friendly and should therefore be discontinued. To combine both registers without affecting the Bulletin means amending Article 129(a) EPC accordingly.
3. Hence the amendment proposed below. This would separate Register and Bulletin data, thereby ensuring that entries prescribed directly or indirectly by the EPC, now or in the future (Articles 65(1), 79(2), 94(2), 97(4), 158(1); Rules 19(2), 96(2), 105), would have to appear in the Bulletin. It would also empower the President to specify further entries as appropriate. The Bulletin's contents could then be laid down direct by the President, after consulting the users as necessary.
4. Using modern electronic systems, the EPO could then tailor the Register to users' growing information needs. It would no longer be obliged to publish, at great expense, the same information in the Bulletin in printed form as is contained in the Register. If demand for hard-copy data continues to fall, as procedural data is increasingly made available online or in other electronic forms, the President could quickly and easily adjust the Bulletin as necessary.

II. PROPOSAL

Existing text

Article 129 Periodical publications

The European Patent Office shall periodically publish:

(a) a European Patent Bulletin containing entries made in the Register of European Patents, as well as other particulars the publication of which is prescribed by this Convention;

(b) ...

Proposed new text

Article 129 Periodical publications

The European Patent Office shall periodically publish:

(a) a European Patent Bulletin containing **particulars the publication of which is prescribed by this Convention or by the President of the European Patent Office;**

(b) unchanged