# **Guidelines for Examination Alphabetical keyword index**

The Alphabetical keyword index is added for the convenience of the reader; it does not form part of the Guidelines.

#### ጲ

"&" sign B-X, 11.3

#### Α

#### **Abandonment**

Abandonment of claims <u>B-III, 3.4</u>
Abandonment of priority claim <u>F-VI, 3.5</u>
Abandonment of subject-matter <u>C-IX, 1.3</u>

Abbreviations General Part, 2.2

# Absence of well-known details F-III, 5.2

Abstract A-III. 10, A-III. 10.1, E-VIII. 2.3.10, F-II. 1, F-II. 2, F-II. 2.2, F-II. 2.7, G-IV. 5.1
Abstract in examination F-II. 2.7
Checklist F-II. 2.5
Checklist for considering the abstract F-II. An. 1

Conflict between abstract and source document <u>B-VI</u>, <u>6.3</u>

Conflict with other European applications  $\underline{G-IV}$ ,  $\underline{5.1}$  Content of a European patent application (other than claims)  $\underline{F-II}$ ,  $\underline{2}$ 

Content of the abstract A-III. 10.2, F-II. 2.3

Definitive content A-III. 10.2, B-X. 7, F-II. 2.2

Examination of formal requirements A-III. 10

Figure accompanying the abstract A-III. 10.3, F-II. 2.4

Provisions of Chapter A-III ("Examination of formal requirements") E-VIII. 2.3.10

Purpose of the abstract F-II. 2.1

Summaries, extracts or abstracts B-X, 11.5

Title, abstract and figure(s) to be published with the abstract (as indicated on supplemental sheet A) B-X. 7

Transmittal of the abstract to the applicant F-II. 2.6

#### **Accelerated**

Accelerated processing before the Boards of Appeal <u>E-VII</u>, 6
Accelerated processing of oppositions <u>E-VII</u>, 5
Accelerated prosecution of European patent applications <u>E-VII</u>, 4
Accelerated examination <u>E-VII</u>, 4.2
Accelerated search <u>E-VII</u>, 4.1

# Access to EPO documentation for the national patent offices <u>B-IX, 5</u>

Accorded date of filing still subject to review G-IV, 5.1.2

Account of the search B-X, 3.3

#### Accounts

Application of the ten-day fail-safe arrangement to the replenishment of deposit accounts <u>A-X, 6.2.2</u>
Debit orders for deposit accounts held with the EPO <u>A-II, 1.6</u>
Deposit accounts with the EPO <u>A-X, 4.2</u>

#### Activity of the Opposition Division D-IV, 2

# Adaptation of the description C-V, 4.5

#### Additional

Additional European searches <u>B-II, 4.2</u> Additional fee

Additional fee (if application documents comprise more than thirty-five pages) A-III. 13.2
Additional fee for divisional applications of second or subsequent generations A-IV, 1.4.1.1

Additional fee for divisional applications <u>A-III, 13.3</u> Additional fee for divisional applications of second or subsequent generations <u>A-IV, 1.4.1.1</u>

Additional search <u>D-VI, 5</u>

Applicant has not paid all additional search fees <u>B-VII, 1.2.3</u>

Invitation to pay additional search fees combined with invitation to restrict the scope of the search <u>C-</u> *III*, 3.1.3

Limitation to searched invention: no additional search fees paid <u>C-III, 3.1.1</u>

Refund of additional search fees C-III, 3.3

Additional search fees paid <u>C-III, 3.1.2</u>

Limitation to searched invention: no additional search fees paid <u>C-III, 3.1.1</u>

Additional searches during examination C-IV, 7.2

# Adherence to the text of the European patent submitted or approved by the patent proprietor $\underline{D}$ - $\underline{VI}$ , 2

Basis for the examination <u>D-VI, 2.1</u> Revocation of the patent <u>D-VI, 2.2</u>

# Administrative fees A-XI, 2.2, E-XIII, 3

# Administrative structure D-II, 1

#### Admissibility

Admissibility during examination procedure <u>H-II, 2</u> After receipt of the first communication - <u>Rule</u> 137(3) <u>H-II, 2.3</u>

After receipt of the search report - Rule 137(2) H-II, 2.2

Amendments filed in reply to a Rule 71(3) communication *H-II*, 2.5

At an advanced stage of the proceedings <u>H-II, 2.4</u> Before receipt of the search report - <u>Rule 137(1)</u> <u>H-II, 2.1</u>

Further requests for amendment after approval <u>H-</u> <u>II, 2.6</u>

Late-filed requests after summons to oral proceedings in examination *H-II*, *2.7* 

proceedings in examination <u>H-II, 2.7</u> Admissibility in opposition procedure <u>H-II, 3</u>

Amendments in reply to the notice of opposition <u>H-</u> <u>II, 3.1</u>

Amendments not related to the grounds of opposition  $\underline{H-II}$ , 3.2

Amendments occasioned by national rights <u>H-II,</u> 3.3

Insistence on unallowable amendments H-II, 3.4

Late-filed requests in opposition proceedings <u>H-II.</u> 3.5

Admissibility of amendments <u>C-V, 4.4, H-II, H-III</u> Admissibility of amendments made by the applicant <u>C-IV, 6</u>

Amendments directed to unsearched matter - Rule 137(5) H-II, 6

Amendments in case of non-unity <u>H-II, 7</u> Amendments in limitation procedure <u>H-II, 4</u>

Amendments required by a limitation of the search under Rule 62a and/or Rule 63 *H-II*, 5

Auxiliary requests H-III, 3

Calculation of claims fees H-III, 5

Different texts in respect of different Contracting States *H-III. 4* 

Procedure for amendments to documents <u>H-III, 2</u>

Admissibility of auxiliary requests <u>H-III, 3.3.1</u> Criteria for admissibility of auxiliary requests <u>H-III,</u>

Timeliness and structure of auxiliary requests <u>H-III</u>, 3.3.1.2

Admissibility of corrections *H-VI, 2.1, H-VI, 3.1*Correction of errors in decisions and related application and patent documents *H-VI, 3.1*Corrections of errors in documents filed with the EPO *H-VI, 2.1* 

Admissibility of the request <u>E-VII, 3.1</u> Entitlement to file the request <u>E-VII, 3.1.2</u> Form of the request and applicable time limit <u>E-VII, 3.1.3</u>

Substantiation of the request <u>E-VII, 3.1.4</u> Time limits covered <u>E-VII, 3.1.1</u>

# Admissible languages on filing A-VII, 1

Art. 61 applications A-VII, 1.3

European divisional applications A-VII, 1.3

Filing by reference A-VII, 1.2

Invitation to file the translation A-VII, 1.4

Admissible non-EPO languages A-VII, 3.2

Admission of the public to proceedings <u>E-II, 8.1</u>

Aesthetic creations G-II, 3.4

# Agreement

Agreement on secrecy <u>G-IV, 7.2.2</u>
Agreement reached on a text - second <u>Rule 71(3)</u> communication <u>C-V, 4.7.2</u>
Amendments not admitted and/or not allowable, examination resumed: no agreement reached on a text <u>C-V, 4.7.3</u>

# Agriculture, industrial application G-III, 1

#### **Allocation**

Allocation of duties and appointment of members of the Opposition Division <u>D-II, 3</u>
Allocation of individual duties <u>D-II, 7</u>
Allocation of tasks to members <u>D-II, 5</u>
Allocation of the application <u>C-II, 2</u>

#### **Allowability**

Allowability of amendments H-V

Amendments derived from drawings H-V, 6

Amendments in claims H-V, 3

Amendments in the description H-V, 2

Amendments to drawings H-V, 5

Changes in claim category H-V, 7

Changes in the title H-V, 8

Disclaimers not disclosed in the application as originally filed H-V, 4

Allowability of amendments - <u>Art. 123(2)</u> and <u>(3)</u> <u>H-IV</u> Compliance of amendments with other EPC requirements <u>H-IV</u>, 4

Allowability of amendments under Art. 123(2) H-IV, 2
Assessment of "added subject-matter" H-IV, 2.4
Content of the application as "originally" filed H-IV, 2.2, H-IV, 2.3

Special applications H-IV, 2.3

Allowability of amendments under Art. 123(3) H-IV, 3
Assessment of impermissible extension of the protection conferred H-IV, 3.5
Basic principles H-IV, 3.1
Conflicts between Art. 123(2) and Art. 123(3) H-IV,

3.6
Conflicts between Art. 123(3) and other

Conflicts between Art. 123(3) and other requirements of the EPC H-IV, 3.7 Field of application H-IV, 3.2

Protection conferred by the patent as granted  $\underline{H-IV}$ , 3.3

Version of the granted patent to be considered <u>H-IV, 3.4</u>

Allowability of correction of bibliographic data  $\underline{H-VI}$ , 3.2 Allowability of corrections  $\underline{H-VI}$ , 2.2

Correction of description, claims and drawings  $\underline{\textit{H-}VI, 2.2.1}$ 

Missing parts of description and missing drawings filed as corrections under Rule 139 H-VI, 2.2.2

# Alteration, excision or addition of text in the description H-V, 2.6

Alternatives F-V, 4
Alternatives in a claim F-IV, 3.7

#### **Amended**

Amended claims F-V, 12

Examples: no amended claims filed with the appeal *E-XI*, *7.4.1* 

Amended claims or missing parts (Rule 56) B-III, 3.3
General considerations B-III, 3.3.1
Specific rules applicable to Euro-PCT applications B-III, 3.3.2

Amended main/single request filed with the appeal <u>E-XI, 7.4.2</u>

#### **Amendments**

Admissibility of amendments made by the applicant  $\underline{C}$ -  $\underline{IV}$ ,  $\underline{6}$ 

Allowability of amendments - <u>Art. 123(2)</u> and <u>(3)</u> <u>H-IV</u>. Allowability of amendments under <u>Art. 123(2)</u> <u>H-IV, 2</u> Allowability of amendments under <u>Art. 123(3)</u> <u>H-IV, 3</u>

Amendment by submitting missing documents or by Amendments not admitted and/or not allowable, filing replacement pages H-III, 2.2 examination resumed C-V, 4.7 Amendment of application A-V, A-V, 2 Agreement reached on a text - second Rule 71(3) communication C-V, 4.7.2 Communications concerning formal deficiencies A-Communications/oral proceedings after resumption C-V, 4.7.1 Correction of errors in documents filed with the EPO A-V, 3 No agreement reached on a text C-V, 4.7.3 Examination of amendments as to formalities A-V. Refusal C-V, 4.7.3 Amendments not related to the grounds of Filing of amendments A-V, 2.1 opposition H-II, 3.2 Amendments and corrections H, H-II, 2.6 Amendments occasioned by national rights H-II, 3.3 Amendments derived from drawings H-V, 6 Amendments or corrections filed in reply to a Rule 71(3) Amendments directed to unsearched matter - Rule communication C-V, 4 Adaptation of the description C-V, 4.5 137(5) H-II, 6 Admissibility of amendments C-V, 4.4 Rule 62a and/or Rule 63 cases H-II, 6.1 Subject-matter taken from the description H-II, 6.2 Amendments or corrections should be reasoned C-Amendments filed in reply to a Rule 71(3) V, 4.3 communication H-II, 2.5 Amendments/corrections filed in second Rule 71(3) Criteria for admitting such amendments H-II, 2.5.1 period C-V, 4.10 Exceptional case where amendments must be Applicant disapproves of the text proposed for admitted H-II, 2.5.3 grant C-V, 4.9 Further course of proceedings H-II, 2.5.2 Crediting of fees paid voluntarily C-V, 4.2 Rule 137(4) applies to amendments filed at this Fees to be paid within the second Rule 71(3) period C-V, 4.8 stage H-II, 2.5.4 Amendments in case of non-unity H-II, 7 No payment of fees or filing of translations Euro-PCT cases H-II, 7.4 necessary C-V, 4.1 No restriction to a single invention searched *H-II*, Rule 71(3) waiver C-V, 4.11 Amendments required by a limitation of the search under Rule 62a and/or Rule 63 H-II, 5 Restriction to a single, searched invention H-II, 7.1 Amendments to drawings A-IX, 10, H-V, 5 Restriction to an unsearched invention H-II, 7.2 Amendments in claims H-V, 3 Allowability of amendments H-V, 5 Broadening of claims H-V, 3.4 Drawings A-IX, 10 Amendments using copies H-III, 2.3 Deletion of part of the claimed subject-matter H-V, Amendments withdrawn or superseded in the Rule 137(4) period H-III, 2.1.2 Disclaimer disclosed in the application as originally filed H-V, 3.5 Amendments/corrections admitted and allowable -Inclusion of additional features H-V, 3.2 second Rule 71(3) communication sent C-V, 4.6 Applicant rejects amendments proposed by Replacement or removal of a feature from a Examining Division in first Rule 71(3) claim H-V, 3.1 Amendments in limitation procedure H-II, 4 communication C-V, 4.6.1 Amendments in reply to the notice of opposition H-II, Examining Division proposes amendments in second Rule 71(3) communication C-V, 4.6.3 Second Rule 71(3) invitation based on higher Amendments in the description H-V, 2 Alteration, excision or addition of text in the request initially rejected in first Rule 71(3) description H-V, 2.6 invitation C-V, 4.6.2 Clarification of a technical effect H-V, 2.1 Anticipation of amendments to claims B-III, 3.5 Introduction of further examples and new Comments and amendments in response to the search effects H-V, 2.2 opinion B-XI, 3.3 Reference document H-V, 2.5 Compliance of amendments with other EPC Revision of stated technical problem H-V, 2.4 requirements H-IV, 4 Supplementary technical information H-V, 2.3 Distinction between allowable and unallowable amendments D-V, 6.2 Amendments made by the applicant of his own volition C-III, 2 Earlier filed amendments or comments *E-VIII*, 3.3.1 Examination of amendments C-IV, 5 Amendments made in response to the search Facts, evidence or amendments introduced at a late opinion C-III, 2.1 Amendments made in response to the WO-ISA, stage *E-II*, 8.6 IPER or supplementary international search Handwritten amendments in oral proceedings E-II, 8.7 report C-III, 2.2 Indication of amendments and their basis under Rule Searches under Rule 164(2) C-III, 2.3 137(4) H-III, 2.1 Amendments made by the EPO at the request of a Indication of amendments made in main and/or auxiliary requests in examination proceedings H-III, party *H-III*, 2.4 3.1.4

Insistence on unallowable amendments H-II, 3.4 Invitation to file comments and amendments C-III, 4.2 Procedure for amendments to documents H-III, 2 Standard marks for indicating amendments or corrections by the Divisions C-V, An. Use of Rule 137(4) for amendments filed during oral proceedings in examination *E-II*, 8.8 Withdrawal of amendments/abandonment of subject matter H-III, 2.5

### Amino acid sequences (Applications relating to nucleotide and ~) A-IV. 5

#### **Amount**

Amount of fee payable A-X, 6.2.5 Amount of the fee A-X, 5.1.2 Amount paid insufficient A-III, 11.3.3 Amount payable A-III, 11.3.7

# Analysing the parties' arguments E-IX, 5.2

# Analysis of the application B-IV, 1.1

Analysis of the application and content of the search opinion B-XI, 3

Comments and amendments in response to the search opinion B-XI, 3.3 Contribution to the known art B-XI, 3.5 EPC requirements B-XI, 3.6 Examiner's approach B-XI, 3.7 Examiner's dossier B-XI, 3.1 Extent of first analysis B-XI, 3.4 Making suggestions B-XI, 3.8 Positive opinion B-XI, 3.9 Reasoning B-XI, 3.2

### Ancillary proceedings D-II, 4.3

#### **Animal varieties**

Excluded from patentability G-II, 5.5.1 Plant and animal varieties, essentially biological processes for the production of plants or animals G-II, 5.4

#### **Animals**

Essentially biological processes for the production of plants or animals G-II, 5.4.2 Modifying the genetic identity of animals G-II, 5.3 Plant and animal varieties, essentially biological processes for the production of plants or animals G-II,

Processes for the production of animals G-II, 5.4, G-II, 5.4.2

# Anticipation of amendments to claims B-III, 3.5

"Apparatus for ...", "Method for ...", etc. F-IV, 4.13

# Appeal E-XI

Accelerated processing before the Boards of Appeal E-VII, 6 Amended main/single request filed with the appeal E-XI, 7.4.2

Appeal against the fixing of costs by the Opposition Division D-IX, 2.2

Appeal, interlocutory revision E-XI, 1, E-XI, 7.3

Appeal, surrender or lapse of the patent *E-XI*, 2

Appeal, time limit and form of appeal *E-XI*, 6

Appeals after surrender or lapse of the patent <u>E-XI, 2</u> Appeals against the apportionment of costs E-XI, 3

Appeals against the decision of the Opposition Division

on the fixing of costs E-XI, 4

Binding nature of decisions on appeals E-IX, 7

Examples: no amended claims filed with the appeal E-XI, 7.4.1

Fees for limitation/revocation, opposition, appeal,

petition for review A-X, 5.2.6

Interlocutory revision E-XI, 7

Main and auxiliary requests filed with the appeal E-XI,

Persons entitled to appeal E-XI, 5

Persons entitled to appeal and to be parties to appeal

proceedings E-XI, 5

Reimbursement of appeal fees E-XI, 7.3

Remittal to the Board of Appeal E-XI, 7.2

Remittal to the Division after appeal E-XI, 9

Rules of Procedure for the departments of second instance E-XI, 8

Stay of proceedings when a referral to the Enlarged

Board of Appeal is pending E-VI, 3

Suspensive effect E-XI, 1

Time limit and form of appeal E-XI, 6

#### Appearance before the national court E-XII, 5.6

#### **Applicant**

Admissibility of amendments made by the applicant C-IV, 6

Amendments made by the applicant of his own volition C-III, 2

Applicant disapproves of the text proposed for grant C-V, 4.9

Applicant does not approve the text proposed for grant *H-III*, 3.3.5

Applicant has not paid all additional search fees B-VII,

Applicant is not the inventor A-III, 5.4

Applicant rejects amendments proposed by Examining Division in first Rule 71(3) communication C-V, 4.6.1

Arguments and evidence submitted by the

applicant G-VII, 11

Contact between the applicant and the Search

Division B-II, 1.1

Death or legal incapacity of the applicant *E-VI*, 1.1 Different applicants A-II, 2

Documents cited or supplied by the applicant B-IV, 1.3 Further communication with the applicant C-VIII, 5

Information concerning the applicant A-II, 4.1.2 Information on the applicant A-III, 4.2.1

Joint applicants A-II, 2

Re-establishment of rights A-III, 6.6, F-VI, 3.6 Transmittal of the abstract to the applicant F-II, 2.6

#### **Applications**

Accelerated prosecution of European patent applications *E-VII.* 4

Additional fee for divisional applications <u>A-III, 13.3</u>

Additional fee for divisional applications of second or subsequent generations <u>A-IV, 1.4.1.1</u>

Allocation of the application C-II, 2

Amendment of application A-V, A-V, 2

Analysis of the application B-IV, 1.1

Analysis of the application and content of the search opinion *B-XI*, 3

Application deemed to be withdrawn A-III, 11.3.4 Application deemed withdrawn C-V, 3

Application documents

Additional fee (if application documents comprise more than thirty-five pages) *A-III*, 13.2

Application documents for the supplementary

European search report B-II, 4.3.3

Cases in limitation proceedings where the application documents as filed are no longer available <u>H-IV, 2.2.6</u>

Deficiencies A-V, 2.2, B-IV, 1.2

For international (Euro-PCT) applications <u>B-III,</u> 3.3.2, E-VIII, 4.3

Physical requirements of late-filed application documents *A-III*, 3.2.2

Application numbering systems A-II, 1.8

Applications filed before 1 January 2002 <u>A-II, 1.8.1</u> Applications filed on or after 1 January 2002 <u>A-II, 1.8.2</u>

Application of known measures *G-VII, An., 1*Application of the ten-day fail-safe arrangement to the replenishment of deposit accounts *A-X, 6.2.2*Application was filed by reference to a previous application *A-IV, 4.1.2* 

Application, entitled persons A-II, 2

Applications containing claims filed after the accorded date of filing *B-XI*, 2.2

Applications containing missing parts of description and/or drawings filed under Rule 56 EPC or Rule 20 PCT B-XI, 2.1

Applications filed by reference to an earlier application H-IV, 2.3.1

Applications for which a supplementary European search report is prepared <u>E-VIII, 3.1, E-VIII, 3.2</u>
Applications giving rise to a right of priority <u>A-III, 6.2</u>

Applications relating to biological material A-IV, 4

Availability of deposited biological material to expert only A-IV, 4.3

Biological material A-IV, 4.1

Deposit thereof A-IV, 4.1

Missing information A-IV, 4.2

Notification A-IV, 4.2

Applications relating to nucleotide and amino acid sequences <u>A-IV, 5</u>

Sequence information filed under Rule 56 A-IV, 5.1 Sequence listings of a divisional application A-IV, 5.3

Sequence listings of an application filed by

reference to a previously filed application <u>A-IV, 5.2</u> Applications resulting from a decision under <u>Art. 61</u> <u>C-IX, 2, H-IV, 2.3.3</u>

Entitlement for certain designated States only *C-IX*, *2.4* 

Original application no longer pending <u>C-IX, 2.2</u> Partial entitlement <u>C-IX, 2.3</u>

Applications to which <u>Rule 62a</u> applies which also lack unity <u>B-VIII, 4.5</u>

Applications to which Rule 63 applies which also lack unity *B-VIII*, 3.4

Applications under the Patent Cooperation Treaty (PCT) *E-VIII* 

Communication according to Rule 161 <u>E-VIII, 3</u> EPO as designated or elected Office <u>E-VIII, 2</u> Examination procedure <u>E-VIII, 4</u>

Applications where a reservation has been entered in accordance with <u>Art. 167(2)(a) EPC 1973</u> <u>C-IX, 3</u> <u>Art. 61</u> applications <u>A-VII, 1.3</u>

Art. 61 applications and stay of proceedings under Rule 14 A-IV. 2

Authentic text of the application or patent <u>A-VII, 8</u> Certified copy of the previous application (priority document) <u>F-VI, 3.3</u>

Claims fees payable on filing the European patent application *A-X*, 7.3.1

Classification of the patent application <u>B-X, 5</u> Confirmation of the intention to proceed further with the application <u>C-II, 1.1</u>

Conflict with other European applications <u>G-IV, 5</u> Conflicting applications <u>B-VI, 4</u>

Content of a European patent application (other than claims)  $\underline{F-II}$ 

Content of the application as "originally" filed <u>H-IV</u>, 2.2, H-IV, 2.3

Conversion into a national application <u>A-IV, 6</u>
Copy of the international application <u>E-VIII, 2.1.2</u>
Copy of the previous application (priority document) <u>A-III, 6.7</u>

Correction of errors in decisions and related application and patent documents  $\underline{\textit{H-VI}}$ , 3

Date of filing of a divisional application <u>A-IV, 1.2</u> Disclaimer disclosed in the application as originally filed <u>H-V, 3.5</u>

Disclaimers not disclosed in the application as originally filed <u>H-V, 4</u>

Divisional application *C-IX, 1, E-VIII, 2.4.1, H-IV, 2.3.2* Documents cited in the application *B-X, 9.2.7* 

Documents filed after filing the European patent application *A-VIII*, 3.1

Documents forming part of the European patent application A-VIII, 3.2

Documents making up the application, replacement documents, translations A-III, 3.2

Documents making up the European patent application <u>A-VIII, 2.1</u>

Euro-PCT applications <u>C-II, 1.2, C-III, 1.2, F-V, 13, G-IV, 5.2</u>

Euro-PCT applications entering the European phase <u>A-III. 11.2.5</u>

Euro-PCT applications entering the European phase before 1 April 2009 A-III, 11.3.9

European applications C-III, 1.1

European divisional application A-IV, 1, A-VII, 1.3

European divisional applications: other formalities examination A-IV, 1.7 European patent application F

European patent applications filed before 1 April 2009 A-III, 11.3

European patent applications filed on or after 1 April 2009 A-III, 11.2

Examination of a divisional application <u>C-IX, 1.4</u> Extension and validation of European patent applications and patents to/in States not party to the EPC <u>A-III, 12</u>

Field of application H-IV, 3.2

File inspection before publication of the application  $\underline{A}$ - $\underline{XI}$ , 2.5

Filing a divisional application <u>A-IV, 1.3, C-III, 3.2</u> Filing a new application <u>A-IV, 2.5</u>

Filing of applications and examination on filing <u>A-II</u> Filing of applications by delivery by hand or by postal services <u>A-II</u>, <u>1.1</u>

Filing of applications by fax A-II, 1.2

Filing of applications by means of electronic communication *A-II*, 1.3

Filing of applications by other means A-II, 1.4

First application F-VI, 1.4

Forwarding of applications A-II, 1.7

Further action upon examination of replies: further action where a request for a translation of the priority application was sent earlier in examination proceedings <u>C-IV, 3.1</u>

Identification of the patent application and type of search report  $\underline{\textit{B-X, 4}}$ 

Industrial application <u>B-VIII, 1, D-III, 5, F-II, 4.9, G-I, 1, G-III, 5.2, G-III, G-III, 1</u>

Industrial application vs. exclusion under  $\underline{\text{Art.}}$  52(2)  $\underline{\text{G-III.}}$  3

Intermediate publication of another European application *F-VI*, 2.4.2

Intermediate publication of the contents of the priority application *F-VI*, 2.4.1

International application H-IV, 2.3.4

International applications (Euro-PCT applications)  $\underline{C}$ -  $\underline{IX}$ ,  $\underline{A}$ 

International applications with supplementary search *F-V, 13.2* 

International applications without supplementary search  $\underline{\textit{F-V, 13.1}}$ 

Limitation of the option to withdraw the European patent application A-IV, 2.3

Multiple priorities claimed for different inventions in the application with an intermediate publication of one of the inventions *F-VI*, *2.4.3* 

Official classification of the application <u>B-V, 4</u> Pendency of the earlier application <u>A-IV, 1.1.1</u> Persons entitled to file a divisional application <u>A-IV, 1.1.2</u>

1.1.3
Persons entitled to file an application A-II, 2
Physical requirements of applications filed by reference to a previously filed application A-III, 3.2.1
Potentially conflicting European and international

applications <u>B-VI, 4.1</u> Preclassification (routing) and official classification of European patent applications <u>B-V</u> Prosecution of the application by a third party <u>A-IV, 2.4</u> Provisions of Chapter <u>A-II</u> ("Filing of applications and examination on filing") <u>E-VIII, 2.2</u> Provisions of Chapter <u>A-VI</u> ("Publication of application; request for examination and transmission of the dossier

Priority claim of a divisional application A-IV, 1.2.2

to Examining Division") *E-VIII*, 2.5 Publication of application *A-VI*, *A-VI*, 1

Publication of bibliographic data before publication of the application *A-XI*, *2.6* 

Publication of the international application <u>E-VIII, 2.5.1</u> Published European applications as "E" documents <u>B-VI, 4.1.1</u>

Published international applications (WO) as "E" documents <u>B-VI, 4.1.2</u>

Reduction and refunds of fees in respect of international (PCT) applications *E-VIII*, 2.6

Reduction of the fees for the international search and international preliminary examination of an international application <u>A-X, 9.3.3</u>

Reference to a previously filed application <u>A-II, 4.1.3.1</u> Refusal of the earlier application <u>A-IV, 2.6</u>

Search Division consisting of more than one examiner: further searches on a non-unitary application in a different technical field *B-I*, *2.2.2* 

Search for conflicting European applications <u>C-IV, 7.1</u> Search, publication and request for examination of divisional applications <u>A-IV, 1.8</u>

Searches on national applications *B-II*, *4.6*Sequences of divisional applications *A-IV*, *1.1.2*Situation in which it has to be checked whether the

application from which priority is actually claimed is the "first application" in the sense of <u>Art. 87(1)</u> *F-VI. 2.4.4* Special applications <u>C-IX, H-IV, 2.3</u>

Specific rules applicable to Euro-PCT applications <u>B-</u> <u>III, 3.3.2</u>

Subject-matter to be excluded is disclosed in the application as originally filed  $\underline{\textit{H-V, 4.2}}$ 

Subject-matter to be excluded is not disclosed in the application as originally filed (so-called undisclosed disclaimers)  $\underline{H-V,\ 4.1}$ 

Subsequent application considered as first application *F-VI*, *1.4.1* 

Substantive examination of a Euro-PCT application accompanied by an IPER <u>E-VIII, 4.3</u>

Transfer of the European patent application *E-XIII*, 3 Translation of the application *A-III*, 14

Translation of the previous application <u>A-III. 6.8, F-VI.</u> 3.4

Unpublished patent applications <u>B-IX, 2.2</u> Voluntary filing of the translation of the previous application <u>A-III, 6.8.5</u>

Where and how applications may be filed *A-II*, 1 Where and how to file a divisional application *A-IV*, 1.3.1

Withdrawal of application or designation *E-VII*, 7.1

Arbitrary choice G-VII, 10.1

Areas of technology searched B-X, 6

Arguments and evidence submitted by the applicant <u>G-VII, 11</u>

Arrangement of claims F-IV, 3.5

Arrows A-IX, 7.5.2

Art. 124 and the utilisation scheme B-XI, 9

Art. 61 applications A-VII, 1.3

Art. 61 applications and stay of proceedings under Rule 14 A-IV, 2

Filing a new application A-IV, 2.5
Limitation of the option to withdraw the European patent application A-IV, 2.3
Partial transfer of right by virtue of a final decision A-IV, 2.7
Prosecution of the application by a third party A-IV, 2.4
Refusal of the earlier application A-IV, 2.6

Art. 83 vs. Art. 123(2) F-III, 2

Art. 84 H-IV, 4.4.1

Claims (Art. 84 and formal requirements) F-IV

Stay of proceedings for grant A-IV, 2.2

Ascertaining the existence of a fallback position  $\underline{B}$ - $\underline{III}$ , 3.2.5

Asking for evidence E-III, 4.4

# Assessment

Assessment and possible review of the unity requirement <u>B-VII. 1.4</u>
Assessment of "added subject-matter" <u>H-IV, 2.4</u>
Assessment of impermissible extension of the protection conferred <u>H-IV, 3.5</u>

Authentic text of the application or patent A-VII, 8

Authentication and dates B-X, 10

**Authorisations** A-IV. 1.6, A-VIII. 1.1, A-VIII. 1.5
Checking the identity and authorisations of participants at oral proceedings E-II. 8.3.1

Authoritative text of documents *E-IX*, 3

Authorities (Taking of evidence by courts or  $\sim$  of the Contracting States)  $E-||I|| \cdot 3$ 

Authorities of the Contracting States (Taking of evidence by courts or  $\sim$ ) E-||||, 3

Automatic debiting procedure A-X, 4.3

Auxiliary requests H-III, 3

Criteria for admissibility of auxiliary requests <u>H-III.</u> 3.3.1.1

In examination proceedings H-III, 3.3

Admissibility of auxiliary requests  $\underline{\textit{H-III.}}$  3.3.1 Applicant does not approve the text proposed for grant  $\underline{\textit{H-III.}}$  3.3.5

Complete text for auxiliary request available <u>H-III.</u> 3.3.4

Complete text for auxiliary request not yet available *H-III*, 3.3.3

Preparing the decision H-III, 3.3.2

In limitation proceedings H-III, 3.5

Oral proceedings H-III, 3.5.3

Written procedure H-III, 3.5.2

In opposition proceedings H-III, 3.4

Oral proceedings H-III, 3.4.2

Written procedure H-III, 3.4.1

In the search phase H-III, 3.2

Indication of amendments made in main and/or auxiliary requests in examination proceedings <u>H-III</u>, <u>3.1.4</u>

Main and auxiliary requests <u>E-IX, 5.3</u>

Main and auxiliary requests filed with the appeal  $\underline{E-XI}$ ,  $\underline{7.4.3}$ 

Neither main nor auxiliary requests allowable <u>H-III.</u> 3.1.3

Timeliness and structure of auxiliary requests <u>H-III.</u> 3.3.1.2

Availability of deposited biological material to expert only <u>A-IV, 4.3</u>

Awarding of costs (Decision concerning the  $\sim$  by the Opposition Division)  $\underline{D-II}$ , 4.2

В

Background art F-II, 4.3

Format of background art citations F-II, 4.3.1

Basic principles H-IV, 3.1

Basic requirements G-I, 1

# **Basis**

Basis for substantive examination <u>E-VIII. 4.3.2</u>
Basis for the examination <u>D-VI. 2.1, D-X. 4.2</u>
Adherence to the text of the European patent submitted or approved by the patent proprietor <u>D-VI. 2.1</u>

Substantive examination (limitation) *D-X, 4.2*Basis for the search *B-III, 3.1*Basis of decisions *E-IX, 1*Basis of the search opinion *B-XI, 2*Applications containing claims filed after the accorded date of filing *B-XI, 2.2*Applications containing missing parts of description and/or drawings filed under *Rule 56 EPC* or *Rule 20 PCT B-XI, 2.1* 

Basis of this ground for opposition D-V, 6.1

Bibliographic elements B-X, 9.1.1

Binding nature of decisions on appeals *E-IX*, 7

Biological material A-III. 1.2, A-IV. 4.1, A-IV. 4.1.1, A-IV. 4.2, B-IV. 1.2, F-III. 6.1, F-III. 6.3, G-II. 5.2

Application was filed by reference to a previous application A-IV. 4.1.2

Applications relating to biological material A-IV. 4

Availability of deposited biological material to expert only A-IV. 4.3

Deposit of biological material F-III. 6.3

Inventions relating to biological material F-III. 6

New deposit of biological material A-IV. 4.1.1

Public availability of biological material F-III. 6.2

Biological processes G-II, 5.4

Essentially biological processes for the production of plants or animals <u>G-II, 5.4.2</u> Plant and animal varieties, essentially biological processes for the production of plants or animals <u>G-II, 5.4.</u>

#### **Biotechnological inventions**

Exclusions and exceptions for biotechnological inventions <u>G-II, 5</u> Patentable biotechnological inventions <u>G-II, 5.2</u>

### **Boards of Appeal**

Accelerated processing before the Boards of Appeal *E-VII*. 6 Members *A-XI*, *2.1* 

Bonus effect G-VII, 10.2

Broad claims B-III, 3.6, F-IV, 4.23

Broadening of claims H-V, 3.4

Burden of proof G-IV, 7.5.3

Burden of proof as regards the possibility of performing and repeating the invention F-III, 4

Non-traditional publications G-IV, 7.5.3.3

Other "print equivalent" publications G-IV, 7.5.3.2

Technical journals G-IV, 7.5.3.1

C

Calculation of claims fees H-III, 5

Calculation of time limits *E-VII*, 1.4

Cancellation of licences E-XIII, 6.2

Carrying out the search B-IV, 2.3

Cascading non-unity B-VII, 1.2.2

Cases in limitation proceedings where the application documents as filed are no longer available *H-IV*, 2.2.6

Cases in which the proceedings may be interrupted  $\underline{E-Vl}$ , 1.1

Cases of loss of rights E-VII, 1.9.1

**Cases of oral description** <u>G-IV, 7.3.1</u> Matters to be determined by the Division in cases of oral description <u>G-IV, 7.3.3</u>

Cases of partially insufficient disclosure <u>F-III, 5</u> Absence of well-known details <u>F-III, 5.2</u> Difficulties in performing the invention <u>F-III, 5.3</u> Only variants of the invention are incapable of being performed <u>F-III, 5.1</u>

Cases under Rule 62a where claims fees are not paid B-VIII, 4.4

Cases where all method steps can be fully implemented by generic data processing means *F-IV*, 3.9.1

Cases where method steps require specific data processing means and/or require additional technical devices as essential features <u>F-IV. 3.9.2</u>

Categories F-II, 7.1, F-IV, 3.1

Categories of documents (X, Y, P, A, D, etc.) <u>B-X, 9.2.8</u>

Documents cited for other reasons <u>B-X, 9.2.8</u>

Documents cited in the application <u>B-X, 9.2.7</u>

Documents defining the state of the art and not prejudicing novelty or inventive step <u>B-X, 9.2.2</u>

Documents relating to the theory or principle underlying the invention <u>B-X, 9.2.5</u>

Documents which refer to a non-written disclosure <u>B-X, 9.2.3</u>

Intermediate documents <u>B-X, 9.2.4</u>

Particularly relevant documents <u>B-X, 9.2.1</u>

Potentially conflicting patent documents <u>B-X, 9.2.1</u>

Potentially categories <u>G-VII, 13</u>

Different categories <u>B-III, 3.10</u>

Different categories <u>B-III, 3.10</u>
Kinds of claim <u>F-IV, 3.1</u>
Prohibited matter, 5 II, 7.1

Prohibited matter F-II, 7.1

Certificate C-V, 12

Certificate of exhibition A-IV, 3.1

Defects in the certificate or the identification A-IV, 3.2

Certified copies A-XI, 5

Certified copy of the previous application (priority document) F-VI, 3.3 Issuance of certified copies A-XI

Chairman D-II, 2.3

Changes in claim category H-V, 7

Method claim to product claim H-V, 7.3

Method claim to use claim H-V, 7.4

Product claim to method claim H-V, 7.2

Product claim to use claim H-V, 7.1

Changes in the title H-V, 8

Changes of name E-XIII, 5

Registration of changes of name, transfers, licences and other rights E-XIII

Changing from one searched invention to another C-III, 3.4

Characteristics of the search **B-III** 

Opinions of the Search Division B-III, 1

Scope of the search B-III, 2

Subject of the search B-III, 3

Charging of costs D-IX, 1

Costs to be taken into consideration D-IX, 1.3

Decisions on the apportionment of costs D-IX, 1.2

General principle D-IX, 1.1

Principle of equity D-IX, 1.4

Checking the identity and authorisations of participants at oral proceedings E-II, 8.3.1

Checking the identity of the representative *E-II*, 11.5

Checklist F-II, 2.5

Checklist for considering the abstract F-II, An. 1

Chemical and mathematical formulae A-IX, 11.1

#### Citation

Citation of documents corresponding to documents not available or not published in one of the official EPO languages B-VI, 6.2

Citation of prior art in the description after the filing date *H-IV*, 2.2.7

Citation of video and/or audio media fragments available on the internet B-X, 11.6

Citing documents not mentioned in the search report C-IV, 7.4

Claims C-IX, 1.6

Abandonment of claims B-III, 3.4

Amended claims F-V, 12

Amended claims or missing parts (Rule 56) B-III, 3.3

Amendments A-V, 2.1, A-V, 2.2, C-II, 3.1, D-IV, 5.2,

G-IV, 3, H-II, 3.1, H-IV, 2.2.3

Amendments in claims H-V, 3

Anticipation of amendments to claims B-III, 3.5

Applications containing claims filed after the accorded

date of filing B-XI, 2.2

Arrangement of claims F-IV, 3.5

Broad claims B-III, 3.6, F-IV, 4.23

Broadening of claims H-V, 3.4

Categories F-IV, 3.1, F-V, 1

Claim to priority A-III, 6, A-IV, 1.2, E-VIII, 2.3.5, F-VI, 3

Abandonment of priority claim F-VI, 3.5

Applications giving rise to a right of priority A-III, 6.2

Certified copy of the previous application (priority

document) F-VI, 3.3

Copy of the previous application (priority

document) A-III, 6.7

Copy of the search results for the priority or

priorities A-III, 6.12

Date of filing A-IV, 1.2.1

Declaration of priority A-III, 6.5, F-VI, 3.2

Examination of formal requirements A-III, 6

Examination of the priority document A-III, 6.4

Loss of right to priority A-III, 6.10

Multiple priorities A-III, 6.3

Non-entitlement to right to priority A-III, 6.9

Notification A-III, 6.11

Priority F-VI, 3

Priority claim of a divisional application A-IV, 1.2.2

Priority period A-III, 6.6

Provisions of Chapter A-III ("Examination of formal

requirements") E-VIII, 2.3.5

Re-establishment of rights in respect of the priority period F-VI, 3.6

Translation of the previous application A-III, 6.8, F-VI, 3.4

Claims (Art. 84 and formal requirements) F-IV

Clarity and interpretation of claims F-IV, 4

Conciseness, number of claims F-IV, 5

Examples concerning essential features F-IV, An.

Form and content of claims F-IV, 2

Kinds of claim F-IV, 3

Support in description F-IV, 6

Claims comprising technical and non-technical

features G-VII, 5.4

Examples of applying the steps listed in G-VII,

5.4 G-VII, 5.4.2

Formulation of the objective technical problem G-VII, 5.4.1

Claims contravening Art. 123(2) or Art. 76(1) B-VIII, 6 Claims directed to computer-implemented

inventions F-IV, 3.9

Cases where all method steps can be fully implemented by generic data processing means F-

IV, 3.9.1 Cases where method steps require specific data processing means and/or require additional

technical devices as essential features F-IV, 3.9.2

Claims fee A-III, 9, A-IV, 1.4.2, A-X, 5.2.5, C-V, 4.8.1, E-VIII, 2.1.3, E-VIII, 2.3.8 Calculation of claims fees H-III, 5 Cases under Rule 62a where claims fees are not paid B-VIII, 4.4 Claims fees due in response to Rule 71(3) communication C-V, 1.4 Claims fees payable before the grant of the European patent A-X, 7.3.2 Claims fees payable on filing the European patent application A-X, 7.3.1 Crediting of claims fees A-X, 11.2 Due date for specific fees A-X, 5.2.5 Examination of formal requirements A-III, 9 Fees A-IV, 1.4.2 Fees to be paid within the second Rule 71(3) period *C-V, 4.8.1* Filing fee, designation fee, request for examination, search fee and claims fees E-VIII, 2.1.3 Indication of the purpose of payment in the case of claims fees A-X, 7.3 Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3.8 Separate crediting of the fee for grant and publishing and claims fees A-X, 11.3 Claims filed after accordance of a date of filing C-III, Claims filed after the date of filing H-IV, 2.2.3 Claims in different categories G-VII, 13 Claims with explicit references to the description or drawings B-III, 3.2.1 Clarity F-IV, 1, F-IV, 3.4, F-IV, 4.1, F-IV, 4.5.1, F-IV, 6.4, F-V, 1 Clarity of claims D-V, 5 Consistent use of reference signs as between description, claims and drawings A-IX, 7.5.4 Content A-III, 3.2 Content of a European patent application (other than claims) F-II Correction A-VI, 1.3, H-VI, 2.2 Correction of description, claims and drawings H-VI, 2.2.1 Correction of the translations of the claims H-VI, 3.3 Dependent claims B-III, 3.7, F-IV, 3.4, F-IV, 3.5 Dependent claims pursuant to Art. 54(5) G-VI, 7.1.5 Determination of the invention first mentioned in the claims F-V, 8.2 Different sets of claims D-X, 10 Examples: no amended claims filed with the appeal E-XI, 7.4.1 Extent of protection F-IV, 4.12 Independent and dependent claims B-III, 3.7, F-IV, 3.4 Independent claims F-IV, 3.2, F-IV, 3.3, F-V, 1 Independent claims containing a reference to another claim or to features from a claim of another category F-IV, 3.8 Interpretation of claims B-III, 3.2 Late filing of claims A-III, 15

Limitation is different for different contracting states

because the claims as granted were different for

different contracting states D-X, 10.2

Limitation results in the claims becoming different in different contracting states D-X, 10.1 Method of and means for measuring parameters referred to in claims F-IV, 4.18 Novelty of "reach-through" claims G-VI, 9 Number of independent claims F-IV, 3.2 Order of claims F-IV, 4.24 "Reach-through" claims F-III, 9 Relationship between documents and claims B-X, 9.3 Search on dependent claims B-III, 3.8 Support for dependent claims F-IV, 6.6 Tables in the claims A-IX, 11.2.2 Translation C-V, 1.1, E-VII, 3.1.1 Translations of the claims C-V, 1.3 Treatment of dependent claims under Rule 62a B-VIII, 4.6 Use claims F-IV, 4.16 Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims B-III, 3.2.3

# Clarification of a technical effect H-V, 2.1

### Clarifications H-IV, 2.2.8

Clarity F-IV, 4.1 Clarity and interpretation of claims F-IV, 4 "Apparatus for ...", "Method for ...", etc. F-IV, 4.13 Broad claims F-IV, 4.23 Clarity F-IV, 4.1 "Comprising" vs. "consisting" F-IV, 4.21 Definition by reference to use or another entity F-IV, 4.14 Essential features F-IV, 4.5 Expression "in" F-IV, 4.15 Functional definition of a pathological condition *F*-IV, 4.22 General statements, "spirit" of invention F-IV, 4.4 Inconsistencies F-IV, 4.3 Interpretation F-IV, 4.2 Method of and means for measuring parameters referred to in claims F-IV, 4.18 Negative limitations (e.g. disclaimers) F-IV, 4.20 Optional features F-IV, 4.9 Order of claims F-IV, 4.24 Parameters F-IV, 4.11 Product-by-process claim F-IV, 4.12 Reference signs F-IV, 4.19 References to the description or drawings F-IV, 4.17 Relative terms F-IV, 4.6 Result to be achieved F-IV, 4.10 Terms like "about" and "approximately" F-IV, 4.7 Trademarks F-IV, 4.8 Use claims F-IV, 4.16 Clarity of claims D-V, 5 Sufficiency of disclosure and clarity F-III, 11

#### Classification

Classification in cases of a lack of unity of invention <u>B-V. 7</u>
Classification of late-published search reports B-V, 5

Classification of the patent application <u>B-X, 5</u>
Classification when the scope of the invention is not clear (e.g. a partial search) <u>B-V, 6</u>
Official classification of the application <u>B-V, 4</u>
Preclassification (routing) and official classification of European patent applications <u>B-V</u>
Verification of official classification <u>B-V, 8</u>

Cloning human beings G-II, 5.3

Closest prior art and its effects on the search  $\underline{B-IV}_{i}$   $\underline{2.5}$ 

Closure of oral proceedings <u>E-II, 8.11</u>
Requesting postponement during oral proceedings <u>E-II, 8.11.1</u>

Combination of elements in a claim B-III, 3.9

Combination vs. juxtaposition or aggregation <u>G-</u> <u>VII. 7</u>

Combining pieces of prior art G-VII, 6

Comments and amendments in response to the search opinion B-XI, 3.3

Commercial success G-VII, 10.3

Commissioning of experts <u>E-III, 1.8</u>
Decision on the form of the opinion <u>E-III, 1.8.1</u>
Objection to an expert <u>E-III, 1.8.2</u>
Terms of reference of the expert <u>E-III, 1.8.3</u>

# Common

Common general knowledge of the skilled person <u>G-VII, 3.1</u>

Common provisions <u>A-VIII</u>
Form of documents <u>A-VIII, 2</u>
Representation <u>A-VIII, 1</u>

Signature of documents A-VIII, 3

Common representatives A-VIII, 1.3

#### Commonly designated States G-IV, 5.3

Communication A-VI, 2.1, E-I, 1

Admissibility during examination procedure: after receipt of the first communication - Rule 137(3) H-II. 2.3

Agreement reached on a text - second Rule 71(3)

communication C-V, 4.7.2

Amendments filed in reply to a Rule 71(3)

communication H-II, 2.5

Amendments or corrections filed in reply to a <u>Rule 71(3)</u> communication <u>C-V, 4</u>

Amendments/corrections admitted and allowable - second Rule 71(3) communication sent C-V, 4.6

Applicant rejects amendments proposed by Examining Division in first Rule 71(3) communication C-V, 4.6.1

Communication according to Rule 161 E-VIII. 3

Applications for which a supplementary European search report is prepared <u>E-VIII, 3.1, E-VIII, 3.2</u>

Exceptions where a reply to the <u>Rule 161(1)</u> invitation is not required <u>E-VIII, 3.3</u>

Rule 137(4) applies E-VIII, 3.4

Communication in the event of deficiencies as described in <u>D-IV, 1.2.1</u>, which, if not remedied, will lead to the opposition being deemed not to have been filed <u>D-IV, 1.3.1</u>

Communication in the event of deficiencies as described in <u>D-IV, 1.2.2</u>, which, if not remedied, will lead to rejection of the opposition as inadmissible <u>D-IV, 1.3.2</u>

Communication of information contained in files <u>A-XI</u> Certified copies A-XI, 5

Communication of information from the files <u>A-XI, 3</u> Consultation of the European Patent Register <u>A-XI, 4</u>

Inspection of files A-XI, 2

Priority documents issued by the EPO  $\underline{A-XI.6}$  Communication of observations from one of the parties to the other parties D-IV, 5.4

Communication to the EPO as a designated Office *E-VIII*, 2.7

Communication under Rule 71(3) C-V, 1

Claims fees due in response to Rule 71(3)

communication C-V, 1.4

Examining Division resumes examination after approval of the text: further communication under Rule 71(3) C-V, 6.2

Grant and publishing fee C-V, 1.2

Other information in the communication under <u>Rule</u> 71(3) <u>C-V, 1.5</u>

Text for approval C-V, 1.1

Translations of the claims <u>C-V, 1.3</u>

Communications and notifications *E-I* 

Communications E-I, 1

Notification E-I, 2

Communications concerning formal deficiencies <u>A-V, A-V, 1</u>

Amendment of application A-V, 2

Correction of errors in documents filed with the EPO  $\underline{A-V, 3}$ 

Communications from the Opposition Division to the patent proprietor <u>D-VI, 4</u>

Communications from the Opposition Division D-VI 4.1

Invitation to file amended documents <u>D-VI, 4.2</u> Reasoned statement <u>D-VI, 4.1</u>

Communications/oral proceedings after resumption <u>C-V, 4.7.1</u>

Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination <u>D-IV, 1</u>

Examination procedure: at least one communication in examination *E-VIII*, *4.1* 

Examining Division proposes amendments in second Rule 71(3) communication *C-V, 4.6.3* 

Extent of the formalities officer's obligation to issue the above communications <u>D-IV, 1.3.3</u>

Filing of applications by means of electronic

communication A-II, 1.3

First communication C-III, 4

Form of decisions, communications and notices *E-I*, 1.3

Further communication with the applicant C-VIII, 5 Invitation to the patent proprietor to submit comments and communication of opposition to the other parties concerned by the formalities officer D-IV, 5.2 Issue of communications by the formalities officer as a result of examination for deficiencies D-IV, 1.3 Issuing a further communication (no refusal) C-V, 15.4 Noting and communication of loss of rights E-VII, 1.9.2 Number of communications E-I, 1.2 Opposition Division's communications D-VI, 3.1

Response filed before first communication in examination C-II, 3

Rule 137(4) communication and response thereto H-III, 2.1.1

Rule 161 communication issued before 1 April 2010 E-VIII, 3.3.3

Time limits for response to communications from the examiner C-VI, 1

Voluntary reply to Rule 161(1) communication E-VIII, 3.3.4

Comparative test results E-VIII, 4.3.1

Compensation E-III, 1.10.2

Competence E-III, 2.3

#### Complete

Complete search despite of lack of unity B-VII, 2.2 Complete text for auxiliary request available H-III, 3.3.4

Complete text for auxiliary request not yet available H-III, 3.3.3

# Completeness of the search B-III, 2.1

### Compliance of amendments with other EPC requirements H-IV, 4

In examination proceedings H-IV, 4.2 In limitation proceedings H-IV, 4.4

Art. 84 H-IV, 4.4.1

Examination of the description and/or drawings H-IV, 4.4.2

Points to be disregarded H-IV, 4.4.3 In opposition proceedings H-IV, 4.3

# Composition and duties of the Examining

Division E-XII, 3 Composition E-XII, 3.1 Duties E-XII, 3.2

Compositions B-IX, 4.1, D-II, 2, E-XII, 3.1, G-II, 4.2 Chairman D-II, 2.3

Composition and duties of the Examining Division E-XII, 3.1

Exceptions to patentability G-II, 4.2 Legally qualified examiners D-II, 2.2 Non-patent literature arranged for library-type access B-IX, 4.1 Opposition Division D-II, 2

Substances and compositions G-II, 4.2 Technically qualified examiners D-II, 2.1

Compound units F-II, An. 2, 5

"Comprising" vs. "consisting" F-IV, 4.21

Computer print-out E-I, 2.1

Computer programs *F-II*, *4.12*, *G-II*, *3.6* Description (formal requirements) F-II, 4.12 List of exclusions G-II, 3.6

Computer-implemented business methods B-VIII, 2.2.1

Computers (Programs for ~) G-II, 3.6

Concept of "clear allowability" H-II, 2.7.1

Conciseness, number of claims F-IV, 5

Condition for valid payment A-X, 7.1.1

Conditions A-X, 9.2.1

Conditions regarding the paper used A-IX, 3

# Conduct of an interview or telephone conversation C-VII, 2.4

Conduct of oral proceedings E-II, 8, E-II, 8.2 Admission of the public to proceedings E-II, 8.1 Closure of oral proceedings E-II, 8.11 Discussion of the facts and of the legal position *E-II*, 8.9

Facts, evidence or amendments introduced at a late stage E-II, 8.6

Handwritten amendments in oral proceedings E-II, 8.7 Opening of oral proceedings: non-appearance of a party *E-II*, 8.3

Opening of the substantive part of the proceedings E-II, 8.4

Right of the other members of the Division to put questions E-II, 8.10

Submissions by the parties *E-II*, 8.5

Use of laptops or other electronic devices during either ex parte or inter partes oral proceedings E-II, 8.2.1 Use of Rule 137(4) for amendments filed during oral proceedings in examination E-II, 8.8

Confidentiality C-VII, 2.7.3 Confidentiality of the request A-XI, 2.4

# Confirmation A-II, 3.1

Confirmation of the intention to proceed further with the application C-II, 1.1

#### Conflict

Conflict between abstract and source document B-VI,

Conflict with national rights of earlier date G-IV, 6 Conflict with other European applications G-IV, 5

Commonly designated States G-IV, 5.3

Double patenting G-IV, 5.4

Euro-PCT applications G-IV, 5.2

State of the art pursuant to Art. 54(3) G-IV, 5.1

Conflicting applications B-VI, 4

National earlier rights B-VI, 4.2

Potentially conflicting European and international applications B-VI, 4.1

Conflicts between Art. 123(2) and Art. 123(3) H-IV, 3.6 Conflicts between Art. 123(3) and other requirements of the EPC H-IV, 3.7

#### Consequences for the Division E-XI, 9.2

# Consequences of non-payment of the designation

fee A-III, 11.2.3, A-III, 11.3.2

European patent applications filed before 1 April 2009 A-III, 11.3.2

European patent applications filed on or after 1 April 2009 A-III, 11.2.3

#### Conservation of evidence E-III, 2

Competence E-III, 2.3

Decision on the request and the taking of evidence E-

Request for the conservation of evidence *E-III*, 2.2 Requirements *E-III*, 2.1

Taking and conservation of evidence E-III

### Consideration of the contents of the IPER <u>E-VIII</u>, 4.3.3

### Consideration of time limits *E-IX*, 2

# Considerations relating to specific exclusions from and exceptions to patentability B-VIII, 2

Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body B-VIII, 2.1

Subject-matter excluded from patentability under Art. 52(2) and (3) B-VIII, 2.2

# Consistent use of reference signs as between description, claims and drawings A-IX, 7.5.4

# Consistent use of reference signs as between drawings A-IX, 7.5.5

#### Consultation

Consultation of a legally qualified examiner C-VIII, 7 Consultation of the European Patent Register A-XI, A-XI, 4

Certified copies A-XI, 5

Communication of information from the files A-XI, 3 Inspection of files A-XI, 2

Priority documents issued by the EPO A-XI, 6

Consultation with other examiners B-I, 2.1

# Contact between the applicant and the Search Division B-II, 1.1

#### Content E-IX, 5.1

Analysis of the application and content of the search opinion B-XI, 3

Consideration of the contents of the IPER E-VIII, 4.3.3 Content of a European patent application (other than claims) F-II

Abstract F-II, 2

Checklist for considering the abstract F-II, An. 1

Description (formal requirements) F-II, 4

Drawings F-II, 5

Prohibited matter F-II, 7

Request for grant F-II, 3

Sequence listings F-II, 6

Title F-II, 3

Units recognised in international practice and complying with Rule 49(10) F-II, An. 2

Content of the abstract A-III, 10.2, F-II, 2.3

Content of the application as "originally" filed H-IV, 2.2, H-IV, 2.3

Applications filed by reference to an earlier application H-IV, 2.3.1

Applications resulting from a decision under Art. 61 H-IV, 2.3.3

Cases in limitation proceedings where the application documents as filed are no longer available H-IV, 2.2.6

Citation of prior art in the description after the filing date *H-IV*, 2.2.7

Claims filed after the date of filing H-IV, 2.2.3

Clarifications H-IV, 2.2.8

Divisional applications H-IV, 2.3.2

Features described in a document cross-referenced in the description H-IV, 2.2.1

International applications H-IV, 2.3.4

Missing parts of the description or missing drawings filed after the date of filing H-IV, 2.2.2

Priority documents H-IV, 2.2.5

Sequence listings filed after the date of filing H-IV, 2.2.4

Trademarks H-IV, 2.2.9

Content of the extended European search report (EESR) B-VIII, 3.3, B-VIII, 4.3

More than one independent claim per category (Rule 62a) B-VIII, 4.3

No meaningful search possible B-VIII, 3.3

Content of the notice of opposition D-III, 6

Content of the publication A-VI, 1.3

Contents of prior-art disclosures B-VI, 6

Citation of documents corresponding to documents not available or not published in one of the official EPO languages B-VI, 6.2

Conflict between abstract and source document B-VI, 6.3

Incorrect compound records in online databases B-VI, 6.5

Insufficient prior art disclosures B-VI, 6.4

Definitive content F-II, 2.2

Form and content F-II, 5.1

Form and content of claims F-IV, 2

Intermediate publication of the contents of the priority application F-VI, 2.4.1

#### Continuation

Continuation of proceedings D-VII, 4.2

Continuation after a final decision D-VII, 4.2.1 Continuation regardless of the stage reached in

national proceedings *D-VII*, 4.2.2

Continuation of the opposition proceedings in the cases covered by Rule 84 D-VII, 5

Continuation after the opposition has been withdrawn D-VII, 5.3

Continuation in the case of surrender or lapse of the patent D-VII, 5.1

Continuation on the death or legal incapacity of the opponent D-VII, 5.2

# **Contracting States**

Contracting States to the EPC General Part, 6

Designation of Contracting States A-III, 11, A-IV, 1.3.4 Different claims, description and drawings for different

States G-IV, 6 Different texts in respect of different Contracting

States H-III, 4

Indication of the Contracting States A-III, 11.3.6

Limitation is different for different contracting states because the claims as granted were different for different contracting states D-X, 10.2

Limitation results in the claims becoming different in

different contracting states D-X, 10.1 Taking of evidence by courts or authorities of the Contracting States E-III, 3

# Contribution to the known art B-XI, 3.5

Convention, on international exhibitions A-IV, 3.1

Conventional symbols A-IX, 9

Conversion into a national application A-IV, 6

Co-operation (Legal ~) E-III, 3.1

# Copy

Copies to be attached to the search report B-X, 11

"&" sign B-X, 11.3

Citation of video and/or audio media fragments available on the internet B-X, 11.6

Electronic version of document cited B-X, 11.2

Patent family members B-X, 11.3

Reviews or books B-X, 11.4

Summaries, extracts or abstracts B-X, 11.5

Copy of the claimed priority A-II, 5.4.3

Copy of the international application E-VIII, 2.1.2

Copy of the previous application (priority document) A-III, 6.7

Certified copy of the previous application (priority document) F-VI, 3.3

Copy of the search results for the priority or

priorities A-III, 6.12, C-II, 5

Claim to priority A-III, 6.12

Formal requirements to be met before the Division starts substantive examination C-II, 5

# Correcting an existing priority claim A-III, 6.5.2

#### Corrections H-II, 2.6

Amendments and corrections H, H-II, 2.6

Amendments or corrections filed in reply to a Rule 71(3) communication C-V, 4

Amendments or corrections should be reasoned C-V, 4.3

Amendments/corrections admitted and allowable second Rule 71(3) communication sent C-V, 4.6

Amendments/corrections filed in second Rule 71(3) period C-V, 4.10

Correction and certification of the translation A-VII, 7 Correction of deficiencies A-III, 16

Period allowed for remedying deficiencies A-III,

Procedure formalities officer A-III, 16.1

Correction of description, claims and drawings H-VI, 2.2.1

Correction of errors A-V, H-VI

Amendment of application A-V, 2

Communications concerning formal deficiencies A-

Correction of errors in the decision to grant C-V, 7 Errors in publication and formatting/editing errors H-VI, 4

Correction of errors in decisions and related application and patent documents H-VI, 3

Admissibility of corrections H-VI, 3.1

Allowability of correction of bibliographic data H-VI,

Correction of the translations of the claims H-VI, 3.3

Correction of errors in documents filed with the EPO A-V, 3, H-VI, 2

Admissibility of corrections H-VI, 2.1

Allowability of corrections H-VI, 2.2 Missing parts of description and missing drawings filed as corrections under Rule 139 H-VI, 2.2.2 Standard marks for indicating amendments or corrections by the Divisions C-V, An.

### "Corresponding documents" B-X, 9.1.2

# Costs D-IX

Appeal against the fixing of costs by the Opposition Division D-IX, 2.2

Appeals against the apportionment of costs *E-XI*, 3 Appeals against the decision of the Opposition Division on the fixing of costs E-XI, 4

Charging of costs D-IX, 1

Costs arising from oral proceedings or taking of evidence E-III, 1.9

Costs of taking evidence E-III, 3.5

Costs to be taken into consideration D-IX, 1.3

Decision concerning the awarding of costs by the

Opposition Division D-II, 4.2

Decisions on the apportionment of costs D-IX, 1.2

Enforcement of the fixing of costs D-IX, 3

Fixing of costs by the Opposition Division <u>D-IX, 2.1</u> Procedure for the fixing of costs <u>D-IX, 2</u>

#### Could-would approach G-VII, 5.3

Creations <u>G-II, 3.4</u> Aesthetic creations <u>G-II, 3.4</u>

#### Crediting

Crediting of fees paid voluntarily *C-V, 4.2*Crediting of fees under Rule 71a(5) *A-X, 11, C-V, 6.3*Crediting of claims fees *A-X, 11.2*Examining Division resumes examination after approval of the text *C-V, 6.3*Fees *A-X, 11*Further processing fee and crediting of fees *A-X, 11.4*Separate crediting of the fee for grant and publishing and claims fees *A-X, 11.3*Crediting of the fee for grant and publishing *A-X, 11.1*Separate crediting of the fee for grant and

# Criteria for admissibility of auxiliary requests $\underline{H-III}$ , 3.3.1.1

publishing and claims fees A-X, 11.3

Criteria for admitting such amendments H-II, 2.5.1

Cross-references between prior art documents <u>G-IV. 8</u>

Cross-sections A-IX, 7.3
Hatching A-IX, 7.3.2
Sectional diagrams A-IX, 7.3.1

Currencies A-X, 3

#### D

#### Data related to search strategies B-X, 3.4

# Data retrieval, formats and structures G-II, 3.7.2

#### Date

Date considered as date on which payment is made A-X, 4

Automatic debiting procedure A-X, 4.3

Deposit accounts with the EPO A-X, 4.2

Payment or transfer to a bank account held by the European Patent Organisation A-X, 4.1

Date of filing A-II, 4.1.5, A-IV, 1.2.1, G-VII, 2
Accorded date of filing still subject to review G-IV, 5.1.2

Applications containing claims filed after the accorded date of filing <u>B-XI. 2.2</u> Claims filed after accordance of a date of filing <u>C-III, 1.1.2</u>

Claims filed after the date of filing <u>H-IV, 2.2.3</u>

Date of filing or priority date as effective date <u>G-IV, 3</u>

Minimum requirements for according a date of filing A-II, 4.1 Missing parts of the description or missing drawings filed after the date of filing H-IV, 2.2.2 Re-dating C-III, 1.1.1, H-IV, 2.2.2 Sequence listings filed after the date of filing H-IV, Date of filing of a divisional application A-IV, 1.2, A-IV, 1.2.1, A-IV, 1.2.2, A-IV, 1.4.3, A-IV, 2.5, C-IX, 1.1, C-IX, 1.4 Priority claim of a divisional application A-IV, 1.2.2 Date of interruption E-VI, 1.3 Date of priority A-IV, 1.2.1, A-IV, 1.2.2, A-IV, 2.5, C-IX, 1.1, C-IX, 2.1, F-VI, 1.2, G-IV, 3, G-IV, 5.1 Date of publication A-VI, 1.1 Date of receipt A-II, 3.1, A-II, 3.2 Date of receipt of the debit order A-X, 4.2.4 Date of reference for documents cited in the search report B-VI. 5 Documents published after the filing date B-VI, 5.4 Doubts as to the validity of the priority claim B-VI. Extension of the search B-VI, 5.3 Intermediate documents B-VI, 5.2 Matters of doubt in the state of the art B-VI, 5.6 Non-prejudicial disclosures B-VI, 5.5 Verification of claimed priority date(s) B-VI, 5.1 Date of the stay of proceedings A-IV, 2.2.2, D-VII, 4.1.1 Stay of proceedings D-VII, 4.1.1

### Dealing with different texts in examination H-III, 4.1

# Death or legal incapacity E-VI, 1.1

Continuation on the death or legal incapacity of the opponent <u>D-VII, 5.2</u>

Stay of proceedings for grant A-IV, 2.2.2

**Debit orders** A-X, 6.2.3 Debit orders for deposit accounts held with the EPO A-II, 1.6

### Debiting the deposit account A-X, 4.2.3

Decisions C-VIII. 6, D-VIII. 2, E-IX

Authoritative text of documents E-IX. 3

Basis of decisions E-IX. 1

Binding nature of decisions on appeals E-IX. 7

Consideration of time limits E-IX. 2

Correction of errors in decisions and related application and patent documents H-VI. 3

Decision according to the state of the file C-V. 15

Decision by means of a standard form C-V, 15.2

Issuing a further communication (no refusal) C-V, 15.4

Issuing a self-contained decision C-V, 15.3

Request for a decision according to the state of the file C-V, 15.1

Decision concerning the admissibility of an opposition, the patent preprinter being a party. D IV 5.5

Decision concerning the admissibility of an opposition, the patent proprietor being a party <u>D-IV, 5.5</u>

Decision concerning the awarding of costs by the Opposition Division <u>D-II, 4.2</u>

Decision on a notified loss of rights at the request of the person concerned D-VIII, 2.3

Decision on closure of the opposition proceedings D-VIII, 2.5

Decision on loss of rights *E-VII*, 1.9.3

Decision on re-establishment of rights D-VIII, 2.4, E-

Other decisions D-VIII, 2.4

Re-establishment of rights E-VII, 3.3

Decision on request for revocation D-X, 3

Decision on the documents on the basis of which the patent is to be maintained D-VI, 7.2.2

Decision on the file as it stands E-IX, 4.4

Decision on the form of the opinion E-III, 1.8.1

Decision on the inadmissibility of an opposition or intervention D-VIII, 2.1

Decision on the request and the taking of evidence E-III, 2.4

Decisions of the Opposition Division D-VIII, 2

Decisions of the Opposition Division D-VIII

Final decisions on an admissible opposition D-VIII,

Other decisions D-VIII, 2

Decisions on the apportionment of costs D-IX, 1.2 Decisions which do not terminate proceedings D-VIII, 2.2, E-IX, 6

Decisions, notification *E-I*, 2.1

Elected Office E-IX

Form of decisions, communications and notices E-I,

Information as to means of redress *E-IX*, 8

Interlocutory decisions E-IX, 6

Legal status of decisions D-X, 8

Notification E-IX, 9

Reasoning of decisions E-IX, 5

Work within the Examining Division C-VIII, 6

Written form of decisions E-IX, 4

# Declaration of priority A-III, 6.5, F-VI, 3.2

Correcting an existing priority claim A-III, 6.5.2 Deficiencies in the priority claim and loss of the priority right A-III, 6.5.3

Filing a new priority claim A-III, 6.5.1

Declaration replacing the translation A-III, 6.8.6

Defects in the certificate or the identification A-/V, 3.2

**Deficiencies** A-II, 4.1.4, A-III, 5.5

Communication in the event of deficiencies as described in D-IV, 1.2.1, which, if not remedied, will lead to the opposition being deemed not to have been filed *D-IV*, 1.3.1

Communication in the event of deficiencies as described in D-IV, 1.2.2, which, if not remedied, will lead to rejection of the opposition as inadmissible D-IV, 1.3.2

Communications concerning formal deficiencies A-V, A-V, 1

Correction of deficiencies A-III, 16

Deficiencies in the priority claim and loss of the priority right A-III, 6.5.3

Deficiencies which lead to the request being deemed not to have been filed D-X, 2.1

Deficiencies which may no longer be remedied in accordance with Rule 77(1) and (2), resulting in the opposition being rejected as inadmissible D-IV, 1.4.2 Deficiencies which may no longer be remedied, as a result of which the opposition is deemed not to have been filed D-IV, 1.4.1

Deficiencies which, if not remedied, lead to the opposition being deemed not to have been filed D-IV. 1.2.1

Deficiencies which, if not remedied, lead to the opposition being rejected as inadmissible D-IV, 1.2.2

Deficiencies under Rule 77(1) D-IV, 1.2.2.1
Deficiencies under Rule 77(2) D-IV, 1.2.2.2

Deficiencies which, if not remedied, lead to the request being rejected as inadmissible D-X, 2.2

Examination for deficiencies in the notice of opposition D-IV, 1.2

Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination D-IV, 1

Examination for deficiencies in the request D-X, 2 Formal deficiencies B-IV, 1.2

Issue of communications by the formalities officer as a result of examination for deficiencies D-IV, 1.3 Period allowed for remedying deficiencies A-III, 16.2 Subsequent procedure in the event of deficiencies which may no longer be remedied D-IV, 1.4

# Defined notice period E-II, 7.3

**Definitions** B-V, 1

Definition by reference to use or another entity *F-IV*, 4.14

Definition in terms of function F-IV, 6.5 Definition of essential features F-IV, 4.5.2 General remarks and definitions G-II, 5.1, G-IV, 1

Use of the description and/or drawings to establish definitions of clear terms given a definition different from their usual meaning B-III, 3.2.4

Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims B-III, 3.2.3

Definitive content F-II, 2.2

Deletion of part of the claimed subject-matter H-V,

Delivery of mail (Dislocation in ~) A-II, 1.7

Delivery of the decision *E-II*, 9

Department responsible D-VII, 4.4, D-X, 4.1 Procedure where the patent proprietor is not entitled D-VII, 4.4

Substantive examination (limitation) D-X, 4.1

# Departments of the EPO (Taking of evidence by the $\sim$ ) E-III, 1

Dependent claims F-V, 9, G-VII, 13

Dependent claims pursuant to Art. 54(5) G-VI, 7.1.5

Independent and dependent claims B-III, 3.7, F-IV, 3.4

Search on dependent claims B-III, 3.8

Support for dependent claims F-IV, 6.6

Treatment of dependent claims under Rule 62a B-VIII, 4.6

#### **Deposit**

Application of the ten-day fail-safe arrangement to the replenishment of deposit accounts *A-X, 6.2.2* Debit orders for deposit accounts held with the EPO *A-II, 1.6* 

Deposit accounts with the EPO A-X, 4.2

Date of receipt of the debit order A-X, 4.2.4

Debiting the deposit account A-X, 4.2.3

Insufficient funds A-X, 4.2.4

Payments to replenish a deposit account <u>A-X, 4.2.2</u>

Deposit of biological material F-III, 6.3

New deposit of biological material A-IV, 4.1.1 Deposit thereof A-IV, 4.1

Application was filed by reference to a previous application <u>A-IV, 4.1.2</u>

New deposit of biological material A-IV, 4.1.1

#### **Derogations**

Derogations from language requirements <u>D-III, 4</u> Derogations from the language of the proceedings in oral proceedings <u>A-VII, 4, E-IV</u>

Exceptions from sections 1 and 2 *E-IV*, 3 Language of a Contracting State or other language *E-IV*, 2 Language used by employees of the EPO *E-IV*, 5 Language used in the minutes *E-IV*, 6 Language used in the taking of evidence *E-IV*, 4

Use of an official language <u>E-IV, 1</u>

Derogations from the language of the proceedings in written proceedings <u>A-VII, 3</u>
Admissible non-EPO languages <u>A-VII, 3.2</u>

Documents filed as evidence A-VII, 3.4 Parties' written submissions A-VII, 3.1

Priority document A-VII, 3.3

Third-party observations A-VII, 3.5

# Description A-II, 4.1.3, F-II, 1

Adaptation of the description  $\underline{C-V}$ ,  $\underline{4.5}$  Alteration, excision or addition of text in the description  $\underline{H-V}$ ,  $\underline{2.6}$ 

Amendment H-IV, 2.2.7, H-V, 2.2, H-VI, 2.2 Amendments in the description H-V, 2

Applications containing missing parts of description and/or drawings filed under Rule 56 EPC or Rule 20 PCT B-XI, 2.1

Cases of oral description G-IV, 7.3.1

Citation of prior art in the description after the filing date <u>H-IV, 2.2.7</u>

Claims with explicit references to the description or drawings <u>B-III</u>, 3.2.1

Consistent use of reference signs as between description, claims and drawings <u>A-IX, 7.5.4</u>

Content F-II, 4.1

Correction A-VI, A-VI, 1.3, H-VI, 2.2

Correction of description, claims and drawings <u>H-VI</u>, 2.2.1

Description (formal requirements) F-II, 4

Background art F-II, 4.3

Computer programs F-II, 4.12

Industrial application F-II, 4.9

Irrelevant matter F-II, 4.4

Manner and order of presentation F-II, 4.10

Physical values, units F-II, 4.13

Reference in the description to drawings F-II, 4.7

Reference signs F-II, 4.8

Registered trademarks F-II, 4.14

Rule 42(1)(c) vs. Art. 52(1) F-II, 4.6

Technical field F-II, 4.2

Technical problem and its solution F-II, 4.5

Terminology F-II, 4.11

Description and drawings C-IX, 1.5

Different description for different Contracting States <u>G-IV, 6</u>

Examination of the description and/or drawings <u>H-IV</u>, <u>4.4.2</u>

Features described in a document cross-referenced in the description <u>H-IV, 2.2.1</u>

Late filing of missing drawings or missing parts of the description A-II, 5, A-II, 5.1, A-II, 5.2

Matters to be determined by the Division in cases of oral description G-IV, 7.3.3

Missing drawings or parts of the description filed under Rule 56 *C-III*, 1.1.1

Missing parts of description and missing drawings filed as corrections under Rule 139  $\,$  H-VI, 2.2.2

Missing parts of the description or missing drawings filed after the date of filing *H-IV*, 2.2.2

Non-prejudicial oral description G-IV, 7.3.2

Reference to a previously filed application A-II. 4.1.3.1
State of the art made available by means of oral

description G-IV, 7.3

Subject-matter taken from the description <u>H-II, 6.2</u>

Support in description F-IV, 6

Tables in the description A-IX, 11.2.1

Use of the description and/or drawings to establish definitions of clear terms given a definition different from their usual meaning <u>B-III. 3.2.4</u>

Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims *B-III*, 3.2.3

Use of the description and/or drawings to identify the technical problem B-III, 3.2.2

Withdrawal of late-filed missing drawings or missing parts of the description <u>A-II, 5.5</u>

#### **Designated Office**

Communication to the EPO as a designated Office *E-VIII*, 2.7

Review by the EPO as a designated Office <u>E-VIII, 2.9</u>

#### Designation

Designation fee A-III, 11.2.1, A-III, 11.2.2, A-III, 11.3.1, A-IV, 1.4.1, E-VIII, 2.3.11

Consequences of non-payment of the designation fee A-III, 11.2.3, A-III, 11.3.2

Designation fee(s), extension and validation fees C-II, 4

European divisional application A-III, 11.2.1, A-IV, 1.3.4, A-IV, 1.4.1

European patent applications filed on or after 1 April 2009 A-III, 11.2.2

Examination fee and designation fee <u>A-X, 5.2.2</u> Filing fee, designation fee, request for examination, search fee and claims fees <u>E-VIII, 2.1.3</u> Filing, search and designation fee(s) <u>A-IV, 1.4.1</u>

Filing, search and designation fee(s) <u>A-IV. 1.4.1</u> Indication of the purpose of the payment in the case of designation fees <u>A-X, 7.2</u>

Payment of designation fee A-III, 11.2.2

Provisions of Chapter A-III ("Examination of formal requirements") *E-VIII*, 2.3.11

Designation of Contracting States A-III. 11, A-IV. 1.3.4
European patent applications filed before 1 April 2009 A-III. 11.3

European patent applications filed on or after 1 April 2009 A-III, 11.2

Designation of inventor A-III, 5, A-IV, 1.5, E-VIII, 2.3.4 Deficiencies A-III, 5.5

Designation filed in a separate document <u>A-III, 5.3</u> European divisional applications <u>A-IV, 1.5</u> Examination of formal requirements <u>A-III, 5</u> Incorrect designation <u>A-III, 5.6</u> Notification <u>A-III, 5.4</u>

Waiver of right to be mentioned as inventor <u>A-III,</u> <u>5.2</u>

Of Contracting States A-IV, 1.3.4, A-VI, 1.3, C-V, 10 Withdrawal of application or designation E-VII, 7.1 Withdrawal of designation A-III, 11.2.4, A-III, 11.3.8

# Details and special features of the proceedings $\underline{D}$ -VII

Continuation of the opposition proceedings in the cases covered by Rule 84 *D-VII*, 5

Intervention of the assumed infringer <u>D-VII, 6</u> Procedure where the patent proprietor is not entitled <u>D-VII, 4</u>

Publication of a new specification of the patent <u>D-VII</u>,

Request for documents <u>D-VII, 2</u> Sequence of proceedings <u>D-VII, 1</u>

Transitional provisions for <u>Art. 54(4) EPC 1973</u> and <u>Art. 54(5)</u> <u>D-VII. 8</u>

Unity of the European patent D-VII, 3

# Details of the entitlements of witnesses and experts <u>E-III, 1.10.3</u>

Determination of the closest prior art G-VII, 5.1

Determination of the invention first mentioned in the claims F-V, 8.2

Determination of time limits E-VII, 1.1

Determining priority dates F-VI, 2

Examining the validity of a right to priority <u>F-VI, 2.1</u>
Priority claim not valid <u>F-VI, 2.3</u>
Some invention F VI 2.2

Same invention F-VI, 2.2

Some examples of determining priority dates F-VI, 2.4

Diagnostic methods <u>G-II, 4.2, G-II, 4.2.1, G-II, 4.2.1, G-II, 4.2.1.3</u>

Exceptions to patentability <u>G-II, 4.2</u>
Limitations of exception under <u>Art. 53(c)</u> <u>G-II, 4.2.1.3</u>
Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body <u>B-VIII, 2.1</u>

Surgery, therapy and diagnostic methods G-II, 4.2

#### Diagnostic uses pursuant to Art. 54(5) G-VI, 7.1.3

**Diagrams** A-IX, 1.1 Sectional diagrams A-IX, 7.3.1

**Different categories** <u>B-III, 3.10</u> Claims in different categories G-VII, 13

# Different sets of claims D-X, 10

Limitation is different for different contracting states because the claims as granted were different for different contracting states <u>D-X, 10.2</u>
Limitation results in the claims becoming different in different contracting states <u>D-X, 10.1</u>

Different text in respect of the state of the art according to <u>Art. 54(3)</u> and <u>Art. 54(4) EPC 1973</u> <u>H-111, 4.2</u>

Different text where a transfer of right has taken place pursuant to <u>Art. 61</u> or <u>Rule 78</u> in respect of certain designated states <u>H-III, 4.3</u>

Different text where a transfer of right takes place pursuant to <u>Art. 61</u> in examination proceedings <u>H-III</u>, <u>4.3.1</u>

Different texts where a transfer of the patent in respect of certain designated states takes place in opposition proceedings <u>H-III, 4.3.2</u>

Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to <u>Art. 61</u> took place in examination proceedings <u>H-III. 4.3.3</u>

Different text where a transfer of right takes place pursuant to <u>Art. 61</u> in examination proceedings <u>H-</u> III. 4.3.1

Different text where national rights of earlier date exist <u>H-III, 4.4</u>

# Different texts in respect of different Contracting States H-III. 4

Dealing with different texts in examination H-III, 4.1 Different text in respect of the state of the art according to Art. 54(3) and Art. 54(4) EPC 1973 H-III, 4.2 Different text where a transfer of right has taken place pursuant to Art. 61 or Rule 78 in respect of certain designated states H-III, 4.3

Different text where national rights of earlier date exist *H-III*, 4.4

Different texts where a transfer of the patent in respect of certain designated states takes place in opposition proceedings <u>H-III, 4.3.2</u>

Different types of search reports drawn up by the EPO  $B_{-}X_{-}2$ 

Difficulties in performing the invention F-III, 5.3

Disclaimer disclosed in the application as originally filed H-V, 3.5

# Disclaimers not disclosed in the application as originally filed H-V, 4

Subject-matter to be excluded is disclosed in the application as originally filed <u>H-V, 4.2</u> Subject-matter to be excluded is not disclosed in the application as originally filed (so-called undisclosed disclaimers) <u>H-V, 4.1</u>

#### **Disclosure**

Cases of partially insufficient disclosure <u>F-III, 5</u> Contents of prior-art disclosures <u>B-VI, 6</u> Disclosures which have no date or an unreliable date <u>G-IV, 7.5.4</u>

Documents which refer to a non-written disclosure  $\underline{B}$ - $\underline{X}$ , 9.2.3

Enabling disclosure of a prior document <u>G-VI, 4</u> Enabling disclosures <u>G-IV, 2</u>

Generic disclosure and specific examples <u>G-VI, 5</u> Implicit disclosure and parameters <u>G-VI, 6</u>

Insufficient disclosure <u>D-V, 4</u>

Insufficient disclosure of the invention <u>D-V, 4</u> Insufficient prior art disclosures <u>B-VI, 6.4</u>

Internet disclosures <u>B-VI, 7, G-IV, 7.5</u> Lack of support vs. insufficient disclosure <u>F-IV, 6.4</u>

Non-prejudicial disclosure <u>B-VI, 5.5</u>
Of the invention <u>B-III, 3.6, F-II, 4.1, F-III, 1, F-III, 2, F-</u>

III. 3, F-III, 6.1, F-IV, 6.4

Oral disclosure, etc. B-VI, 2

Subject-matter of the European patent extending

beyond the original disclosure D-V, 6

Sufficiency of disclosure F-III, F-III, 1

Sufficiency of disclosure and clarity F-III, 11

Sufficiency of disclosure and inventive step <u>F-III, 12</u>
Sufficiency of disclosure and <u>Rule 56</u> <u>F-III, 10</u>
Summary of the disclosure <u>F-II, 2.3</u>

Discoveries G-II, 3.1

Discretion regarding grant of requests for videoconferences <u>E-II, 11.1.1</u>

Dislocation in delivery of mail A-II, 1.7

Disparaging statements A-III, 8.2, F-II, 7.3

Dispensing with the supplementary European search report <u>B-II, 4.3.1</u>

**Display at an exhibition** A-IV, 3 Certificate of exhibition A-IV, 3.1 Defects in the certificate or the identification A-IV, 3.2 Identification of invention A-IV, 3.1

# Distinction between allowable and unallowable amendments $D-V_1$ , 6.2

Divisional application <u>C-IX. 1, E-VIII. 2.4.1, H-IV.</u> 2.3.2

Abandonment of subject-matter *C-IX, 1.3*Additional fee for divisional applications *A-III, 13.3*Additional fee for divisional applications of second or subsequent generations *A-IV, 1.4.1.1*Claims *C-IX, 1.6* 

Date of filing of a divisional application <u>A-IV, 1.2</u> Description and drawings <u>C-IX, 1.5</u> European divisional application <u>A-IV, 1, A-VII, 1.3</u> European divisional applications: other formalities

European divisional applications: other formalities examination <u>A-IV, 1.7</u> Examination of a divisional application <u>C-IX, 1.4</u>

Filing a divisional application A-IV, 1.3, C-III, 3.2
Persons entitled to file a divisional application A-IV, 1.1.3

Priority claim of a divisional application  $\underline{A-IV}$ , 1.2.2 Provisions of Chapter  $\underline{A-IV}$  ("Special provisions")  $\underline{E-VIII}$ , 2.4.1

Search, publication and request for examination of divisional applications <u>A-IV, 1.8</u>

Sequence listings of a divisional application <u>A-IV, 5.3</u> Sequences of divisional applications <u>A-IV, 1.1.2</u> Special applications <u>C-IX, 1</u>

Voluntary and mandatory division *C-IX*, *1.2* Where and how to file a divisional application *A-IV*, *1.3.1* 

#### **Documents**

Additional fee (if application documents comprise more than thirty-five pages) A-III, 13.2

Amendment by submitting missing documents or by filing replacement pages H-III, 2.2

Application documents for the supplementary European search report B-II, 4.3.3

Authoritative text of documents E-IX, 3

Cases in limitation proceedings where the application documents as filed are no longer available H-IV, 2.2.6

Citation of documents corresponding to documents not available or not published in one of the official EPO languages B-VI, 6.2 Citing documents not mentioned in the search report C-IV, 7.4 Correction of errors in decisions and related application and patent documents H-VI, 3 Correction of errors in documents filed with the EPO A-V, 3, H-VI, 2 "Corresponding documents" B-X, 9.1.2 Cross-references between prior art documents G-IV, 8 Date of reference for documents cited in the search report B-VI, 5 Decision on the documents on the basis of which the patent is to be maintained D-VI, 7.2.2 Document camera E-II, 11.2.2 Documents cited for other reasons B-X, 9.2.8 Documents cited in the application B-X, 9.2.7 Documents cited or supplied by the applicant B-IV, 1.3 Documents defining the state of the art and not preiudicing novelty or inventive step B-X, 9.2.2 Documents discovered after completion of the search B-IV, 3.2 Documents filed after filing the European patent application A-VIII, 3.1 Documents filed as evidence A-VII, 3.4 Documents filed in the wrong language A-VII, 5 Documents forming part of the European patent application A-VIII, 3.2 Documents in a non-official language G-IV, 4 Machine translations G-IV, 4.1 Documents making up the application, replacement documents, translations A-III, 3.2 Physical requirements of applications filed by reference to a previously filed application A-III, 3.2.1 Physical requirements of late-filed application documents A-III, 3.2.2 Documents making up the European patent application A-VIII, 2.1 Documents noted in the search B-X, 9 Categories of documents (X, Y, P, A, D, etc.) B-X, Identification of documents in the search report B-X, 9.1 Identification of relevant passages in prior art documents B-X, 9.4 Relationship between documents and claims B-X, 9.3 Documents published after the filing date B-VI, 5.4 Documents relating to the theory or principle underlying the invention B-X, 9.2.5 Documents relevant only to other inventions B-VII, 1.3 Documents which refer to a non-written disclosure B-

X, 9.2.3

2.7.4

Errors in documents A-VI, 1.3, H-VI, 2

Evaluation of prior art documents cited in search report

Filing of amended documents and new requests C-VII,

Errors in prior art documents G-IV, 9

and late priority claim C-III, 6

Filing of amended documents in reply to the notice of opposition D-IV, 5.3 Filing of subsequent documents A-VIII, 2.5 Form of documents A-VIII, 2 Intermediate documents B-VI, 5.2, B-X, 9.2.4 Invitation to file amended documents D-VI, 4.2 Language A-VII, 5, E-VIII, 4.3 Languages of the documents cited B-X, 9.1.3 Late receipt of documents E-VII, 1.7 Notification E-I, 2.1 Particularly relevant documents B-X, 9.2.1 Patent documents arranged for systematic access B-Physical requirements: other documents A-III, 3.3 Potentially conflicting patent documents B-X, 9.2.6 Priority documents A-VII, 3.3, A-XI, 6, E-VIII, 2.3.5, F-VI, 3.4, H-IV, 2.2.5 Priority documents issued by the EPO A-XI, 6 Procedure for amendments to documents H-III, 2 Published European applications as "E" documents B-Published international applications (WO) as "E" documents B-VI, 4.1.2 Reference documents F-III, 8, H-V, 2.5 Replacement documents and translations A-VIII, 2.2 Request for documents D-VII, 2 Signature of documents A-VIII, 3 Standards and standard preparatory documents G-IV, Subsequent filing of documents A-II, 1.5 Types of documents B-IV, 2.3 Use of "P" and "E" documents in the search opinion B-XI, 4.1 Double patenting G-IV, 5.4 Doubts as to the validity of the priority claim B-VI, 5.3 Drawings A-IX, E-VIII, 2.3.9, F-II, 5 Amendments A-V, 2.1, A-V, 2.2, A-VII, 2, A-IX, 10, C-II, 3.1, G-IV, 3 Amendments derived from drawings H-V, 6 Amendments to drawings A-IX, 10 Applications containing missing parts of description and/or drawings filed under Rule 56 EPC or Rule 20 PCT B-XI, 2.1 Claims with explicit references to the description or drawings B-III, 3.2.1 Conditions regarding the paper used A-IX, 3 Consistent use of reference signs as between description, claims and drawings A-IX, 7.5.4 Consistent use of reference signs as between drawings A-IX, 7.5.5 Content of a European patent application (other than claims) F-II, 5 Conventional symbols A-IX, 9 Correction A-VI, 1.3, H-VI, 2.2 Correction of description, claims and drawings H-VI, Description and drawings C-IX, 1.5

Different drawings for different Contracting States G-IV, 6

Drawings of lines and strokes A-IX, 7.1

European patent application A-IX

Examination of the description and/or drawings H-IV, 4.4.2

Executing of drawings A-IX, 7

Form *F-II*, *5.1* 

Form and content F-II, 5.1

General layout of drawings A-IX, 5

Graphic forms of presentation considered as

drawings A-IX, 1

Graphic forms of presentation not considered as

drawings A-IX, 11

Grouping of drawings A-IX, 2.1

Height of the numbers and letters in the drawings A-

Late filing of missing drawings or missing parts of the description A-II, 5, A-II, 5.1, A-II, 5.2

Missing drawings or parts of the description filed under Rule 56 C-III, 1.1.1

Missing parts of description and missing drawings filed as corrections under Rule 139 H-VI, 2.2.2

Missing parts of the description or missing drawings filed after the date of filing H-IV, 2.2.2

Numbering of sheets of drawings A-IX, 4.2

Photographs F-II, 5.3

Presentation of the sheets of drawings A-IX, 4

Printing quality F-II, 5.2

Prohibited matter A-III, 8.1, A-IX, 6, B-IV, 1.2

Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3.9

Publication of drawings in the abstract B-X, 7, F-II, 2.4 Reference in the description to drawings F-II, 4.7, F-IV, 4.17

Representation of drawings A-IX, 2

Reproducibility of drawings A-IX, 2.2

Scale of drawings A-IX, 7.4

Technical drawings A-IX, 1.1

Text matter on drawings A-IX, 8

Use of the description and/or drawings to establish definitions of clear terms given a definition different from their usual meaning B-III, 3.2.4

Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims B-III, 3.2.3

Use of the description and/or drawings to identify the technical problem B-III, 3.2.2

Withdrawal of late-filed missing drawings or missing parts of the description A-II, 5.5

Due date *A-X, 5.1.1* 

Due date for fees A-X, 5

Due date for specific fees A-X, 5.2

Claims fees *A-X*, *5.2.5* 

Examination fee and designation fee A-X, 5.2.2

Fee for grant and publishing A-X, 5.2.3

Fees for limitation/revocation, opposition, appeal,

petition for review A-X, 5.2.6

Filing fee and search fee A-X, 5.2.1

Renewal fees A-X, 5.2.4

### Duration of the periods to be specified by the EPO on the basis of EPC provisions E-VII, 1.2

Duties E-XII, 3.2

Allocation of duties and appointment of members of the Opposition Division D-II, 3

Allocation of individual duties D-II, 7

Composition and duties of the Examining Division E-XII, 3

Duties and powers of members D-II, 6

#### Е

# Earlier filed amendments or comments E-VIII, 3.3.1

Early processing *E-VIII*, 2.8

Economic effects G-II, 4.1.3

Effect of change in priority date E-VII, 1.5

Effect of statements made in an interview or by telephone C-VII, 2.5

Effectiveness and efficiency of the search **B-III**, 2.2

#### **Elected Office**

EPO as an elected Office pursuant to the PCT E-IX EPO as designated or elected Office E-VIII, 2

Electronic notification E-1, 2.4

# Electronic version of document cited B-X, 11.2

# **E-mail** *E-II*, 11.3.2

Examples of where e-mail could be used C-VII, 2.7.1 Inclusion in the file of any e-mail exchange C-VII, 2.7.5 Initiation of e-mail C-VII, 2.7.2

Telephone conversation, personal interview, e-mail C-VII, 2

Use of e-mail C-VII, 2.7

Embryos G-II, 5.3

Employees of the EPO (Language used by  $\sim$ ) E-IV,

Enabling disclosure of a prior document G-VI, 4

Enabling disclosures G-IV, 2

End of search B-IV, 2.6

Enforcement of the fixing of costs D-IX, 3

**Enlarged Board of Appeal (Stay of proceedings** when a referral to the  $\sim$  is pending) <u>E-VI, 3</u>

Enlargement of the Examining Division C-VIII, 7

#### **Entitlement**

Entitlement for certain designated States only C-IX.

Entitlement of parties to put questions at hearings E-III, 1.6.7

Entitlement to file the request E-VII, 3.1.2

Entitlement to oppose D-I, 4

Entitlements of witnesses and experts E-III, 1.10

Details of the entitlements of witnesses and experts *E-III, 1.10.3* 

Expenses for travel and subsistence E-III, 1.10.1 Loss of earnings, fees E-III, 1.10.2

# EPO as designated or elected Office E-VIII, 2

Communication to the EPO as a designated Office E-VIII, 2.7

Early processing *E-VIII*, 2.8

Inspection of files E-VIII, 2.10

Provisions of Chapter A-II ("Filing of applications and examination on filing") E-VIII, 2.2

Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3

Provisions of Chapter A-IV ("Special provisions") E-VIII, 2.4

Provisions of Chapter A-VI ("Publication of application; request for examination and transmission of the dossier to Examining Division") E-VIII, 2.5

Reduction and refunds of fees in respect of international (PCT) applications E-VIII, 2.6

Review by the EPO as a designated Office E-VIII, 2.9

#### **Errors**

Error margins in numerical values G-VI, 8.1 Errors in documents A-VI, 1.3, H-VI, 2

Correction of errors in documents filed with the EPO A-V, 3, H-VI, 2

Errors in prior art documents G-IV, 9

Errors in publication and formatting/editing errors H-VI,

Errors in the search report B-IV, 3.3

#### Essential features F-IV, 4.5

Cases where method steps require specific data processing means and/or require additional technical devices as essential features F-IV, 3.9.2 Definition of essential features F-IV, 4.5.2 Examples concerning essential features F-IV, An. Generalisation of essential features F-IV, 4.5.3 Implicit features F-IV, 4.5.4 Objections arising from missing essential features *F*-IV, 4.5.1

### Essentially biological processes for the production of plants or animals G-II, 5.4.2

Plant and animal varieties, essentially biological processes for the production of plants or animals G-II, 5.4

Establishing the publication date G-IV, 7.5.1

Establishment and issue of the technical opinion E-XII, 5.4

#### **Euro PCT**

Euro-PCT applications C-II, 1.2, C-III, 1.2, F-V, 13, G-IV, 5.2

Conflict with other European applications G-IV, 5.2 Euro-PCT applications entering the European phase before 1 April 2009 A-III, 11.3.9

International applications (Euro-PCT

applications) C-IX, 4

International applications with supplementary

search F-V, 13.2

International applications without supplementary search F-V, 13.1

International preliminary examination report (IPER) F-V, 13.3

Request for examination C-II, 1.2

Restricted IPER F-V, 13.4

Specific rules applicable to Euro-PCT

applications B-III, 3.3.2

Unity of invention F-V, 13

Euro-PCT applications entering the European phase A-III, 11.2.5

Euro-PCT applications entering the European phase before 1 April 2009 A-III, 11.3.9

Euro-PCT cases F-III, 6.5, H-II, 7.4

Amendments in case of non-unity H-II, 7.4 Inventions relating to biological material F-III, 6.5 Where the EPO does not perform a supplementary search H-II, 7.4.1

Where the EPO performs a supplementary search *H-II*, 7.4.2

# European applications C-III, 1.1

Claims filed after accordance of a date of filing C-III, 1.1.2

Conflict with other European applications G-IV, 5 Missing drawings or parts of the description filed under Rule 56 C-III, 1.1.1

Published European applications as "E" documents B-VI, 4.1.1

Search for conflicting European applications C-IV, 7.1

European divisional application A-IV, 1, A-VII, 1.3

Authorisations A-IV, 1.6

Claiming priority A-IV, 1.2

Date of filing of a divisional application A-IV, 1.2

Designation of Contracting States A-IV, 1.3.4

Designation of the inventor A-IV, 1.5

European divisional applications: other formalities

examination A-IV, 1.7

Fees A-III, 11.2.1, A-III, 13.1, A-IV, 1.3.4, A-IV, 1.4, A-IV, 1.4.1, A-IV, 1.4.3

Filing A-IV, 1.1

Filing a divisional application A-IV, 1.3

Inspection of files A-XI, 2.5

Language A-IV, 1.3.3, A-VII, 1.3

Search, publication and request for examination of

divisional applications A-IV, 1.8

# European patent

Accelerated prosecution of European patent

applications E-VII, 4

Adherence to the text of the European patent submitted

or approved by the patent proprietor D-VI, 2

Amendments D-VIII, 1.4.1

Certificate C-V, 12

Claims fees payable before the grant of the European

patent A-X, 7.3.2

Claims fees payable on filing the European patent

application A-X, 7.3.1

Consultation of the European Patent Register A-XI, A-

Content of a European patent application (other than claims) F-II

Designation of the inventor A-VI, 1.3

Documents filed after filing the European patent

application A-VIII, 3.1

Documents forming part of the European patent

application A-VIII, 3.2

Documents making up the European patent

application A-VIII, 2.1

European patent application F

European patent applications filed before 1 April

2009 A-III, 11.3

European patent applications filed on or after 1 April

2009 A-III, 11.2

European Patent Bulletin A-III, 5.2, C-V, 13

Extension and validation of European patent

applications and patents to/in States not party to the

EPC A-III, 12

Extent of protection F-IV, 4.12

Factors affecting the unity of the European patent D-

VII, 3.2

Grounds for opposition D-III, 5

Indication that a European patent is sought A-II, 4.1.1

Infringement E-XII, 1

Inspection of files A-XI, 1, A-XI, 2.3

Limitation of the option to withdraw the European patent

application A-IV, 2.3

Maintenance of the European patent as amended *D*-

VIII, 1.4

Opposition D-I, 2, E-XIII, 4

Payment or transfer to a bank account held by the

European Patent Organisation A-X, 4.1

Preclassification (routing) and official classification of

European patent applications B-V

Preparation of a decision to maintain a European patent

in amended form D-VI, 7.2

Publication C-V, 10, C-V, 11

Rejection of the opposition D-VIII, 1.3

Request from a national court for a technical opinion

concerning a European patent E-XII

Revocation of the European patent D-VIII, 1.2

Statement in the decision of the amended form of the

European patent D-VIII, 1.4.2

Subject-matter of the European patent extending

beyond the original disclosure D-V, 6

Text D-VI, 2.1, E-IX, 3

Transfer during the opposition period or during

opposition proceedings E-XIII, 4

Transfer of the European patent E-XIII, 4

Transfer of the European patent application *E-XIII*, 3

Unity *D-VII*, 3.1

Unity of the European patent D-VII, 3

# European patent application *F*

A 1, F-IV, 4.12

Abstract *F-II*, 1, *F-II*, 2.2

Accelerated prosecution of European patent

applications E-VII, 4

Additional fee A-III, 13.2

Amino acid sequences A-III, 1.2

Application documents A-IX

Biological material A-III, 1.2, A-IV, 4.1.1, F-III, 6.3

Claims fees payable on filing the European patent

application A-X, 7.3.1 Content of a European patent application (other than

claims) *F-II* Deficiencies A-II, 4.1.4

Designation of the inventor A-VI, 1.3

Documents filed after filing the European patent

application A-VIII, 3.1

Documents forming part of the European patent

application A-VIII, 3.2

Documents making up the European patent

application A-VIII, 2.1

Drawings *F-II, 1, F-IV, 1* 

European patent applications filed before 1 April

2009 A-III, 11.3

European patent applications filed on or after 1 April

2009 A-III, 11.2

Examination C-II, 1

Extension and validation of European patent

applications and patents to/in States not party to the

EPC A-III, 12

Extent of protection F-IV, 4.12

Filing *A-IV*, 1.1

Filing fee A-III, 13.2

Filing of the translation A-IV, 1.3.3, A-VII, 1.3, A-VII, 7,

A-X, 9.2.1

Further processing A-III, 5.5, A-IV, 5, A-VI, 2.3, C-II, 1

Inspection of files A-XI, 2.3

International application as European patent

application *E-VIII*, 2.5.1

Limitation of the option to withdraw the European patent

application A-IV, 2.3

Nucleotide sequences A-III, 1.2

Persons entitled to file European patent application A-

Preclassification (routing) and official classification of

European patent applications B-V

Publication E-VIII, 2.5.1

Re-establishment of rights A-III, 6.6

Request A-VI, 2.2, F-II, 1

Request for examination C-II, 1

Requirements F-II, 1

Text E-IX, 3

Transfer E-XIII, 3, E-XIII, 6.1

Transfer of the European patent application <u>E-XIII, 3</u>

Unity of invention B-II, 4.2, D-V, 2.2

# European patent applications filed before 1 April 2009 A-III, 11.3

Amount paid insufficient A-III, 11.3.3

Amount payable A-III, 11.3.7

Application deemed to be withdrawn A-III, 11.3.4

Consequences of non-payment of designation fees A-III, 11.3.2

Designation fee A-III, 11.3.1

Euro-PCT applications entering the European phase

before 1 April 2009 A-III, 11.3.9

Indication of the Contracting States A-III, 11.3.6

Request for Grant form A-III, 11.3.5

Time limits *A-III, 11.3.1* 

Withdrawal of designation A-III, 11.3.8

# European patent applications filed on or after 1 April 2009 A-III, 11.2

Consequences of non-payment of the designation

fee A-III, 11.2.3

Designation fee A-III, 11.2.1

Euro-PCT applications entering the European

phase A-III, 11.2.5

Payment of designation fee A-III, 11.2.2

Time limits A-III, 11.2.1

Withdrawal of designation A-III, 11.2.4

# **European Patent Bulletin** A-III, 5.2, C-V, 13 Mention of the publication of the European search report A-VI, 2.1

# **European Patent Office**

As receiving Office <u>E-VIII, 1</u> International preliminary examination <u>E-VIII, 1</u> International Searching Authority <u>E-VIII, 1</u>

# European Patent Organisation (Payment or transfer to a bank account held by the ~) A-X, 4.1

# **European patent specification**

New D-VII, 7

Publication *C-V, 10, C-V, 11, D-VII, 7* 

European search report A-VI, 1.3, A-X, 9.3.1, B-II, 4, B-II, 4.3, B-VII, 2.3, B-X, 4, B-X, 7, C-II, 1.2, C-II, 3.1, C-IV, 7.2, E-VIII, 2.5.2, F-II, 2.2, F-V, 13.1, F-V, 13.2

Application documents for the supplementary European search report B-II, 4.3.3

Applications for which a supplementary European search report is prepared <u>E-VIII, 3.1, E-VIII, 3.2</u> Content of the extended European search report (EESR) <u>B-VIII, 3.3, B-VIII, 4.3</u>

Dispensing with the supplementary European search report <u>B-II. 4.3.1</u>

Drawing up of European search report <u>B-I, 2</u> Mention of the publication of the European search report in the European Patent Bulletin <u>A-VI, 2.1</u> Partial European search report <u>B-VII, 1.1, B-X, 8, F-III,</u> 1, H-II, 2.3

Publication A-VI, 2.4

Reaction to the extended European search report (EESR) B-XI, 8

Separate publication of the European search report  $\underline{A}$ - $\underline{VI}$ , 1.5

Subject-matter searched <u>B-VIII, 1, B-VIII, 3, B-X, 8</u> Supplementary European search report <u>A-X, 9.3.1, B-II, 4.3, B-VII, 2.3, B-X, 4, B-XI, 2, B-XI, 8, C-II, 1.2, C-IV, 7.2, E-VIII, 3.1, F-V, 13.1, F-V, 13.2</u>

Supplementary European search report is required <u>B</u>-II, 4.3.2

Where the invention lacks unity B-VIII, 3.4, B-VIII, 4.5

#### European searches B-II, 4.1

Additional European searches <u>B-II, 4.2</u> Supplementary European searches <u>B-II, 4.3</u>

# Evaluation of an expert opinion E-III, 4.7

# Evaluation of an inspection *E-III, 4.8*

### Evaluation of evidence E-III, 4

Asking for evidence *E-III*, *4.4* Evaluation of an expert opinion *E-III*, *4.7* 

Evaluation of an inspection *E-III*, 4.8

Evaluation of the testimony of a witness *E-III, 4.5* 

Evaluation of the testimony of parties *E-III*, *4.6* 

Examination of evidence E-III, 4.3

Types of evidence E-III, 4.2

# Evaluation of prior art documents cited in search report and late priority claim <u>C-III.</u> 6

# Evaluation of the testimony of a witness *E-III*, 4.5

#### Evaluation of the testimony of parties E-III, 4.6

#### **Evidence**

Arguments and evidence submitted by the applicant *G-VII*, 11

Asking for evidence E-III, 4.4

Conservation of evidence *E-III*, 2

Costs arising from oral proceedings or taking of

evidence E-III, 1.9

Costs of taking evidence E-III, 3.5

Decision on the request and the taking of evidence *E-III*, 2.4

Documents filed as evidence A-VII, 3.4

Evaluation of evidence E-III, 4

Evidence taken by a competent court *E-III*, 3.2.2

Examination of evidence *E-III*, 4.3

Facts, evidence or amendments introduced at a late stage E-II, 8.6 Facts, evidence or grounds not submitted in due time E-V Language A-VII, 3.4, A-VII, 5 Language used in the taking of evidence E-IV, 4 Means of evidence E-III, 1.2 Means of giving or taking evidence *E-III*, 3.2 Minutes of taking of evidence *E-III*, 1.7 Not submitted in due time E-II, 8.6, E-V, 2 Order to take evidence E-III, 1.4 Producing evidence C-VII, 3.2 Request for the conservation of evidence E-III, 2.2 Taking and conservation of evidence E-III Taking of evidence C-VII, 3, D-VI, 1, D-VI, 7.1, E-III, 1.1, E-III, 1.3, E-III, 2.4 Taking of evidence by an appointed person E-III, 3.6 Taking of evidence by courts or authorities of the Contracting States E-III, 3 Taking of evidence by the departments of the EPO E-Taking of evidence on oath *E-III*, 3.2.1 Types of evidence E-III, 4.2 Written evidence C-VII, 3.3 Evident abuse G-V, 3 "Ex post facto" analysis G-VII, 8 Examination C-II, 1 Abstract in examination F-II, 2.7 Accelerated examination E-VII, 4.2 Additional searches during examination C-IV, 7.2 Amendments not admitted and/or not allowable, examination resumed C-V, 4.7 Auxiliary requests: in examination proceedings H-III, Basis for substantive examination E-VIII, 4.3.2 Basis for the examination D-VI, 2.1, D-X, 4.2 By the examining division A-I, 2, A-III, 3.2, A-VI, 2.4, C-II, 1 Compliance of amendments with other EPC requirements: in examination proceedings H-IV, 4.2 Dealing with different texts in examination H-III, 4.1 Different text where a transfer of right takes place pursuant to Art. 61 in examination proceedings H-III, 4.3.1 European divisional applications: other formalities examination A-IV, 1.7 Examination as to formal requirements A-III, A-III, 3.2 Abstract A-III, 10 Claim to priority A-III, 6 Claims fee A-III, 9 Correction of deficiencies A-III, 16 Designation of Contracting States A-III, 11 Designation of inventor A-III, 5 Extension and validation of European patent applications and patents to/in States not party to the EPC A-III, 12 Filing and search fees A-III, 13 Late filing of claims A-III, 15

Physical requirements A-III, 3

Prohibited matter A-III, 8 Representation A-III, 2 Request for grant A-III, 4 Title of the invention A-III, 7 Translation of the application A-III, 14 Examination as to personal particulars *E-III*, 1.6.5 Examination as to res gestae E-III, 1.6.6 Examination by the EPO of its own motion D-V, 2.2, E-V, E-V, 1 Late filed submissions E-V, 2 Limits on the obligation to undertake examination E-V, 1.2 Observations by third parties E-V, 3 Examination fee A-VI, 2.2, A-VI, 2.5, A-X, 10.2.4, C-II, 1, C-II, 1.1 Examination fee and designation fee A-X, 5.2.2 Reduction A-X, 9.2.1 Reduction in examination fee A-VI, 2.6, A-X, 9.2.3 Reduction of the examination fee where the international preliminary examination report is being drawn up by the EPO A-X, 9.3.2 Refund A-VI, 2.5, A-X, 10.2.4, C-II, 1.1 Refund of examination fee A-VI, 2.5, A-X, 10.2.4 Refund of the international preliminary examination fee A-X, 10.2.5 Examination for deficiencies in the notice of opposition D-IV, 1.2 Deficiencies which, if not remedied, lead to the opposition being deemed not to have been filed D-IV, 1.2.1 Deficiencies which, if not remedied, lead to the opposition being rejected as inadmissible D-IV, 1.2.2 Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination D-IV, 1 Forwarding of the notice of opposition to the formalities officer D-IV, 1.1 Issue of communications by the formalities officer as a result of examination for deficiencies D-IV, 1.3 Notifications to and observations by the patent proprietor D-IV, 1.5 Subsequent procedure D-IV, 1.6 Subsequent procedure in the event of deficiencies which may no longer be remedied D-IV, 1.4 Examination for deficiencies in the request D-X, 2 Deficiencies which lead to the request being deemed not to have been filed D-X, 2.1 Deficiencies which, if not remedied, lead to the request being rejected as inadmissible D-X, 2.2 Examination of a divisional application C-IX, 1.4 Examination of amendments C-IV, 5 Examination of amendments as to formalities A-V, Examination of evidence E-III, 4.3 Examination of novelty G-VI, 7 Second non-medical use G-VI, 7.2 Second or further medical use of known pharmaceutical products G-VI, 7.1 Examination of observations by third parties C-VII, 5 Examination of oppositions D-II, 4.1

Examination of replies and further stages of examination C-IV Admissibility of amendments made by the applicant C-IV, 6 Extent of examination of replies C-IV, 2 Further action upon examination of replies C-IV, 3 General procedure C-IV, 1 Later stages of examination C-IV, 4 New submissions in reply to summons C-IV, 8 Search-related issues in examination C-IV, 7 Examination of the admissibility of an intervention and preparations in the event of an intervention D-IV, 5.6 Examination of the description and/or drawings H-IV, 4.4.2 Examination of the grounds for opposition D-V, 2.2 Examination of the opposition during oral proceedings D-VI, 6 Examination of the priority document A-III, 6.4 Examination of the Request for Grant form A-III, 4.2 Further requirements laid down by Rule 41(2) A-III, Information on the applicant A-III, 4.2.1 Signature A-III, 4.2.2 Examination on filing A-II, 4, C-II, 1 Filing of applications and examination on filing A-II Minimum requirements for according a date of filing A-II, 4.1 Provisions of Chapter A-II ("Filing of applications and examination on filing") E-VIII, 2.2 Examination practice G-II, 2 Examination procedure E-VIII, 4 Admissibility during examination procedure H-II, 2 At least one communication in examination *E-VIII*, 4.1 No examination of multiple inventions in EP phase E-VIII, 4.2 Substantive examination of a Euro-PCT application accompanied by an IPER E-VIII, 4.3 Examination proceedings (ex parte) *E-II*, 8.5.1.2 Examining Division resumes examination after approval of the text C-V, 6 Extent of the examination D-V, 2 Filing fee, designation fee, request for examination, search fee and claims fees E-VIII, 2.1.3 Final stage of examination <u>C-V</u> First stage of examination C-III Formal requirements to be met before the Division starts substantive examination C-II Further ways to accelerate examination C-VI, 3 Indication of amendments made in main and/or auxiliary requests in examination proceedings H-III, 3.1.4 Influencing the speed of examination proceedings C-VI, 2 Initial processing and formal examination *E-VIII*, 2.1.2 International preliminary examination E-VIII, 1, E-IX International preliminary examination report (IPER) F-Invitation to file the translation before examination A-III, 6.8.1

Invitation to file the translation in

examination/opposition A-III, 6.8.2

Lack of unity during substantive examination F-V, 11 Late-filed requests after summons to oral proceedings in examination H-II, 2.7 Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to Art. 61 took place in examination proceedings H-III, 4.3.3 Other procedures in examination C-VII Preliminary examination E-XII, 5.2 Preparation of substantive examination D-IV, 5 Procedure for the examination of the opposition D-VI Procedure in examination proceedings E-II, 8.3.3.3, E-II, 8.7.2 Procedure up to substantive examination D-IV Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3 Provisions of Chapter A-VI ("Publication of application; request for examination and transmission of the dossier to Examining Division") E-VIII, 2.5 Purpose of examination C-I, 4 Reduction of the fees for the international search and international preliminary examination of an international application A-X, 9.3.3 Request for examination C-II, 1, E-VIII, 2.5.2 Request for examination and transmission of the dossier to Examining Division A-VI, A-VI, 2 Response filed before first communication in examination C-II, 3 Responsibility for formalities examination A-I, 2 Scope of the examination D-X, 4.3 Search and substantive examination B-II, 1 Search at the examination stage C-IV, 7.3 Search, publication and request for examination of divisional applications A-IV, 1.8 Substantive examination (limitation) D-X, 4 Substantive examination of opposition D-V Third-party observations during the examination D-X, Time limit for filing the request for examination A-VI, 2.2 Time limits and acceleration of examination C-VI Use of Rule 137(4) for amendments filed during oral proceedings in examination E-II, 8.8 When can summons to oral proceedings be issued in substantive examination E-II, 5.1 When does the Examining Division resume examination after approval C-V, 6.1 Examiner's approach B-XI, 3.7, F-V, 8 Analysis of the application and content of the search opinion B-XI, 3.7 Determination of the invention first mentioned in the claims *F-V*, 8.2 Reasoning for a lack of unity objection F-V, 8.1 Unity of invention F-V, 8

# Examiner's dossier B-XI, 3.1

# **Examining**

Examining Division proposes amendments in second Rule 71(3) communication C-V. 4.6.3

Examining Division resumes examination after approval of the text C-V. 6

Crediting of fees under Rule 71a(5) C-V, 6.3
Further communication under Rule 71(3) C-V, 6.2
When does the Examining Division resume
examination after approval C-V, 6.1

Examining the validity of a right to priority F-VI, 2.1

Example 1 G-VII, 5.4.2.1

Example 2 G-VII, 5.4.2.2

**Example 3** G-VII, 5.4.2.3

Example 4 G-VII, 5.4.2.4

Example of the accessibility of objects used  $\underline{G-IV}$ , 7.2.4

Example of the inaccessibility of a process  $\underline{G-IV}$ , 7.2.5

Examples concerning essential features F-IV, An.

Examples concerning oral proceedings in opposition procedure <u>E-V. 2.2</u>

Examples of applying the steps listed in G-VII,

**5.4** G-VII, 5.4.2

Example 1 *G-VII*, *5.4.2.1* 

Example 2 *G-VII*, 5.4.2.2

Example 3 *G-VII*, 5.4.2.3

Example 4 G-VII, 5.4.2.4

Examples of quotation for non-patent literature  $\underline{F}$ - $\underline{II}$ ,  $\underline{4.3.1.1}$ 

Examples of quotation for patent literature  $\underline{F-ll}$ , 4.3.1.2

Examples of where e-mail could be used <u>C-VII.</u> 2.7.1

Examples relating to the requirement of inventive step *G-VII*, *An*.

Application of known measures <u>G-VII, An., 1</u> Obvious combination of features <u>G-VII, An., 2</u> Obvious selection <u>G-VII, An., 3</u>

Overcoming a technical prejudice <u>G-VII, An., 4</u>

Examples: no amended claims filed with the appeal <u>E-XI, 7.4.1</u>

Exceptional case where amendments must be admitted H-II, 2.5.3

Exceptions <u>D-VII, 1.2</u>

Exceptions from sections 1 and 2 *E-IV*, 3

Exceptions to patentability <u>G-II, 4</u>

Considerations relating to specific exclusions from and exceptions to patentability <u>B-VIII, 2</u>
Matter contrary to "ordre public" or morality <u>G-II, 4.1</u>

Surgery, therapy and diagnostic methods G-II, 4.2

Exceptions where a reply to the <u>Rule 161(1)</u> invitation is not required *E-VIII*, 3.3

Earlier filed amendments or comments <u>E-VIII</u>, 3.3.1

Indications on Form 1200 <u>E-VIII, 3.3.5</u> Positive WO-ISA, SISR or IPER <u>E-VIII, 3.3.2</u>

Rule 161 communication issued before 1 April 2010 *E-VIII*, 3.3.3

Voluntary reply to Rule 161(1) communication *E-VIII*, 3.3.4

Exclusions and exceptions for biotechnological inventions *G-II*, 5

List of exceptions (Rule 28) G-II, 5.3

Excision of other inventions C-III, 3.2

Exclusions and exceptions for biotechnological inventions *G-11, 5* 

General remarks and definitions <u>G-II, 5.1</u>
List of exceptions (Rule 28) <u>G-II, 5.3</u>
Microbiological processes <u>G-II, 5.5</u>
Patentable biotechnological inventions <u>G-II, 5.2</u>
Plant and animal varieties, essentially biological

processes for the production of plants or animals <u>G-II</u>, <u>5.4</u>

Executing of drawings A-IX, 7

Cross-sections <u>A-IX, 7.3</u>
Drawings of lines and strokes <u>A-IX, 7.1</u>
Numbers, letters and reference signs <u>A-IX, 7.5</u>
Scale of drawings <u>A-IX, 7.4</u>

Shading A-IX, 7.2

Variations in proportions A-IX, 7.6

**Exhibitions** 

Certificate of exhibitions A-IV. 3.1 International exhibitions G-V, 4

Expenses for travel and subsistence <u>E-III, 1.10.1</u>

**Experts** 

Commissioning of experts *E-III*, 1.8

Details of the entitlements of witnesses and experts *E- III*, 1.10.3

Entitlements of witnesses and experts <u>E-III, 1.10</u>
Hearing of parties, witnesses and experts <u>E-III, 1.6</u>
Reimbursement for witnesses and experts <u>E-III, 1.0.1, E-III, 1.10.2</u>

Reimbursement of expenses *E-III, 1.10.1, E-III, 1.10.2* Summoning of parties, witnesses and experts *E-III, 1.5* 

Taking of evidence <u>D-VI, 1, E-III, 1.3</u>
Witnesses and experts not summoned <u>E-III, 1.6.2</u>

Expression "in" F-IV, 4.15

Extension <u>H-V, 7</u>

Assessment of impermissible extension of the protection conferred <u>H-IV, 3.5</u>
Designation fee(s), extension and validation fees <u>C-II</u>,

4

Extension and validation in/to states not party to the EPC General Part, 7

Extension and validation of European patent applications and patents to/in States not party to the EPC *A-III*, 12

Extension and validation deemed requested <u>A-III</u>, 12.4

National register A-III, 12.5

Time limit for payment of extension and validation

fees A-III, 12.2

Withdrawal of the extension or validation request A-III, 12.3

Extension and validation states A-IV, 1.3.5

Extension of a time limit E-VII, 1.6

Extension of the search <u>B-VI, 5.3</u>

#### **Extent**

Extent of examination of replies C-IV, 2

Extent of file inspection A-XI, 2.1

Extent of first analysis B-XI, 3.4

Extent of generalisation F-IV, 6.2

Extent of the examination D-V, 2

Examination of the grounds for opposition <u>D-V, 2.2</u> Extent to which the patent is opposed <u>D-V, 2.1</u> Extent of the formalities officer's obligation to issue the above communications <u>D-IV, 1.3.3</u>

Extracts (Summaries, ~ or abstracts) B-X, 11.5

#### F

# Factors affecting the unity of the European patent *D-VII*, 3.2

#### **Facts**

Facts and evidence, not submitted in due time  $\underline{E-V}$ , 2 Facts and submissions  $\underline{E-IX}$ , 4.3

Facts, evidence or amendments introduced at a late stage *E-II*, 8.6

Facts, evidence or grounds not submitted in due time  $\underline{E-V}$ 

Examination by the EPO of its own motion <u>E-V, 1</u> Late filed submissions <u>E-V, 2</u> Observations by third parties <u>E-V, 3</u>

Failure to reply in time <u>B-VIII, 4.2.1</u>
Failure to reply in time or no reply <u>B-VIII, 3.2.1</u>

**Failure to respond within a time limit** <u>E-VII, 1.8</u> Time limits and loss of rights resulting from failure to respond within a time limit <u>E-VII, 1</u>

Fax <u>E-II. 11.3.1</u>
Filing of applications by fax <u>A-II. 1.2</u>
Notices of opposition filed by fax <u>D-III. 3.3</u>

# Features described in a document cross-referenced in the description *H-IV*, 2.2.1

Features of the invention <u>F-IV, 2.1, F-IV, 2.2, F-IV, 4.5.1, F-V, 2, G-I, 2</u>

Fees A-IV, 1.4, A-X

Additional search fees paid C-III, 3.1.2

Administrative fees A-XI, 2.2, E-XIII, 3

Amendments or corrections filed in reply to a Rule 71(3)

communication: no payment of fees or filing of translations necessary <u>C-V, 4.1</u>

Applicant has not paid all additional search fees <u>B-VII</u>, 1.2.3

Calculation of claims fees H-III, 5

Cases under <u>Rule 62a</u> where claims fees are not paid *B-VIII*, *4.4* 

Claims fees due in response to Rule 71(3)

communication C-V, 1.4

Claims fees payable before the grant of the European

patent A-X, 7.3.2

Claims fees payable on filing the European patent application *A-X*, 7.3.1

Crediting of claims fees A-X, 11.2

Crediting of fees paid voluntarily C-V, 4.2

Crediting of fees under Rule 71a(5) A-X, 11

Currencies A-X, 3

Date considered as date on which payment is made A-X, 4

Designation fee(s), extension and validation fees <u>C-II.</u>

Due date for fees A-X, 5

Fee for grant and publishing <u>A-X, 5.2.3, C-V, 4.8.2</u> Crediting of the fee for grant and publishing <u>A-X,</u>

Due date for specific fees A-X, 5.2.3

Refund of the fee for grant and publishing <u>A-X</u>, 10.2.7, C-V, 9

Separate crediting of the fee for grant and publishing and claims fees *A-X, 11.3* 

Fee payments lacking a legal basis A-X, 10.1.1

Fees for limitation/revocation, opposition, appeal, petition for review *A-X, 5.2.6* 

Fees to be paid within the second Rule 71(3)

period *C-V, 4.8* 

Claims fees C-V, 4.8.1

Fees, non-payment B-III, 3.4

Fees, refund A-X, 10.2.1, C-III, 3.3

Filing and search fees A-III, 13

Filing fee, designation fee, request for examination, search fee and claims fees <u>E-VIII, 2.1.3</u>

Filing, search and designation fee(s) A-IV, 1.4.1

Indication of the purpose of payment in the case of claims fees <u>A-X, 7.3</u>

Indication of the purpose of the payment in the case of designation fees  $\underline{A-X}$ ,  $\underline{7.2}$ 

Invitation to pay additional search fees combined with invitation to restrict the scope of the search <u>C-III, 3.1.3</u> Invitation to pay further search fees <u>B-VII, 1.2</u>

Limitation to searched invention: no additional search

fees paid *C-III*, 3.1.1

Loss of earnings, fees E-III, 1.10.2

Methods of payment A-X, 2 No deferred payment of fees, no legal aid, no discretion A-X, 8 Payment in due time A-X, 6 Payment of fees A-X, 2 Purpose of payment A-X, 7 Reduction and refunds of fees in respect of international (PCT) applications E-VIII, 2.6 Reduction of fees A-III, 13.1, A-X, 9 Reduction of the fees for the international search and international preliminary examination of an international application A-X, 9.3.3 Refund of additional search fees C-III, 3.3 Refund of fees A-X, 10 Reimbursement of appeal fees E-XI, 7.3

Renewal fees A-IV, 1.4.3

Time limit for payment of extension and validation fees A-III, 12.2

### Field of application H-IV, 3.2

Figure accompanying the abstract A-III, 10.3, A-IX, 2.3, F-II, 2.4

Abstract A-III, 10.3

Representation of drawings A-IX, 2.3

Figures A-IX, 5.1, A-IX, 5.2, A-IX, 5.3 Numbering of figures A-IX, 5.2

File inspection *E-XII*, 5.5

Extent of file inspection A-XI, 2.1

File inspection before publication of the application A-XI, 2.5

Procedure for file inspection A-XI, 2.2 Restrictions to file inspection A-XI, 2.3

Communication of information contained in the files A-XI, 1

Communication of information from the files A-XI, 3 Inspection of files A-XI, A-XI, 1, A-XI, 2, E-VIII, 2.10

### Filing

Accorded date of filing still subject to review G-IV, 5.1.2

Admissible languages on filing A-VII, 1

Amendment by submitting missing documents or by filing replacement pages H-III, 2.2

Amendments or corrections filed in reply to a Rule 71(3) communication: no payment of fees or filing of

translations necessary C-V, 4.1

Applications containing claims filed after the accorded date of filing B-XI, 2.2

Citation of prior art in the description after the filing date H-IV, 2.2.7

Claims fees payable on filing the European patent application A-X, 7.3.1

Claims filed after accordance of a date of filing C-III, 1.1.2

Claims filed after the date of filing H-IV, 2.2.3 Date of filing A-II, 4.1.5, A-IV, 1.2.1, G-VII, 2 Date of filing of a divisional application A-IV, 1.2 Date of filing or priority date as effective date G-IV, 3 Documents filed after filing the European patent application A-VIII, 3.1

Filing a divisional application A-IV, 1.3, C-III, 3.2 Designation of Contracting States A-IV, 1.3.4 Extension and validation states A-IV, 1.3.5

Language requirements A-IV, 1.3.3

Request for grant A-IV, 1.3.2

Where and how to file a divisional application A-IV. 1.3.1

Filing a new application A-IV, 2.5

Filing a new priority claim A-III, 6.5.1

Filing and priority date B-VI, 5

Documents published after the filing date B-VI, 5.4 Doubts as to the validity of the priority claim **B-VI**, 5.3

Extension of the search B-VI, 5.3

Intermediate documents B-VI, 5.2

Matters of doubt in the state of the art B-VI, 5.6

Non-prejudicial disclosures B-VI, 5.5

Verification of claimed priority date(s) B-VI, 5.1

Filing and search fees A-III, 13

Additional fee (if application documents comprise more than thirty-five pages) A-III, 13.2

Additional fee for divisional applications A-III, 13.3 Payment of fees A-III, 13.1

Filing by reference A-VII, 1.2

Filing date as effective date F-VI, 1.1

Filing date changes A-II, 5.3

Filing fee A-III, 13.1, A-III, 13.2, A-VII, 1.1, A-X, 9.2.1 Additional fee as part of filing fee A-III, 13.2 European divisional application A-III, 13.1, A-III,

13.2, A-IV, 1.4.1 Filing fee and search fee A-X, 5.2.1

Filing fee, designation fee, request for examination, search fee and claims fees E-VIII, 2.1.3

Reduction of the filing fee A-X, 9.2.2

Filing of amended documents and new requests C-VII, 2.7.4

Filing of amended documents in reply to the notice of opposition D-IV, 5.3

Filing of amendments A-V, 2.1

Filing of applications and examination on filing A-II Examination on filing A-II, 4

Late filing of missing drawings or missing parts of the description A-II, 5

Persons entitled to file an application A-II, 2 Procedure on filing A-II, 3

Provisions of Chapter A-II ("Filing of applications and examination on filing") E-VIII, 2.2

Where and how applications may be filed A-II, 1 Filing of applications by delivery by hand or by postal services A-II, 1.1

Filing of applications by fax A-II, 1.2

Filing of applications by means of electronic communication A-II, 1.3

Filing of applications by other means A-II, 1.4

Filing of opposition after decision on limitation D-X, 7.2

Filing of subsequent documents A-VIII, 2.5

Filing with a competent national authority A-II, 3.2

Filing, search and designation fee(s) A-IV, 1.4.1

Additional fee for divisional applications of second or subsequent generations <u>A-IV, 1.4.1.1</u>

First filing A-III, 6.1, A-III, 6.2, E-VII, 7.1, F-VI, 1.3, F-VI, 1.4.1

Late filing of claims A-III, 15

Minimum requirements for according a date of filing  $\underline{A}$ - $\underline{II}$ ,  $\underline{4}$ .1

Missing parts based on priority, no change in filing date A-II, 5.4

Missing parts of the description or missing drawings filed after the date of filing *H-IV*, 2.2.2

Sequence listings filed after the date of filing <u>H-IV</u>, 2.2.4

Subsequent filing of documents A-II, 1.5

Time allowed for filing notice of opposition <u>D-III. 1</u>
Time limit for filing the request for examination <u>A-VI.</u>
2.2

Voluntary filing of the translation of the previous application *A-III*, 6.8.5

# Final decisions on an admissible opposition <u>D-VIII.</u>

Maintenance of the European patent as amended <u>D-</u>VIII, 1.4

Rejection of the opposition *D-VIII*, 1.3

Revocation of the European patent D-VIII, 1.2

### Final stage of examination C-V

Amendments or corrections filed in reply to a <u>Rule 71(3)</u> communication <u>C-V, 4</u>

Application deemed withdrawn C-V, 3

Certificate C-V, 12

Communication under Rule 71(3) C-V, 1

Correction of errors in the decision to grant C-V, 7

Decision according to the state of the file C-V, 15

European Patent Bulletin C-V, 13

Examining Division resumes examination after approval of the text *C-V*, 6

Further processing C-V, 8

Further requests for amendment after approval <u>C-V, 5</u> Grant of a patent <u>C-V, 2</u>

Publication of the patent specification <u>C-V, 10</u> Refund of the fee for grant and publishing <u>C-V, 9</u>

Refusal *C-V*, 14

Standard marks for indicating amendments or

corrections by the Divisions C-V, An.

Withdrawal before publication of the patent specification <u>C-V, 11</u>

### First application F-VI, 1.4

Situation in which it has to be checked whether the application from which priority is actually claimed is the "first application" in the sense of <u>Art. 87(1)</u> *F-VI. 2.4.4* Subsequent application considered as first application *F-VI. 1.4.1* 

# First communication C-III, 4

Admissibility during examination procedure: after receipt of the first communication - Rule 137(3) H-II, 2.3

Invitation to file comments and amendments  $\underline{C-III}$ ,  $\underline{4.2}$  Reasoning  $\underline{C-III}$ ,  $\underline{4.1}$ 

Response filed before first communication in examination *C-II*, 3

#### First stage of examination C-III

Amendments made by the applicant of his own volition <u>C-III. 2</u>

Evaluation of prior art documents cited in search report and late priority claim C-III, 6

First communication C-III, 4

Missing parts and elements C-III, 1

Requesting information on prior art (not confined to priority) *C-III*, 5

Unity of invention C-III, 3

# Fixing of costs

Appeals against the decision of the Opposition Division on the fixing of costs *E-XI*, 4

Enforcement of the fixing of costs D-IX, 3

Fixing of costs by the Opposition Division <u>D-IX, 2.1</u>
Appeal against the fixing of costs by the Opposition

Division D-IX, 2.2

Procedure for the fixing of costs D-IX, 2

### Flow sheets A-IX, 1.1

#### Form *B-X*, 3.1

Decision by means of a standard form <u>C-V, 15.2</u> Decision on the form of the opinion <u>E-III, 1.8.1</u>

Documents forming part of the European patent application <u>A-VIII</u>, 3.2

Examination of the Request for Grant form A-III, 4.2

Form and content F-II, 5.1

Form and content of claims F-IV, 2

Formulae and tables F-IV, 2.4

Technical features F-IV, 2.1

Two-part form F-IV, 2.2

Two-part form unsuitable *F-IV*, 2.3

Form and language of the search report B-X, 3

Account of the search B-X, 3.3

Data related to search strategies B-X, 3.4

Form *B-X*, 3.1

Language B-X, 3.2

Form of decisions, communications and notices  $\underline{E-1}$ ,  $\underline{1.3}$ 

Form of documents A-VIII, 2

Documents making up the European patent application A-VIII, 2.1

Filing of subsequent documents A-VIII, 2.5

Number of copies A-VIII, 2.4

Other documents A-VIII, 2.3

Replacement documents and translations <u>A-VIII,</u> 2.2

Form of signature A-VIII, 3.3

Form of the opposition D-III, 3.1

Form of the request and applicable time limit <u>*E-VII*</u>, 3.1.3

Graphic forms of presentation considered as drawings <u>A-IX, 1</u>

Graphic forms of presentation not considered as drawings <u>A-IX, 11</u>

Indications on Form 1200 E-VIII, 3.3.5

Preparation of a decision to maintain a European patent in amended form <u>D-VI, 7.2</u>

Publication in electronic form only <u>A-VI, 1.4</u>

Request for Grant form <u>A-III, 11.3.5</u>

Statement in the decision of the amended form of the European patent <u>D-VIII, 1.4.2</u>

Time limit and form of appeal <u>E-XI, 6</u>

Two-part form "wherever appropriate" <u>F-IV, 2.3.2</u>

Written form of decisions <u>E-IX, 4</u>

#### **Formal**

Formal deficiencies B-IV, 1.2

Communications concerning formal deficiencies A-V. A-V. 1

Formal procedure for limitation when the request is allowable  $\underline{D-X, 5}$ 

Formal requirements A-III, 1.1, E-II, 10.1

Claims (Art. 84 and formal requirements) F-IV
Description (formal requirements) F-II, 4

Examination as to formal requirements <u>A-III, A-III,</u> <u>3.2</u>

Provisions of Chapter A-III ("Examination of formal requirements") *E-VIII*, 2.3

Formal requirements to be met before the Division starts substantive examination <u>C-II</u>

Allocation of the application C-II, 2

Copy of the search results on the priority or priorities <u>C-II, 5</u>

Designation fee(s), extension and validation fees C-II, 4

Request for examination C-II, 1

Response filed before first communication in examination <u>C-II. 3</u>

#### Formalities check E-XII, 5.1

# Formalities examination

European divisional applications: other formalities examination <u>A-IV, 1.7</u> Responsibility for formalities examination <u>A-I, 2</u>

Format of background art citations <u>F-II, 4.3.1</u> Examples of quotation for non-patent literature <u>F-II, 4.3.1.1</u>

Examples of quotation for patent literature F-II, 4.3.1.2

Formulae and tables F-IV, 2.4

Formulating a search strategy B-IV, 2.2

Formulation of the objective technical problem G-VII, 5.2, G-VII, 5.4.1
Claims comprising technical and non-technical

features G-VII, 5.4.1

Problem-and-solution approach G-VII, 5.2

### Forwarding of applications A-II, 1.7

Forwarding of the notice of opposition to the formalities officer <u>D-IV, 1.1</u>

Functional definition of a pathological condition  $\underline{F}$ -1V, 4.22

Further action upon examination of replies <u>C-IV, 3</u> Further action where a request for a translation of the priority application was sent earlier in examination proceedings <u>C-IV, 3.1</u>

#### Further communication with the applicant C-VIII, 5

**Further processing** *C-V, 8, E-VII, 2*Crediting of fees under Rule 71a(5): further processing fee and crediting of fees *A-X, 11.4*Final stage of examination *C-V, 8*Time limits, loss of rights, further and accelerated processing and re-establishment of rights *E-VII, 2* 

# Further requests for amendment after approval $\underline{C}$ - $\underline{V}$ , $\underline{5}$

Admissibility during examination procedure: further requests for amendment after approval <u>H-II, 2.6</u>

# Further requirements G-1, 2

Examination of the Request for Grant form: further requirements laid down by Rule 41(2) A-III, 4.2.3

Further ways to accelerate examination C-VI, 3

#### G

# Games G-II, 3.5

Schemes, rules and methods for performing mental acts, playing games or doing business <u>G-II, 3.5</u>

General authorisation A-VIII, 1.6

**General considerations** <u>B-III, 3.3.1, C-VI, 1.1</u>
Amended claims or missing parts (<u>Rule 56</u>) <u>B-III, 3.3.1</u>
Time limits for response to communications from the examiner <u>C-VI, 1.1</u>

General examples in opposition proceedings <u>E-V.</u> 2.1

# General layout of drawings A-IX, 5

Numbering of figures <u>A-IX, 5.2</u> Page-setting <u>A-IX, 5.1</u> Whole figure <u>A-IX, 5.3</u>

# General Part General Part

Contracting States to the EPC <u>General Part, 6</u>
Explanatory notes <u>General Part, 2</u>
Extension and validation in/to states not party to the EPC <u>General Part, 7</u>
Preliminary remarks <u>General Part, 1</u>

Survey of the processing of applications and patents at the EPO <u>General Part, 5</u>
Work at the EPO <u>General Part, 4</u>

General principle D-IX, 1.1

General remarks and definitions G-II, 5.1, G-IV, 1

General rule for SI derived units F-II, An. 2, 1.2.1

General statements, "spirit" of invention F-IV, 4.4

General: further checks A-III, 1.2

Generalisation of essential features *F-IV*, 4.5.3

Generic disclosure and specific examples G-VI, 5

Germ line of human beings G-II, 5.3

#### Grant

Grant and publishing fee <u>C-V, 1.2</u> Grant of a European patent

Mention in the European Patent Bulletin <u>C-V, 2, C-V, 13</u>

Request for the grant *A-III*, 11.1, *A-III*, 11.3.5, *A-VI*, 2.2, *F-II*, 1

Grant of a patent C-V, 2

# Graphic forms of presentation considered as drawings A-IX, 1

Photographs A-IX, 1.2
Technical drawings A-IX, 1.1

# Graphic forms of presentation not considered as drawings <u>A-IX, 11</u>

Chemical and mathematical formulae <u>A-IX, 11.1</u> Tables <u>A-IX, 11.2</u>

Grounds for opposition D-III, 5

Examination of the grounds for opposition D-V, 2.2

Grouping of drawings A-IX, 2.1

Guidance to persons heard E-III, 1.6.3

#### н

# Handwritten amendments in oral proceedings <u>E-!!.</u> 8.7

Procedure in examination proceedings <u>E-II, 8.7.2</u> Procedure in opposition proceedings <u>E-II, 8.7.3</u>

Hatching A-IX, 7.3.2

# Hearing of parties D-VI, 1

Hearing of parties, witnesses and experts <u>E-III, 1.6</u>
Entitlement of parties to put questions at hearings <u>E-III, 1.6.7</u>
Examination as to personal particulars <u>E-III, 1.6.5</u>
Examination as to res gestae <u>E-III, 1.6.6</u>

Guidance to persons heard <u>E-III, 1.6.3</u> Separate hearings <u>E-III, 1.6.4</u> Witnesses and experts not summoned <u>E-III, 1.6.2</u>

Height of the numbers and letters in the drawings A-IX, 7.5.3

ı

# Identification of documents in the search report $\underline{B}$ - $\underline{X}$ , $\underline{9}$ .1

Bibliographic elements <u>B-X, 9.1.1</u>
"Corresponding documents" <u>B-X, 9.1.2</u>
Languages of the documents cited <u>B-X, 9.1.3</u>
Supplementary European search report <u>B-X, 9.1.4</u>

Identification of invention A-IV, 3.1

Identification of relevant passages in prior art documents <u>B-X, 9,4</u>

Identification of the patent application and type of search report B-X, 4

Impartiality of the Examining or Opposition Division  $\underline{E}$ 

Implicit disclosure and parameters G-VI, 6

Implicit features F-IV. 4.5.4 Implicit features or well-known equivalents G-VI. 2

Inadmissibility at a later stage D-IV, 5.1

Inclusion in the file of any e-mail exchange <u>C-VII.</u> 2.7.5

Inclusion of additional features <u>H-V, 3.2</u> Intermediate generalisations <u>H-V, 3.2.1</u>

Inconsistencies F-IV, 4.3

Incorrect compound records in online databases <u>B-VI. 6.5</u>

Incorrect designation A-III, 5.6

Incorrect preclassification B-V, 3

Independent and dependent claims <u>B-III, 3.7, F-IV,</u> 3.4

Kinds of claim *F-IV*, 3.4 Subject of the search *B-III*, 3.7

### Independent claims

Independent claims containing a reference to another claim or to features from a claim of another category *F-IV*, 3.8 Number of independent claims *F-IV*, 3.2

#### Indication

Indication of amendments and their basis under <u>Rule</u> 137(4) H-III, 2.1

Amendments withdrawn or superseded in the <u>Rule</u> 137(4) period <u>H-III, 2.1.2</u>

Rule 137(4) and oral proceedings H-III, 2.1.3
Rule 137(4) communication and response thereto H-III, 2.1.1

Transitional provisions relating to <u>Rule 137(4)</u> <u>H-III.</u> 2.1.4

Indication of amendments made in main and/or auxiliary requests in examination proceedings <u>H-III.</u> 3.1.4

Indication of the Contracting States <u>A-III, 11.3.6</u> Indication of the purpose of payment in the case of claims fees <u>A-X, 7.3</u>

Claims fees payable before the grant of the European patent <u>A-X, 7.3.2</u>

Claims fees payable on filing the European patent application *A-X*, *7.3.1* 

Indication of the purpose of the payment in the case of designation fees <u>A-X, 7.2</u>

Indication that a European patent is sought A-II, 4.1.1 Indications on Form 1200 E-VIII, 3.3.5

Indicators G-VII, An.

Application of known measures G-VII, An., 1
Obvious combination of features G-VII, An., 2
Obvious selection G-VII, An., 3
Overcoming a technical prejudice G-VII, An., 4
Secondary indicators G-VII, 10

### Individual features in a claim F-V, 6

Industrial application <u>B-VIII, 1, D-III, 5, F-II, 4.9, G-I, 1, G-II, 5.2, G-III, G-III, 1</u>

Description (formal requirements) F-II, 4.9 Industrial application vs. exclusion under Art. 52(2) G-III, 3

Method of testing <u>G-III, 2</u> Patentability <u>G-I, 1</u>

Sequences and partial sequences of genes G-III, 4

# Influencing the speed of examination proceedings <u>C-VI, 2</u>

#### Information

Infringement, technical opinion for a national court trying an infringement action <u>E-XII. 1</u>

Initial processing and formal examination <u>E-VIII.</u> 2.1.2

Initiation of e-mail C-VII, 2.7.2

Insertion of letters and words C-V, An., 1

**Insignificant amounts** A-X, 10.1.3 Refund A-X, 10.1.3

Insistence on unallowable amendments H-II, 3.4

**Inspection of files** A-XI, A-XI, 1, A-XI, 2, E-VIII, 2.10 Certified copies A-XI, 5

Communication of information from the files A-XI, 3 Confidentiality of the request A-XI, 2.4

Consultation of the European Patent Register A-XI, 4 EPO as designated or elected Office E-VIII, 2.10 Extent of file inspection A-XI, 2.1

File inspection before publication of the application  $\underline{A}$ - $\underline{XI}$ ,  $\underline{2.5}$ 

Files A-XI, 1

Priority documents issued by the EPO <u>A-XI, 6</u>
Procedure for file inspection <u>A-XI, 2.2</u>
Publication of bibliographic data before publication of the application <u>A-XI, 2.6</u>
Restrictions to file inspection <u>A-XI, 2.3</u>

#### Insufficient

Insufficient disclosure *F-III, 3*Cases of partially insufficient disclosure *F-III, 5*Insufficient disclosure of the invention *D-V, 4*Lack of support vs. insufficient disclosure *F-IV, 6.4*Insufficient funds *A-X, 4.2.4*Insufficient prior art disclosures *B-VI, 6.4* 

# Interlocutory decisions E-IX, 6

Interlocutory revision <u>E-XI, 7</u>
Reimbursement of appeal fees <u>E-XI, 7.3</u>
Remittal to the Board of Appeal <u>E-XI, 7.2</u>

# Intermediate

Intermediate and final products F-V, 3
Intermediate documents B-VI, 5.2, B-X, 9.2.4
Intermediate generalisations H-V, 3.2.1
Intermediate publication of another European application F-VI, 2.4.2
Intermediate publication of the contents of the priority application F-VI, 2.4.1

#### International

International (PCT) searches <u>B-II, 4.4</u>
International application <u>H-IV, 2.3.4</u>
Copy of the international application <u>E-VIII, 2.1.2</u>
Deemed withdrawn <u>E-VIII, 2.1.2</u>
Filing <u>E-VIII, 1</u>
International applications (Euro-PCT applications) <u>C-IX, 4</u>

International applications with supplementary search *F-V, 13.2* 

International applications without supplementary search *F-V.* 13.1

Potentially conflicting European and international applications <u>B-VI. 4.1</u>

Publication of the international application <u>*E-VIII*</u>, <u>2.5.1</u>

Published international applications (WO) as "E" documents *B-VI*, *4.1.2* 

Reduction of the fees for the international search and international preliminary examination of an international application *A-X*, *9.3.3* 

Translation *E-VIII*, 2.1.2, *E-VIII*, 2.5.1, *E-IX* 

International exhibitions G-V, 4

International preliminary examination <u>E-VIII, 1, E-IX</u> International preliminary examination report (IPER) <u>F-V, 13.3</u>

Reduction of the examination fee where the international preliminary examination report is being drawn up by the EPO <u>A-X, 9.3.2</u>

Reduction of the fees for the international search and international preliminary examination of an international application <u>A-X, 9.3.3</u>

Refund of the international preliminary examination fee A-X, 10.2.5

International search report (Amendments made in response to the WO-ISA, IPER or supplementary ~) C-III, 2.2

International Searching Authority

### International-type searches B-II, 4.5

Internet disclosures B-VI, 7, G-IV, 7.5

Burden of proof G-IV, 7.5.3

Disclosures which have no date or an unreliable date *G-IV*, 7.5.4

Establishing the publication date G-IV, 7.5.1

Problematic cases G-IV, 7.5.5

Standard of proof G-IV, 7.5.2

Technical details and general remarks G-IV, 7.5.6

# Interpretation F-IV, 4.2

Interpretation of claims B-III, 3.2

Ascertaining the existence of a fallback position <u>B</u>-<u>III, 3.2.5</u>

Claims with explicit references to the description or drawings <u>B-III, 3.2.1</u>

Clarity and interpretation of claims F-IV, 4

Use of the description and/or drawings to establish definitions of clear terms given a definition different from their usual meaning <u>B-III, 3.2.4</u>

Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims <u>B-III</u>, 3.2.3

Use of the description and/or drawings to identify the technical problem <u>B-III, 3.2.2</u>

# Interruption E-VI, 1

Cases in which the proceedings may be interrupted  $\underline{E}$ - $\underline{VI}$ , 1.1

Date of interruption *E-VI*, 1.3

Interruption and stay of the proceedings E-VI

Interruption E-VI, 1

Stay of proceedings under <u>Rule 14</u> due to pending national entitlement proceedings <u>E-VI, 2</u>

Stay of proceedings when a referral to the Enlarged

Board of Appeal is pending E-VI, 3

Interruption of proceedings E-VI, 1.3

Interruption of time limits A-IV, 2.2.4, D-VII, 4.3

Procedure where the patent proprietor is not entitled *D-VII*, 4.3

Stay of proceedings for grant A-IV, 2.2.4

Responsible department *E-VI, 1.2* 

Resumption of proceedings E-VI, 1.4

Resumption of time limits *E-VI*, 1.5

# Intervention of the assumed infringer <u>D-I, 5, D-VII,</u> 6

Interviews C-VII, 2.2

Oral proceedings and interviews held by videoconference *E-II*, 11

# <u>Introduction</u> of further examples and new effects <u>H-V, 2.2</u>

#### Invention G-II

Amendments in case of non-unity: no restriction to a single invention searched *H-II*, 7.3

Burden of proof as regards the possibility of performing and repeating the invention <u>F-III.</u> 4

Changing from one searched invention to another <u>C-III.</u> 3.4

Claims directed to computer-implemented

inventions F-IV, 3.9

Classification in cases of a lack of unity of invention <u>B</u>- <u>V</u>, <u>7</u>

Classification when the scope of the invention is not clear (e.g. a partial search) <u>B.V. 6</u>

Description F-II, 1, F-II, 4.1

Determination of the invention first mentioned in the claims *F-V*, 8.2

Difficulties in performing the invention *F-III*, 5.3

Disclosure <u>B-III, 3.6, F-II, 4.1, F-III, 1, F-III, 2, F-III, 3, F-IV, 6.4</u>

Documents relating to the theory or principle underlying the invention <u>B-X, 9.2.5</u>

Documents relevant only to other inventions <u>B-VII, 1.3</u> Examination practice <u>G-II, 2</u>

Examination procedure: no examination of multiple

inventions in EP phase E-VIII, 4.2

Exceptions to patentability G-II, 4

Excision of other inventions C-III, 3.2

Exclusions and exceptions for biotechnological inventions  $G-\underline{II}$ ,  $\underline{5}$ 

Features of the invention *F-IV*, 2.1, *F-IV*, 2.2, *F-IV*, 4.5.1, *F-V*, 2, *G-I*, 2

General statements, "spirit" of invention *F-IV*, *4.4* Identification of invention *A-IV*, *3.1* 

Industrial application F-II, 4.9, G-III, 1

Insufficient disclosure of the invention D-V, 4

Invention to be examined C-II, 1.3

Inventions relating to biological material F-III, 6 Biological material F-III, 6.1 Deposit of biological material F-III, 6.3 Euro-PCT cases F-III, 6.5 Priority claim F-III, 6.4 Public availability of biological material F-III, 6.2 Inventive step B-X, 9.2.1, F-IV, 4.23, G-VII, 1 Limitation to searched invention *C-III*, 3.1 List of exclusions G-II, 3 Multiple priorities claimed for different inventions in the application with an intermediate publication of one of the inventions F-VI, 2.4.3 Novelty F-IV, 4.23 Novelty of an invention F-IV, 4.23, G-IV, 1 Objections to unsearched inventions F-V, 11.2 Only variants of the invention are incapable of being performed F-III, 5.1 Origin of an invention G-VII, 9 Patentable biotechnological inventions *G-II*, *5.2* Restriction to a single, searched invention H-II, 7.1 Restriction to an unsearched invention H-II, 7.2 Same invention F-VI, 2.2 Selection inventions G-VI, 8, G-VII, 12 Technical features F-IV, 2.1, F-IV, 2.2, F-IV, 4.5.1, F-V, 2, G-I, 2 Title A-III, 1.2, A-III, 7.1, A-III, 7.2, B-X, 7, F-II, 3 Title of the invention A-III, 7, E-VIII, 2.3.6 Unity B-II, 4.2, B-III, 3.12, B-VII, 1.1, B-VIII, 3.4, B-VIII, 4.5, C-III, 3.1, C-III, 3.1.1, C-IX, 1.2, D-V, 2.2, F-IV, 3.2, F-IV, 3.3, F-IV, 3.7, F-V, 1, G-VI, 7.1 Unity of invention B-II, 4.2, B-III, 3.12, B-VII, B-VII, 1.1, B-VIII, 3.4, B-VIII, 4.5, C-III, 3, C-III, 3.1, C-III, 3.1.1, C-IX. 1.2, D-V, 2.2, F-IV, 3.2, F-IV, 3.3, F-IV, 3.7, F-V, F-V, 1, G-VI, 7.1

Inventive step B-X, 9.2.1, F-IV, 4.23, G-I, 1, G-IV, 5.1, G-VII, G-VII, 1 Arguments and evidence submitted by the applicant G-VII, 11 Categories of documents (X, Y, P, A, D, etc.) B-X, 9.2.1 Claims in different categories G-VII, 13 Combination vs. juxtaposition or aggregation G-VII, 7 Combining pieces of prior art G-VII, 6 Conflict with other European applications G-IV, 5.1 Date of filing G-VII, 2 Dependent claims G-VII, 13 Documents defining the state of the art and not prejudicing novelty or inventive step B-X, 9.2.2 "Ex post facto" analysis G-VII, 8 Examples relating to the requirement of inventive step G-VII, An. Indicators G-VII, An. Invention G-VII, 1 Obviousness G-VII, 4 Origin of an invention G-VII, 9 Patentability G-I, 1 Person skilled in the art G-VII, 3 Problem-and-solution approach G-VII, 5

Secondary indicators <u>G-VII, 10</u> Selection inventions <u>G-VII, 12</u> State of the art <u>G-VII, 2</u> Sufficiency of disclosure and inventive step F-III, 12

#### Inventor

Cancellation of the designation of the inventor <u>A-III.</u> 5.6

Designation A-III, 5.1, A-III, 5.2, A-XI, 2.1

Designation of inventor <u>A-III, 5, A-IV, 1.5, E-VIII, 2.3.4</u> Form <u>A-III, 5.1</u>

Period E-VIII, 2.3.4

Waiver of right to be mentioned as inventor A-III, 5.2

## Invitation A-II, 5.1

Exceptions where a reply to the <u>Rule 161(1)</u> invitation is not required <u>E-VIII, 3.3</u>

Invitation to file amended documents <u>D-VI, 4.2</u> Invitation to file authorisation <u>A-VIII, 1.7</u>

Invitation to file comments and amendments <u>C-III, 4.2</u> Invitation to file observations <u>D-VI, 3</u>

Opposition Division's communications <u>D-VI, 3.1</u> Summons to oral proceedings <u>D-VI, 3.2</u>

Invitation to file the translation A-VII, 1.4

Invitation to file the translation before

examination A-III, 6.8.1

Invitation to file the translation in

examination/opposition A-III, 6.8.2

Invitation to indicate subject-matter for search <u>B-VIII,</u> 3.1

Invitation to indicate which independent claim to search <u>B-VIII, 4.1</u>

Invitation to pay additional search fees combined with invitation to restrict the scope of the search <u>C-III, 3.1.3</u> Invitation to pay further search fees <u>B-VII, 1.2</u>

Applicant has not paid all additional search fees <u>B-VII, 1.2.3</u>

Cascading non-unity B-VII, 1.2.2

Invitation to the patent proprietor to submit comments and communication of opposition to the other parties concerned by the formalities officer <u>D-IV, 5.2</u> Invitation under both <u>Rule 62a(1)</u> and <u>Rule 63(1)</u> <u>B-VIII, 5</u>

Invitation under Rule 70a(1) C-II, 3.3

Reply to the invitation under Rule 62a(1) B-VIII, 4.2
Reply to the invitation under Rule 63(1) B-VIII, 3.2
Second Rule 71(3) invitation based on higher request initially rejected in first Rule 71(3) invitation C-V, 4.6.2
Without invitation A-II, 5.2

# Irregularities in the notification E-1, 2.6

Irrelevant matter F-II, 4.4, F-II, 7.4

Description (formal requirements) F-II, 4.4

Prohibited matter F-II, 7.4

# Issuance of certified copies A-XI

Certified copies A-XI, 5

Communication of information from the files <u>A-XI, 3</u> Consultation of the European Patent Register <u>A-XI, 4</u> Inspection of files <u>A-XI, 2</u>

Priority documents issued by the EPO A-XI, 6

# Issue of communications by the formalities officer as a result of examination for deficiencies D-IV, 1.3

Communication in the event of deficiencies as described in D-IV, 1.2.1, which, if not remedied, will lead to the opposition being deemed not to have been filed *D-IV*, 1.3.1

Communication in the event of deficiencies as described in D-IV, 1.2.2, which, if not remedied, will lead to rejection of the opposition as inadmissible D-IV, 1.3.2

Extent of the formalities officer's obligation to issue the above communications D-IV, 1.3.3

Issuing a further communication (no refusal) C-V, 15.4

Issuing a self-contained decision C-V, 15.3

Joint applicants A-VIII, 3.4

# Keeping the model *E-III*, 1.11.3

Kinds of claim F-IV, 3

Alternatives in a claim F-IV, 3.7 Arrangement of claims F-IV, 3.5

Categories F-IV, 3.1

Claims directed to computer-implemented

inventions F-IV, 3.9

Independent and dependent claims F-IV, 3.4 Independent claims containing a reference to another claim or to features from a claim of another category F-IV, 3.8

Number of independent claims F-IV, 3.2

Objection under Rule 43(2) or Rule 137(5) F-IV, 3.3 Subject-matter of a dependent claim F-IV, 3.6

#### Lack of support vs. insufficient disclosure F-IV, 6.4

Lack of unity *B-III*, *3.12* 

Classification in cases of a lack of unity of invention B-V, 7

Complete search despite of lack of unity B-VII, 2.2

Lack of unity "a priori" or "a posteriori" F-V, 7

Lack of unity and Rule 62a or Rule 63 B-VII, 3

Lack of unity during search F-V, 10

Lack of unity during substantive examination F-V, 11 Objections to unsearched inventions F-V, 11.2

Review of non-unity findings F-V, 11.3

Procedures in cases of lack of unity B-VII, 2

Reasoning for a lack of unity objection F-V, 8.1

#### Language

Admissible languages on filing A-VII, 1

Admissible non-EPO languages A-VII, 3.2

Authentic text of the application or patent A-VII, 8

Citation of documents corresponding to documents not available or not published in one of the official EPO

languages B-VI, 6.2

Correction and certification of the translation A-VII, 7 Derogations from the language of the proceedings in oral proceedings A-VII, 4

Derogations from the language of the proceedings in written proceedings A-VII, 3

Documents filed in the wrong language A-VII, 5 Language of a Contracting State or other language E-

Language of proceedings A-IV, 1.3.3, A-VII, 1.3, A-VII, 2, A-VII, 3.2, A-VII, 4, B-X, 3.2

Filing a divisional application A-IV, 1.3.3

Form and language of the search report B-X, 3.2 Languages A-VII, 2

Language requirements A-IV, 1.3.3

Derogations from language requirements D-III, 4 Language to be used E-XII, 4

Language used by employees of the EPO E-IV, 5 Language used in the minutes E-IV, 6

Language used in the taking of evidence E-IV, 4 Language(s)

Documents which have to be filed within a time limit A-VII, 3.2

Language(s), EPO H-III, 2.1

Languages of publication A-VII, 6

Languages of the documents cited B-X, 9.1.3

Minutes of oral proceedings E-II, 10.2

#### Late

Late arrival or non-appearance at oral proceedings E-II, 8.3.3

Procedure in examination proceedings *E-II*, 8.3.3.3 Procedure in opposition proceedings *E-II*, 8.3.3.2 Late filed submissions E-V, 2

Examples concerning oral proceedings in opposition procedure E-V, 2.2

General examples in opposition proceedings *E-V*, 2.1

Late filing of claims A-III, 15

Late filing of missing drawings or missing parts of the description A-II, 5, A-II, 5.1, A-II, 5.2

Filing date changes A-II, 5.3

Missing parts based on priority, no change in filing date A-II, 5.4

On invitation A-II, 5.1

Withdrawal of late-filed missing drawings or missing parts of the description A-II, 5.5

Without invitation A-II, 5.2

Late payments A-X, 10.1.2

Late receipt of documents E-VII, 1.7

## Late filed

Late-filed missing parts when priority is claimed A-II, 5.4.1

Late-filed requests after summons to oral proceedings in examination H-II, 2.7

Concept of "clear allowability" H-II, 2.7.1 Late-filed requests in opposition proceedings H-II, 3.5 Late-filed submissions E-IX, 5.4

# Later stages of examination C-IV, 4

# Leading lines A-IX, 7.5.1

#### Legal

Legal character and effect of the stay of proceedings D-VII, 4.1.2 Legal co-operation E-III, 3.1 Legal Division A-IV, 2.2.1, D-VII, 4.4, E-VI, 1.2, E-XIII, Legal nature and effects of the stay A-IV, 2.2.3 Legal practitioners A-VIII, 1.4 Legal remedy A-VI, 2.3 Legal status of decisions D-X, 8

# Legally qualified examiners D-II, 2.2

# Letters rogatory *E-III*, 3.1, *E-III*, 3.3

#### Licence

Exclusive licence E-XIII, 6.1 Licences and other rights E-XIII, 6 Cancellation of licences E-XIII, 6.2 Registration *E-XIII, 6.1* Registration of changes of name, transfers, licences and other rights E-XIII Sub-licence E-XIII, 6.1

#### Limitation

Limitation and revocation procedure D-X Decision on request for revocation D-X, 3 Different sets of claims D-X, 10 Examination for deficiencies in the request D-X, 2 Formal procedure for limitation when the request is allowable D-X, 5 Legal status of decisions D-X, 8 Multiple requests D-X, 11 Rejection of the request D-X, 6 Relation to opposition proceedings D-X, 7 Substantive examination (limitation) D-X, 4 Withdrawal of the request D-X, 9 Limitation is different for different contracting states because the claims as granted were different for different contracting states D-X, 10.2 Limitation of the option to withdraw the European patent application A-IV, 2.3 Limitation procedure D-X, 2.1, D-X, 4.2, D-X, 5 Amendments in limitation procedure H-II, 4 Limitation results in the claims becoming different in different contracting states D-X, 10.1 Limitation to searched invention C-III, 3.1 Additional search fees paid C-III, 3.1.2 Invitation to pay additional search fees combined with invitation to restrict the scope of the search C-III, 3.1.3 

Relation to unity in search C-III, 3.1.1 Limitations of exception under Art. 53(c) G-II, 4.2.1 Diagnostic methods G-II, 4.2.1.3 Surgery G-II, 4.2.1.1 Therapy *G-II*, 4.2.1.2

# Limits on the obligation to undertake examination E-V, 1.2

# List of exceptions (Rule 28) G-II, 5.3

List of exclusions G-II, 3 Aesthetic creations G-II, 3.4 Discoveries G-II, 3.1 Mathematical methods G-II, 3.3 Presentations of information G-II, 3.7 Programs for computers G-II, 3.6 Schemes, rules and methods for performing mental acts, playing games or doing business G-II, 3.5 Scientific theories G-II, 3.2

# List of professional representatives A-VIII, 1.4

## Long-felt need G-VII, 10.3

#### Loss

Loss of earnings, fees E-III, 1.10.2 Loss of right to priority A-III, 6.10 Loss of rights A-III, 11.2.5, A-X, 6.2.6, E-VII, 1.9, E-VII, 1.9.1, E-VIII, 2.1.2, E-VIII, 2.1.3 Cases of loss of rights E-VII, 1.9.1 Decision on a notified loss of rights at the request of the person concerned D-VIII, 2.3 Decision on loss of rights E-VII, 1.9.3 European patent applications filed on or after 1 April 2009 A-III, 11.2.5 Loss of rights and legal remedies A-III, 6.8.3 Noting and communication of loss of rights *E-VII*, 1.9.2 Noting of loss of rights A-X, 6.2.6 Ten-day fail-safe arrangement A-X, 6.2.6 Time limits and loss of rights resulting from failure to respond within a time limit E-VII, 1.9 Time limits and loss of rights resulting from failure to respond within a time limit E-VII, 1 Time limits, loss of rights, further and accelerated processing and re-establishment of rights E-VII

#### M

## Machine translations G-IV, 4.1

Main and auxiliary requests E-IX, 5.3 Main and auxiliary requests filed with the appeal *E-XI*, 7.4.3

# Maintenance of the European patent as amended D-VIII, 1.4

Statement in the decision of the amended form of the European patent D-VIII, 1.4.2 Taking of a final decision D-VIII, 1.4.1

Making suggestions B-XI, 3.8

Manner and order of presentation F-II, 4.10

Markush grouping F-V, 5

**Mathematical methods** <u>G-II, 3.3</u> List of exclusions <u>G-II, 3.3</u>

Matter contrary to "ordre public" or morality <u>F-II.</u>, 7.2, G-II, 4.1

Economic effects <u>G-II, 4.1.3</u> Offensive and non-offensive use <u>G-II, 4.1.2</u> Prohibited matter <u>G-II, 4.1.1</u>

Matters of doubt in the state of the art B-VI, 5.6

Matters to be determined by the Division as regards prior use  $G_{-}V$ , 7.2

Agreement on secrecy <u>G-IV, 7.2.2</u> Example of the accessibility of objects used <u>G-IV,</u> 7.2.4

Example of the inaccessibility of a process <u>G-IV, 7.2.5</u> Use on non-public property <u>G-IV, 7.2.3</u>

Matters to be determined by the Division in cases of oral description G-IV, 7.3.3

Meaning of opposition D-I, 1

Means of evidence E-III, 1.2

Means of giving or taking evidence <u>E-III. 3.2</u> Evidence taken by a competent court <u>E-III. 3.2.2</u> Taking of evidence on oath <u>E-III. 3.2.1</u>

# **Mental acts**

Schemes, rules and methods for mental acts <u>G-II, 3.5</u> Schemes, rules and methods for performing mental acts, playing games or doing business <u>G-II, 3.5</u> Merit of the request E-VII, 3.2

Method claim to product claim H-V, 7.3

Method claim to use claim H-V, 7.4

Method of and means for measuring parameters referred to in claims *F-IV*, *4.18* 

Method of notification E-1, 2.2

Method of refund A-X, 10.3

Method of testing G-III, 2

Methods for screening potential medicaments and clinical trials *G-II*, 4.2.2

Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body <u>B-VIII, 2.1</u>

Methods of payment A-X, 2

**Microbiological processes** *G-ll*, 5.2, *G-ll*, 5.5, *G-ll*, 5.5.1

Animal varieties <u>G-II, 5.5.1</u>
Exclusions and exceptions for biotechnological inventions <u>G-II, 5.5</u>
Repeatability of results of microbiological

processes G-II, 5.5.2

# Minimum requirements for according a date of filing A-II, 4.1

Date of filing A-II, 4.1.5
Deficiencies A-II, 4.1.4
Description A-II, 4.1.3

Indication that a European patent is sought <u>A-II, 4.1.1</u> Information concerning the applicant <u>A-II, 4.1.2</u>

#### Minutes

Minutes of an interview or telephone conversation <u>C-VII, 2.6</u>

Minutes of oral proceedings <u>E-II, 10</u> Formal requirements <u>E-II, 10.1</u>

Language E-II, 10.2

Request for correction of minutes *E-II*, 10.4

Subject-matter of minutes *E-II*, 10.3

Minutes of taking of evidence *E-III*, 1.7

# Missing

Missing drawings or parts of the description filed under Rule 56 *C-III*, 1.1.1

Missing information A-IV, 4.2

Missing parts and elements C-III, 1

Euro-PCT applications C-III, 1.2

European applications C-III, 1.1

Missing elements and parts filed under Rule 20.5

and 20.6 PCT C-III, 1.2

Missing parts based on priority, no change in filing date A-II, 5.4

Copy of the claimed priority A-II, 5.4.3

Late-filed missing parts when priority is claimed A-II, 5.4.1

Missing parts are completely contained in the claimed priority  $\underline{A-II}$ , 5.4.2

Translation of the priority A-II, 5.4.4

Missing parts of description and missing drawings filed as corrections under Rule 139 H-VI, 2.2.2 Missing parts of the description or missing drawings filed after the date of filing H-IV, 2.2.2

Models *E-III*, 1.11

Keeping the model <u>E-III, 1.11.3</u>
Must the model be considered <u>E-III, 1.11.2</u>

Procedure *E-III*, 1.11.4

When may models be submitted *E-III*, 1.11.1

Morality A-III, 8.1, G-II, 4.1, G-II, 4.1.1

Matter contrary to "ordre public" or morality <u>F-II, 7.2,</u> <u>G-II, 4.1</u>

Morality or "ordre public" A-III, 8.1

# More than one independent claim per category (Rule 62a) B-VIII, 4

Applications to which <u>Rule 62a</u> applies which also lack unity <u>B-VIII, 4.5</u>

Cases under <u>Rule 62a</u> where claims fees are not paid <u>B-VIII, 4.4</u>

Content of the extended European search report (EESR) <u>B-VIII, 4.3</u>

Invitation to indicate which independent claim to search *B-VIII*, *4.1* 

Reply to the invitation under <u>Rule 62a(1)</u> <u>B-VIII, 4.2</u> Treatment of dependent claims under <u>Rule 62a</u> <u>B-VIII, 4.6</u>

# Multiple priorities A-III, 6.3, F-VI, 1.5

Multiple priorities claimed for different inventions in the application with an intermediate publication of one of the inventions *F-VI*, *2.4.3* 

Multiple requests D-X, 11

Must the model be considered *E-III*, 1.11.2

# Ν

## **National**

National earlier rights B-VI, 4.2

National patent (Access to EPO documentation for the  $\sim$  offices) B-IX, 5

National patent application (Information concerning ~) <u>C-III, 5</u>

National register A-III, 12.5

Negative limitations (e.g. disclaimers) F-IV, 4.20

Neither main nor auxiliary requests allowable <u>H-III.</u> 3.1.3

New deposit of biological material A-IV, 4.1.1

New submissions in reply to summons C-IV, 8

No deferred payment of fees, no legal aid, no discretion A-X, 8

No meaningful search possible B-VIII, 3

Applications to which Rule 63 applies which also lack unity <u>B-VIII</u>, 3.4

Content of the extended European search report (EESR) *B-VIII*, 3.3

Invitation to indicate subject-matter for search <u>B-VIII.</u> 3.1

Reply to the invitation under Rule 63(1) B-VIII, 3.2

Non-entitlement to right to priority A-III, 6.9

Non-functional modification G-VII, 10.1

Non-patent literature arranged for library-type access  $\underline{B-IX}$ ,  $\underline{4}$ 

Composition B-IX, 4.1

Non-patent literature arranged for systematic access *B-IX*, 3

Periodicals, records, reports, books, etc. B-IX, 3.1

Non-patentability pursuant to Art. 52 to 57 D-V, 3

Non-prejudicial disclosure B-VI, 5.5, G-V

Evident abuse <u>G-V, 3</u> International exhibition <u>G-V, 4</u>

Time limit G-V, 2

Non-prejudicial oral description G-IV, 7.3.2

Non-traditional publications G-IV, 7.5.3.3

Notices of opposition filed by fax D-III, 3.3

Notices of opposition filed electronically D-III, 3.2

Notification <u>A-III, 5.4, A-III, 6.11, A-IV, 4.2, E-I, 2, E-I,</u>

2.1, E-I, 2.5, E-II, 6, E-VII, 1.9.2, E-IX, 9

Claim to priority A-III, 6.11

Communications and notifications <u>E-I, 2</u>

Communications and notifications *E-I* 

Decisions E-IX, 9

Electronic notification *E-I, 2.4* 

Irregularities in the notification *E-I*, *2.6* 

Loss of rights *E-VII*, 1.9.2

Method of notification E-I, 2.2

Notification by postal services *E-I*, 2.3

Notification to representatives *E-I*, 2.5

Notifications to and observations by the patent

proprietor *D-IV*, 1.5

Oral proceedings E-II, 6

Noting and communication of loss of rights <u>F-VII.</u> 1.9.2

Noting of loss of rights A-X, 6.2.6

Novelty G-VI

Documents defining the state of the art and not prejudicing novelty or inventive step B-X, 9.2.2 Enabling disclosure of a prior document G-VI, 4 Examination of novelty G-VI, 7 Generic disclosure and specific examples G-VI, 5 Implicit disclosure and parameters G-VI, 6 Implicit features or well-known equivalents G-VI, 2 Novelty of an invention F-IV, 4.23, G-IV, 1 Novelty of "reach-through" claims G-VI, 9 Relevant date of a prior document G-VI, 3 Selection inventions G-VI, 8 State of the art pursuant to Art. 54(2) G-VI, 1

#### Number

Number of communications *E-I*, *1.2*Number of copies *A-VIII*, *2.4*Number of independent claims *F-IV*, *3.2*Numbering of figures *A-IX*, *5.2*Numbering of sheets of drawings *A-IX*, *4.2*Numbers, letters and reference signs *A-IX*, *7.5*Arrows *A-IX*, *7.5.2*Consistent use of reference signs as between description, claims and drawings *A-IX*, *7.5.4*Consistent use of reference signs as between drawings *A-IX*, *7.5.5*Height of the numbers and letters in the drawings *A-IX*, *7.5.3*Leading lines *A-IX*, *7.5.1* 

# 0

Oath <u>E-III, 3.2.2</u> Taking of evidence on oath <u>E-III, 3.2.1</u>

Objection of lack of support F-IV, 6.3

Objection to an expert E-III, 1.8.2

Objection under Rule 43(2) or Rule 137(5) F-IV. 3.3

Objections arising from missing essential features *F-IV*, 4.5.1

Objections to unsearched inventions F-V, 11.2

Objective of the search B-II, 2

Obligation to give reasons H-III, 3.1.2

Observations by third parties <u>D-I, 6, E-V, E-V, 3</u> Examination by the EPO of its own motion <u>E-V, 1</u> Examination of observations by third parties <u>C-VII, 5</u> Late filed submissions <u>E-V, 2</u> Obvious combination of features G-VII, An., 2

Obvious selection G-VII, An., 3

Obviousness G-VII, 4

Offensive and non-offensive use G-II, 4.1.2

Official classification of the application B-V, 4

Official language

Official languages, of the Contracting States <u>A-X</u>, 9.2.1

Official languages, of the EPO <u>A-VII, 1.1, E-VIII, 4.3</u> Use of an official language <u>E-IV, 1</u>

Omission of matter from publication F-II, 7.5

Only variants of the invention are incapable of being performed <u>F-III, 5.1</u>

Opening of oral proceedings: non-appearance of a party *E-II*, 8.3

Checking the identity and authorisations of participants at oral proceedings  $\underline{E-II}$ , 8.3.1

Late arrival or non-appearance at oral proceedings *E- II.* 8.3.3

Opening the oral proceedings E-II, 8.3.2

Opening of the substantive part of the proceedings  $\underline{E-II}$ , 8.4

Opening the oral proceedings *E-II*, 8.3.2

#### Opinion

Amendments made in response to the search opinion *C-III*, *2.1* 

Analysis of the application and content of the search opinion <u>B-XI</u>, 3

Basis of the search opinion B-XI, 2

Comments and amendments in response to the search opinion <u>B-XI, 3.3</u>

Decision on the form of the opinion *E-III*, 1.8.1

Establishment and issue of the technical opinion <u>*E-XII*</u>, <u>5.4</u>

Evaluation of an expert opinion E-III, 4.7

No search opinion is issued B-XI, 7

Opinions of the Search Division B-III, 1

Opinions in relation to the search report <u>B-III, 1.1</u> Opinions on matters relating to limitation of the search <u>B-III, 1.2</u>

Positive opinion B-XI, 3.9

Priority claim and the search opinion B-XI, 4

Request from a national court for a technical opinion concerning a European patent <u>E-XII</u>

Response to the search opinion A-VI, 3, C-II, 3.1

Scope of the technical opinion *E-XII*, 2

Search opinion B-XI, B-XI, 1.1

Search opinion in cases of a limitation of the search <u>B-XI. 6</u>

Search opinion is part of the EESR <u>B-XI, 1</u> Technical opinion <u>E-XII, 1</u> Transmittal of the search report and search opinion B-

Unity in relation to the search opinion B-XI, 5 Use of "P" and "E" documents in the search opinion B-XI, 4.1

Opponent D-I, 6, D-IV, 1.2.2.1, D-IV, 1.2.2.2 Continuation on the death or legal incapacity of the opponent D-VII, 5.2

Death or legal incapacity of an opponent D-VII, 5.2 Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed E-II, 2.1

## Opposition D-III

Accelerated processing of oppositions E-VII, 5 Activity of the Opposition Division D-IV, 2 Amendments in reply to the notice of opposition *H-II*,

Amendments not related to the grounds of opposition H-II, 3.2

Appeal against the fixing of costs by the Opposition Division D-IX, 2.2

Appeals against the decision of the Opposition Division on the fixing of costs E-XI, 4

Basis of this ground for opposition D-V, 6.1 Communication in the event of deficiencies as described in D-IV, 1.2.1, which, if not remedied, will lead to the opposition being deemed not to have been filed *D-IV*, 1.3.1

Communication in the event of deficiencies as described in D-IV, 1.2.2, which, if not remedied, will lead to rejection of the opposition as inadmissible D-IV, 1.3.2

Communications from the Opposition Division D-VI. 4.1

Communications from the Opposition Division to the patent proprietor D-VI, 4

Content of the notice of opposition D-III, 6 Continuation after the opposition has been withdrawn D-VII, 5.3

Decision concerning the admissibility of an opposition, the patent proprietor being a party D-IV, 5.5 Decision concerning the awarding of costs by the

Opposition Division D-II, 4.2 Decision on the inadmissibility of an opposition or intervention D-VIII, 2.1

Decisions of the Opposition Division D-VIII Deficiencies which may no longer be remedied in accordance with Rule 77(1) and (2), resulting in the opposition being rejected as inadmissible D-IV, 1.4.2 Deficiencies which may no longer be remedied, as a result of which the opposition is deemed not to have been filed D-IV, 1.4.1

Deficiencies which, if not remedied, lead to the opposition being deemed not to have been filed D-IV, 1.2.1

Deficiencies which, if not remedied, lead to the opposition being rejected as inadmissible D-IV, 1.2.2 Derogations from language requirements <u>D-III, 4</u> Examination for deficiencies in the notice of opposition D-IV, 1.2

Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination D-IV, 1

Examination of oppositions D-II, 4.1

Examination of the grounds for opposition D-V, 2.2 Examination of the opposition during oral

proceedings D-VI, 6

Fees for limitation/revocation, opposition, appeal, petition for review A-X, 5.2.6

Filing of amended documents in reply to the notice of opposition D-IV, 5.3

Filing of opposition after decision on limitation D-X, 7.2 Final decisions on an admissible opposition D-VIII, 1 Fixing of costs by the Opposition Division D-IX, 2.1 Form of the opposition D-III, 3.1

Forwarding of the notice of opposition to the formalities officer D-IV, 1.1

Grounds for opposition D-III, 5

Impartiality of the Examining or Opposition Division E-

Invitation to file the translation in examination/opposition A-III, 6.8.2

Invitation to the patent proprietor to submit comments and communication of opposition to the other parties concerned by the formalities officer D-IV, 5.2 Meaning of opposition D-I, 1

Notice of intervention of the assumed infringer D-1, 5,

D-VII, 6 Notices of opposition filed by fax D-III, 3.3

Notices of opposition filed electronically D-III, 3.2

Opposition after surrender or lapse D-I, 2

Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to Art. 61 took place in examination proceedings H-III, 4.3.3 Opposition Division's communications D-VI, 3.1 Opposition Divisions D-II

Administrative structure D-II, 1

Allocation of duties and appointment of members of the Opposition Division D-II, 3

Allocation of individual duties D-II, 7 Allocation of tasks to members D-II, 5

Composition D-II, 2

Duties and powers of members D-II, 6

Tasks of the Opposition Divisions D-II, 4

Opposition fee D-III, 2 Opposition D-III, 2

Opposition procedure

Admissibility in opposition procedure H-II, 3 Examples concerning oral proceedings in opposition procedure E-V, 2.2

Opposition proceedings

Auxiliary requests: in opposition proceedings H-III,

Compliance of amendments with other EPC requirements: in opposition proceedings H-IV, 4.3 Continuation of the opposition proceedings in the cases covered by Rule 84 D-VII, 5

Costs *D-IX*, 1.1

Decision on closure of the opposition proceedings D-VIII, 2.5

Different texts where a transfer of the patent in respect of certain designated states takes place in opposition proceedings H-III, 4.3.2 Documents E-II, 8.7.1 General examples in opposition proceedings E-V, Intervention in opposition proceedings D-I, 5, D-VII, 6 Late-filed requests in opposition proceedings *H-II*. 3.5 Opposition proceedings (inter partes) E-II, 8.5.1.1 Oral proceedings D-VI, 3.2, D-VI, 7.1, E-II, 3, E-II, 8.1 Parties D-I, 6 Parties to opposition proceedings D-I, 6 Precedence of opposition proceedings D-X, 7.1 Procedure in opposition proceedings *E-II*, 8.3.3.2, E-II, 8.7.3 Relation to opposition proceedings D-X, 7 Revocation proceedings D-X, 2.1 Termination of opposition proceedings in the event of inadmissible opposition D-IV, 4 Procedure for the examination of the opposition D-VI Rejection of the opposition D-VIII, 1.3 Rejection of the opposition as inadmissible by the Opposition Division, the patent proprietor not being a party D-IV, 3 Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed E-II, 2.1 Several oppositions D-IV, 5.2 Signature of the notice of opposition D-III, 3.4 Submission in writing D-III, 3 Substantive examination of opposition D-V Territorial effect of the opposition D-I, 3

# Optional features F-IV, 4.9

#### Oral

1.2.2.1

Oral disclosure, etc. B-VI, 2 Oral proceedings C-VII, 4, D-VI, 1, E-II, H-III, 3.4.2, H-III, 3.5.3 Auxiliary requests: in limitation proceedings H-III, 3.5.3 Auxiliary requests: in opposition proceedings H-III, 3.4.2 Checking the identity and authorisations of participants at oral proceedings *E-II*, 8.3.1 Closure of oral proceedings E-II, 8.11 Communications/oral proceedings after resumption C-V, 4.7.1 Conduct of oral proceedings E-II, 8 Costs D-IX, 1.1, D-IX, 1.3, E-II, 8.3.3.1, E-III, 1.9 Costs arising from oral proceedings or taking of evidence E-III, 1.9 Delivery of the decision E-II, 9 Derogations from the language of the proceedings in oral proceedings A-VII, 4, E-IV

Time allowed for filing notice of opposition D-III, 1

Time limit for filing notice of opposition D-III, 1, D-IV,

Examination of the opposition during oral proceedings D-VI, 6 Examples concerning oral proceedings in opposition procedure E-V, 2.2 Handwritten amendments in oral proceedings *E-II*, 8.7 Language of proceedings A-VII, 4 Late arrival or non-appearance at oral proceedings E-II, 8.3.3 Late-filed requests after summons to oral proceedings in examination H-II, 2.7 Minutes of oral proceedings E-II, 10 Opening of oral proceedings: non-appearance of a party E-II, 8.3 Opening the oral proceedings *E-II*, 8.3.2 Oral proceedings at the instance of the EPO E-II, 4 Other procedures in examination C-VII, 4 Postponement of oral proceedings *E-II*, 7 Postponement of oral proceedings at the instigation of the Division E-II, 7.2 Preparation of oral proceedings *E-II*, 5 Request for further oral proceedings E-II, 3 Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed E-II, 2.1 Requesting postponement during oral proceedings E-II, 8.11.1 Requests for the postponement of oral proceedings E-II, 7.1 Rule 137(4) and oral proceedings H-III, 2.1.3 Status of oral proceedings held by videoconference E-II, 11.1.2 Summons to oral proceedings E-II, 6 Use of computer-generated slideshows in oral proceedings E-II, 8.5.1 Use of laptops or other electronic devices during either ex parte or inter partes oral proceedings *E-II*, 8.2.1 Use of Rule 137(4) for amendments filed during oral proceedings in examination E-II, 8.8 When can summons to oral proceedings be issued in substantive examination *E-II*, 5.1 Oral proceedings and interviews held by videoconference E-II, 11 Checking the identity of the representative *E-II*. Preparations for the video-conference *E-II*, 11.2 Recording of the video-conference *E-II*, 11.6 Requests for video-conferencing E-II, 11.1 Submissions E-II, 11.3 Technical problems E-II, 11.4 Oral proceedings at the request of a party *E-II*, 2 Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed E-II, 2.1 Order *E-IX*, 4.2 Date of receipt of the debit order A-X, 4.2.4

Debit orders A-X, 6.2.3

EPO A-II, 1.6

Debit orders for deposit accounts held with the

Manner and order of presentation F-II, 4.10

Order of claims F-IV, 4.24 Order to take evidence E-III, 1.4 Orders on remittal E-XI, 9.1

#### Ordre public

Inventions contrary to ordre public G-II, 4.1 Matter contrary to "ordre public" or morality F-II, 7.2, G-II, 4.1

Morality or "ordre public" A-III, 8.1

#### Organisation

Organisation and composition of the documentation available to the Search Divisions B-IX, 1.1 Payment or transfer to a bank account held by the European Patent Organisation A-X, 4.1

Origin of an invention G-VII, 9

Original application no longer pending C-IX, 2.2

Other procedures in examination C-VII Examination of observations by third parties C-VII, 5 Oral proceedings C-VII, 4 Taking of evidence C-VII, 3 Telephone conversation, personal interview, e-mail C-VII, 2

Overcoming a technical prejudice G-VII, An., 4

## P

PACE C-VI, 2

Page-setting A-IX, 5.1

Parameters F-IV, 4.11

Implicit disclosure and parameters G-VI, 6 Method of and means for measuring parameters referred to in claims F-IV, 4.18

# **Partial**

Partial entitlement C-IX, 2.3 Partial European search report B-VII, 1.1 Partial transfer of right by virtue of a final decision A-IV, 2.7

Particularly relevant documents B-X, 9.2.1

Parties to opposition proceedings D-I, 6

Parties' written submissions A-VII, 3.1

# Patent applications

Accelerated prosecution of European patent applications E-VII, 4 European patent applications filed before 1 April 2009 A-III, 11.3 European patent applications filed on or after 1 April 2009 A-III, 11.2

Extension and validation of European patent applications and patents to/in States not party to the EPC A-III, 12

Preclassification (routing) and official classification of European patent applications B-V Unpublished patent applications B-IX, 2.2

# Patent Cooperation Treaty (Applications under the ~ (PCT)) E-VIII

# Patent documents arranged for systematic access B-IX, 2

Patent family system B-IX, 2.4 PCT minimum documentation B-IX, 2.1 Search reports B-IX, 2.3 Unpublished patent applications B-IX, 2.2

Patent family members B-X, 11.3

Patent family system B-IX, 2.4

#### Patent proprietor

Adherence to the text of the European patent submitted or approved by the patent proprietor D-VI, 2 Communications from the Opposition Division to the patent proprietor D-VI, 4

Decision concerning the admissibility of an opposition, the patent proprietor being a party D-IV, 5.5 Invitation to the patent proprietor to submit comments and communication of opposition to the other parties concerned by the formalities officer D-IV, 5.2 Notifications to and observations by the patent proprietor D-IV, 1.5

Procedure where the patent proprietor is not entitled D-VII, 4

Rejection of the opposition as inadmissible by the Opposition Division, the patent proprietor not being a party D-IV, 3

Revocation of the patent in the event that the patent proprietor no longer wishes the patent to be maintained as granted D-VIII, 1.2.5

# Patent specification

Publication of the patent specification C-V, 10 Withdrawal before publication of the patent specification C-V, 11

Patentability B-VIII, 1, G, G-I, G-III, 1

Basic requirements G-I, 1

Considerations relating to specific exclusions from and exceptions to patentability B-VIII, 2

Exceptions G-II, 5.3

Exceptions to patentability G-II, 4

Further requirements G-I, 2

Observations by third parties D-I, 6

Subject-matter excluded from patentability under Art. 52(2) and (3) B-VIII, 2.2

Technical progress, advantageous effects G-I, 3

## Patentable biotechnological inventions G-II, 5.2

#### **Payment**

Condition for valid payment <u>A-X, 7.1.1</u> Date considered as date on which payment is made <u>A-X, 4</u>

Fee payments lacking a legal basis <u>A-X, 10.1.1</u> Indication of the purpose of payment in the case of claims fees <u>A-X, 7.3</u>

Indication of the purpose of the payment in the case of designation fees A-X, 7.2

Late payments A-X, 10.1.2

Methods of payment A-X, 2

Payment in due time A-X, 6

Ten-day fail-safe arrangement <u>A-X, 6.2</u> Payment of designation fee <u>A-III, 11.2.2</u>

Payment of fee at the normal fee rate A-X, 6.2.4

Payment of fees A-III, 13.1

Amendments or corrections filed in reply to a <u>Rule</u> 71(3) communication: no payment of fees or filing of translations necessary <u>C-V, 4.1</u>

No deferred payment of fees, no legal aid, no discretion A-X. 8

Payment or transfer to a bank account held by the European Patent Organisation <u>A-X, 4.1</u> Payments to replenish a deposit account <u>A-X, 4.2.2</u>

Purpose of payment A-X, 7, A-X, 7.1.2

Time limit for payment of extension and validation fees *A-III*, 12.2

#### PCT

Applications containing missing parts of description and/or drawings filed under Rule 56 EPC or Rule 20 PCT B-XI, 2.1

Applications under the Patent Cooperation Treaty (PCT) <u>E-VIII</u>

International (PCT) searches B-II, 4.4

Missing elements and parts filed under <u>Rule 20.5</u> and <u>20.6 PCT C-III, 1.2</u>

PCT vs. EPC provisions. *E-VIII* 2.1.4

PCT vs. EPC provisions *E-VIII*, *2.1.4*Reduction and refunds of fees in respe

Reduction and refunds of fees in respect of international (PCT) applications *E-VIII*, 2.6

Response to PCT actions prepared by the EPO  $\underline{C-II_t}$  3.2

Pendency of the earlier application A-IV, 1.1.1

Period allowed for remedying deficiencies <u>A-III,</u> <u>16.2</u>

Periodicals, records, reports, books, etc. B-IX, 3.1

#### Persons

Person skilled in the art <u>B-III, 3.2, B-X, 9.2.1, D-III, 5, D-V, 4, F-II, 4.1, F-III, 1, F-III, 2, F-III, 3, F-III, 6.3, F-IV, 6.4, G-I, 2, G-VII, 1, G-VII, 3</u>

Categories of documents (X, Y, P, A, D, etc.) <u>B-X, 9.2.1</u>

Common general knowledge of the skilled person *G-VII*, 3.1 Invention *G-VII*, 1

Inventions relating to biological material <u>F-III, 6.3</u> Inventive step G-VII, 3

Patentability G-I, 2

Subject of the search B-III, 3.2

Sufficiency of disclosure F-III, 1, F-III, 2, F-III, 3

Person to whom refund is payable A-X, 10.4

Persons attending the interview C-VII, 2.3

Persons entitled to appeal and to be parties to appeal proceedings <u>E-XI, 5</u>

Persons entitled to file a divisional application <u>A-IV</u>, <u>1.1.3</u>

Persons entitled to file an application A-II, 2

# Photographs A-IX, 1.2, F-II, 5.3

Drawings F-II, 5.3

Graphic forms of presentation considered as drawings *A-IX*, *1.2* 

## **Physical**

Physical requirements A-III, 3, E-VIII, 2.3.2

Documents making up the application, replacement documents, translations *A-III*, 3.2

Examination of formal requirements A-III, 3

Other documents A-III, 3.3

Physical requirements of applications filed by reference to a previously filed application <u>A-III.</u>, <u>3.2.1</u>

Physical requirements of late-filed application documents *A-III*, 3.2.2

Provisions of Chapter <u>A-III</u> ("Examination of formal requirements") <u>E-VIII</u>, <u>2.3.2</u>

Physical values, units F-II, 4.13

# Plant

Plant and animal varieties, essentially biological processes for the production of plants or animals  $\underline{G-II}$ ,  $\underline{5.4}$ 

Essentially biological processes for the production of plants or animals <u>G-II, 5.4.2</u>

Plant varieties G-II, 5.4.1

Exceptions to patentability G-II, 5.4

Plants, patentability G-II, 5.2

Processes for the production of plants G-II, 5.4

Points to be disregarded H-IV, 4.4.3

# Position of the Examining Division B-XI, 1.2

# **Positive**

Positive opinion <u>B-XI, 3.9</u> Positive statements <u>B-XI, 3.2.2</u>

Positive statements/suggestions <u>C-III, 4.1.2</u> Positive WO-ISA, SISR or IPER <u>E-VIII, 3.3.2</u>

Post ("Ex ~ facto" analysis) G-VII, 8

Postponement of oral proceedings <u>E-II, 7, E-II, 7.3</u>

Defined notice period E-II, 7.3

Postponement of oral proceedings at the instigation of the Division <u>E-II, 7.2</u>

Requests for the postponement of oral proceedings  $\underline{E}$ - $\underline{II}$ ,  $\underline{7.1}$ 

# Potentially conflicting European and international applications B-VI, 4.1

Published European applications as "E" documents B-

Published international applications (WO) as "E" documents B-VI, 4.1.2

Potentially conflicting patent documents B-X, 9.2.6

Precedence of opposition proceedings D-X, 7.1

Preclassification (routing and distribution) B-V, 2

# Preclassification (routing) and official classification of European patent applications B-V

Classification in cases of a lack of unity of invention B-

Classification of late-published search reports B-V, 5 Classification when the scope of the invention is not clear (e.g. a partial search) B-V, 6 Definitions B-V, 1 Incorrect preclassification B-V, 3

Official classification of the application B-V, 4 Preclassification (routing and distribution) B-V, 2 Verification of official classification B-V, 8

# Predictable disadvantage G-VII, 10.1

# Prefixes and their symbols used to designate certain decimal multiples and submultiples F-II, An. 2, 1.3

# Preliminary examination <u>E-XII, 5.2</u>

International preliminary examination E-VIII, 1, E-IX International preliminary examination report (IPER) F-V, 13.3

Reduction of the examination fee where the international preliminary examination report is being drawn up by the EPO A-X, 9.3.2

Reduction of the fees for the international search and international preliminary examination of an international application A-X, 9.3.3

Refund of the international preliminary examination fee A-X, 10.2.5

Preliminary remarks General Part, 1

# Preparation of a decision to maintain a European patent in amended form D-VI, 7.2

Decision on the documents on the basis of which the patent is to be maintained D-VI, 7.2.2 Procedural requirements D-VI, 7.2.1 Request for publishing fee, translations and a formally compliant version of amended text passages D-VI, 7.2.3

# Preparation of oral proceedings <u>E-II, 5</u>

When can summons to oral proceedings be issued in substantive examination E-II, 5.1

Preparation of substantive examination D-IV, 5 Communication of observations from one of the parties to the other parties D-IV, 5.4

Decision concerning the admissibility of an opposition, the patent proprietor being a party D-IV, 5.5 Examination of the admissibility of an intervention and preparations in the event of an intervention D-IV, 5.6 Filing of amended documents in reply to the notice of opposition D-IV, 5.3

Inadmissibility at a later stage D-IV, 5.1 Invitation to the patent proprietor to submit comments and communication of opposition to the other parties concerned by the formalities officer D-IV, 5.2

## Preparation of the decision D-VI, 7

Preparation of a decision to maintain a European patent in amended form D-VI, 7.2

Preparation of the search report B-IV, 3.1

# Preparations for the video-conference *E-II*, 11.2 Document camera E-II, 11.2.2

Room reservations E-II, 11.2.1

Presentation of the sheets of drawings A-IX, 4 Numbering of sheets of drawings A-IX, 4.2 Usable surface area of sheets A-IX, 4.1

Presentations of information G-II, 3.7 Data retrieval, formats and structures G-II, 3.7.2 User interfaces G-II, 3.7.1

Preventing publication A-VI, 1.2

Principle of equity D-IX, 1.4

Principles (Basic ~) H-IV, 3.1

Printing quality *F-II*, 5.2

#### **Prior art**

Citation of prior art in the description after the filing date H-IV, 2.2.7

Closest prior art and its effects on the search B-IV, 2.5 Combining pieces of prior art G-VII, 6 Cross-references between prior art documents G-IV, 8

Determination of the closest prior art G-VII, 5.1 Errors in prior art documents G-IV, 9

Evaluation of prior art documents cited in search report and late priority claim C-III, 6

Identification of relevant passages in prior art documents B-X, 9.4

Insufficient prior art disclosures B-VI, 6.4 Requesting information on prior art (not confined to priority) C-III, 5

# Prior use

Matters to be determined by the Division as regards prior use G-IV, 7.2 Public prior use G-IV, 1

Priority B-VI, 3, F-VI, F-VI, 1.2, G-IV, 3, G-IV, 5.1 Applications giving rise to a right of priority A-III, 6.2 Certified copy of the previous application (priority document) F-VI, 3.3 Conflict with other European applications G-IV, 5.1 Copy of the claimed priority A-II, 5.4.3 Copy of the previous application (priority document) A-III, 6.7 Copy of the search results for the priority or priorities A-III, 6.12, C-II, 5 Date of priority A-IV, 1.2.1, A-IV, 1.2.2, A-IV, 2.5, C-IX, 1.1, C-IX, 2.1, F-VI, 1.2, G-IV, 3, G-IV, 5.1 Declaration of priority A-III, 6.5, F-VI, 3.1, F-VI, 3.4 Examination of the priority document A-III, 6.4 Examining the validity of a right to priority F-VI, 2.1 Further action upon examination of replies: further action where a request for a translation of the priority application was sent earlier in examination proceedings C-IV, 3.1 Intermediate publication of the contents of the priority application F-VI, 2.4.1 Late-filed missing parts when priority is claimed A-II, Loss of right to priority A-III, 6.10 Missing parts are completely contained in the claimed priority A-II, 5.4.2 Missing parts based on priority, no change in filing date A-II, 5.4 Multiple priorities A-III, 6.3, A-III, 6.7, E-VII, 1.5, F-VI, Non-entitlement to right to priority A-III, 6.9 Period of priority A-III, 6.1, A-III, 6.6, A-III, 6.9, F-VI, Priority claim F-III, 6.4 Abandonment of priority claim F-VI, 3.5 Correcting an existing priority claim A-III, 6.5.2 Deficiencies in the priority claim and loss of the priority right A-III, 6.5.3 Doubts as to the validity of the priority claim B-VI, 5.3 Evaluation of prior art documents cited in search Filing a new priority claim A-III, 6.5.1 Priority claim not valid F-VI, 2.3 Priority claim of a divisional application A-IV, 1.2.2 Withdrawal of priority claim E-VII, 7.2 Priority claim and the search opinion B-XI, 4 Use of "P" and "E" documents in the search opinion B-XI, 4.1 Priority date Date of filing or priority date as effective date G-IV, Determining priority dates F-VI, 2 Effect of change in priority date E-VII, 1.5 Filing and priority date B-VI, 5 Some examples of determining priority dates *F-VI*, 2.4 Verification of claimed priority date(s) B-VI, 5.1 Priority date as effective date F-VI, 1.2

Date of filing or priority date as effective date G-IV,

Priority documents A-VII, 3.3, A-XI, 6, E-VIII, 2.3.5, F-VI, 3.4, H-IV, 2.2.5 Claiming priority F-VI, 3.4 Content of the application as "originally" filed H-IV, Derogations from the language of the proceedings in written proceedings A-VII, 3.3 Priority documents issued by the EPO A-XI, 6 Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3.5 Priority period A-III, 6.6 Re-establishment of rights in respect of the priority period F-VI, 3.6 Priority right F-VI, 1.2, F-VI, 2.2, G-IV, 3 Deficiencies in the priority claim and loss of the priority right A-III, 6.5.3 Requesting information on prior art (not confined to priority) C-III, 5 Right to priority F-VI, 1 Right to priority F-VI, 1.2 Situation in which it has to be checked whether the application from which priority is actually claimed is the "first application" in the sense of Art. 87(1) F-VI, 2.4.4 State of the art G-IV, 3 State of the art at the search stage B-VI, 3 Translation of priority already filed A-III, 6.8.4 Translation of the priority A-II, 5.4.4 Validly claiming priority F-VI, 1.3

# Problem-and-solution approach G-VII, 5 Claims comprising technical and non-technical features G-VII, 5.4 Could-would approach G-VII, 5.3 Determination of the closest prior art G-VII, 5.1 Formulation of the objective technical problem G-VII, 5.2

Procedure after searching <u>B-IV. 3</u>
Documents discovered after completion of the search <u>B-IV. 3.2</u>
Errors in the search report <u>B-IV. 3.3</u>
Preparation of the search report <u>B-IV. 3.1</u>

Procedure for amendments to documents <u>H-III, 2</u>
Amendment by submitting missing documents or by filing replacement pages <u>H-III, 2.2</u>
Amendments made by the EPO at the request of a party <u>H-III, 2.4</u>
Amendments using copies <u>H-III, 2.3</u>
Indication of amendments and their basis under <u>Rule 137(4) H-III, 2.1</u>
Withdrawal of amendments/abandonment of subject matter <u>H-III, 2.5</u>

# Procedure for file inspection A-XI, 2.2

Procedure for the examination of the opposition <u>D-VI</u>
Additional search <u>D-VI, 5</u>
Adherence to the text of the European patent submitted or approved by the patent proprietor <u>D-VI, 2</u>

Communications from the Opposition Division to the patent proprietor <u>D-VI, 4</u>
Examination of the opposition during oral

proceedings <u>D-VI, 6</u> Invitation to file observations <u>D-VI, 3</u>

Preparation of the decision D-VI, 7

# Procedure for the fixing of costs D-IX, 2

Appeal against the fixing of costs by the Opposition Division  $\underline{D\text{-}IX}$ , 2.2

Fixing of costs by the Opposition Division D-IX, 2.1

# Procedure formalities officer A-III, 16.1

# Procedure in examination proceedings $\underline{E-II}$ , $\underline{8.3.3.3}$ , $\underline{E-II}$ , $\underline{8.7.2}$

Handwritten amendments in oral proceedings *E-II*, 8.7.2

Late arrival or non-appearance at oral proceedings *E- II*, 8.3.3.3

# **Procedure in opposition proceedings** *E-II*, *8.3.3.2, E-II*, *8.7.3*

Handwritten amendments in oral proceedings  $\underline{E-II_c}$  8.7.3

Late arrival or non-appearance at oral proceedings <u>E-</u> <u>II. 8.3.3.2</u>

# Procedure on filing A-II, 3

Confirmation A-II, 3.1

Filing with a competent national authority <u>A-II, 3.2</u> Receipt <u>A-II, 3.1</u>

# Procedure prior to searching <u>B-IV, 1</u>

Analysis of the application B-IV, 1.1

Documents cited or supplied by the applicant <u>B-IV. 1.3</u> Formal deficiencies <u>B-IV. 1.2</u>

# Procedure up to substantive examination **D-IV**

Activity of the Opposition Division D-IV, 2

Examination for deficiencies in the notice of opposition and communications from the formalities officer arising from this examination  $\underline{D\text{-}IV, 1}$ 

Preparation of substantive examination <u>D-IV, 5</u> Rejection of the opposition as inadmissible by the Opposition Division, the patent proprietor not being a party <u>D-IV, 3</u>

Termination of opposition proceedings in the event of inadmissible opposition *D-IV*, 4

# Procedure where the patent proprietor is not entitled <u>D-VII, 4</u>

Continuation of proceedings <u>D-VII, 4.2</u>
Department responsible <u>D-VII, 4.4</u>
Interruption of time limits <u>D-VII, 4.3</u>
Stay of proceedings <u>D-VII, 4.1</u>

Procedures before the competent authority  $\underline{E-III}$ ,  $\underline{3.4}$ 

Procedures in cases of lack of unity <u>B-VII, 2</u> Complete search despite of lack of unity <u>B-VII, 2.2</u> Request for refund of further search fee(s) <u>B-VII, 2.1</u> Supplementary European search <u>B-VII, 2.3</u>

#### **Proceedings**

Admissibility during examination procedure: at an advanced stage of the proceedings <u>H-II, 2.4</u>
Admission of the public to proceedings <u>E-II, 8.1</u>
Amendments filed in reply to a <u>Rule 71(3)</u> communication: further course of proceedings <u>H-II, 2.5.2</u>

Ancillary proceedings D-II, 4.3

Art. 61 applications and stay of proceedings under Rule 14 A-IV, 2

Auxiliary requests: in examination proceedings <u>H-III.</u> 3.3

Auxiliary requests: in limitation proceedings <u>H-III, 3.5</u>
Auxiliary requests: in opposition proceedings <u>H-III, 3.4</u>
Cases in limitation proceedings where the application documents as filed are no longer available <u>H-IV, 2.2.6</u>
Cases in which the proceedings may be interrupted <u>E-VI, 1.1</u>

Checking the identity and authorisations of participants at oral proceedings *E-II*, *8*.3.1

Closure of oral proceedings E-II, 8.11

Communications/oral proceedings after resumption <u>C-V, 4.7.1</u>

Compliance of amendments with other EPC requirements: in examination proceedings *H-IV*, *4.2* Compliance of amendments with other EPC requirements: in limitation proceedings *H-IV*, *4.4* Compliance of amendments with other EPC requirements: in opposition proceedings *H-IV*, *4.3* 

Conduct of oral proceedings <u>F-II, 8, E-II, 8, 2</u>
Continuation of proceedings <u>D-VII, 4.2</u>

Continuation of the opposition proceedings in the cases covered by Rule 84 D-VII. 5

Continuation regardless of the stage reached in national proceedings *D-VII*, *4.2.2* 

Costs arising from oral proceedings or taking of evidence *E-III*, 1.9

Date of the stay of proceedings <u>A-IV, 2.2.2, D-VII,</u> <u>4.1.1</u>

Decision on closure of the opposition proceedings  $\underline{\textit{D-VIII.}}$  2.5

Decisions which do not terminate proceedings <u>D-VIII.</u> 2.2, <u>E-IX, 6</u>

Derogations from the language of the proceedings in oral proceedings <u>A-VII, 4, E-IV</u>

Derogations from the language of the proceedings in written proceedings A-VII, 3

Details and special features of the proceedings <u>D-VII</u> Different text where a transfer of right takes place pursuant to <u>Art. 61</u> in examination proceedings <u>H-III</u>, <u>4.3.1</u>

Different texts where a transfer of the patent in respect of certain designated states takes place in opposition proceedings <u>H-III. 4.3.2</u>

Examination of the opposition during oral proceedings *D-VI*, 6

Examination proceedings (ex parte) <u>E-II, 8.5.1.2</u> Examples concerning oral proceedings in opposition procedure <u>E-V, 2.2</u>

Further action upon examination of replies: further action where a request for a translation of the priority application was sent earlier in examination proceedings <u>C-IV, 3.1</u>

General examples in opposition proceedings <u>E-V, 2.1</u> Handwritten amendments in oral proceedings <u>E-II, 8.7</u> Indication of amendments made in main and/or auxiliary requests in examination proceedings <u>H-III, 3.1.4</u>

Influencing the speed of examination proceedings  $\underline{C}$ - $\underline{VI}$ ,  $\underline{2}$ 

Interruption and stay of the proceedings <u>E-VI</u> Interruption of proceedings <u>E-VI</u>, 1.3

Language of proceedings <u>A-IV, 1.3.3, A-VII, 1.3, A-VII, 2, A-VII, 3.2, A-VII, 4, B-X, 3.2</u>

Late arrival or non-appearance at oral proceedings <u>E</u>-<u>II, 8.3.3</u>

Late-filed requests after summons to oral proceedings in examination H-II, 2.7

Late-filed requests in opposition proceedings *H-II*, *3.5* Legal character and effect of the stay of proceedings *D-VII*, *4.1.2* 

Minutes of oral proceedings E-II, 10

Opening of oral proceedings: non-appearance of a party *E-II*, 8.3

Opening of the substantive part of the proceedings <u>F</u>-!!, 8.4

Opening the oral proceedings *E-II*, 8.3.2

Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to Art. 61 took place in examination proceedings H-III, 4.3.3 Opposition proceedings (inter partes) E-II, 8.5.1.1 Oral proceedings C-VII, 4, D-VI, 1, E-II, H-III, 3.4.2, H-III, 3.5.3

Oral proceedings and interviews held by videoconference <u>E-II, 11</u>

Oral proceedings at the instance of the EPO <u>E-II. 4</u>
Oral proceedings at the request of a party <u>E-II. 2</u>
Parties to opposition proceedings <u>D-I. 6</u>

Persons entitled to appeal and to be parties to appeal proceedings  $\underline{E-XI}$ ,  $\underline{5}$ 

Postponement of oral proceedings <u>E-II, 7, E-II, 7.3</u> Postponement of oral proceedings at the instigation of the Division <u>E-II, 7.2</u>

Precedence of opposition proceedings <u>D-X, 7.1</u> Preparation of oral proceedings <u>E-II, 5</u>

Procedure in examination proceedings *E-II*, 8.3.3.3, *E-II*, 8.7.2

Procedure in opposition proceedings *E-II*, 8.3.3.2, *E-II*, 8.7.3

Public proceedings *E-II*, *8.1* 

Relation to opposition proceedings <u>D-X, 7</u> Request for further oral proceedings <u>E-II, 3</u>

Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed <u>E-II, 2.1</u>

Requesting postponement during oral proceedings <u>E-II, 8.11.1</u>

Requests for the postponement of oral proceedings  $\underline{E}$ - $\underline{II}$ ,  $\underline{7.1}$ 

Resumption E-VI, 1.3

Resumption after final decision in entitlement proceedings <u>A-IV, 2.2.5.1</u>

Resumption of proceedings E-VI, 1.4

Resumption of the proceedings for grant <u>A-IV, 2.2.5</u> Resumption regardless of the stage of entitlement proceedings <u>A-IV, 2.2.5.2</u>

Rule 137(4) and oral proceedings H-III, 2.1.3

Sequence of proceedings D-VII, 1

Status of oral proceedings held by video-

conference E-II, 11.1.2

Stay of proceedings D-VII, 4.1

Stay of proceedings for grant A-IV, 2.2

Stay of proceedings under Rule 14 due to pending national entitlement proceedings *E-VI*, 2

Stay of proceedings when a referral to the Enlarged Board of Appeal is pending *E-VI*, 3

Summons to oral proceedings D-VI, 3.2, E-II, 6

Termination of opposition proceedings in the event of inadmissible opposition *D-IV*, 4

Use of computer-generated slideshows in oral proceedings *E-II*, *8.5.1* 

Use of laptops or other electronic devices during either ex parte or inter partes oral proceedings  $\underline{E-II}$ , 8.2.1 Use of Rule 137(4) for amendments filed during oral proceedings in examination  $\underline{E-II}$ , 8.8

When can summons to oral proceedings be issued in substantive examination  $\underline{E-II}$ , 5.1

Producing evidence C-VII, 3.2

Product claim to method claim H-V, 7.2

Product claim to use claim H-V, 7.1

Product-by-process claim F-IV, 4.12

**Products** *F-IV.* 4.12, *G-II*, 4.2, *G-II*, 5.5.1 Intermediate and final products *F-V*, 3

Products that may be claimed for a further medical use *G-VI*, *7.1.1* 

Second or further medical use of known pharmaceutical products *G-VI, 7.1* 

Professional representatives (List of ~) A-VIII, 1.4

**Programs for computers** <u>G-II, 3.6</u> List of exclusions G-II, 3.6

**Prohibited matter** <u>A-III. 8, A-IX. 6, E-VIII. 2.3.7, F-II.</u> 7, G-II, 4.1.1

Categories F-II, 7.1

Content of a European patent application (other than claims) *F-II, 7* 

Disparaging statements <u>A-III, 8.2, F-II, 7.3</u> Examination of formal requirements <u>A-III, 8</u>

Irrelevant matter F-II, 7.4

Matter contrary to "ordre public" or morality <u>F-II. 7.2</u>
Matter contrary to "ordre public" or morality <u>G-II, 4.1.1</u>
Morality or "ordre public" <u>A-III, 8.1</u>

Omission of matter from publication *F-II*, 7.5

Provisions of Chapter <u>A-III</u> ("Examination of formal requirements") <u>E-VIII</u>, 2.3.7

#### Proper names, trademarks and trade names *F-III*, 7

Property (Use on non-public ~) G-/V, 7.2.3

# Proprietor of the patent

Death or legal incapacity <u>E-VI, 1.1</u>
Joint proprietors <u>D-I, 6</u>
Proprietor of the patent is not entitled <u>D-I, 6</u>

# Prosecution of the application by a third party $\underline{A}$ - $\underline{IV}$ , 2.4

#### **Protection**

Assessment of impermissible extension of the protection conferred <u>H-IV, 3.5</u>

Extent of protection <u>F-IV, 4.12</u>

Protection conferred by the patent as granted <u>H-IV, 3.3</u>

# **Provisions of Chapter**

Provisions of Chapter A-II ("Filing of applications and examination on filing") E-VIII, 2.2

Provisions of Chapter A-III ("Examination of formal requirements") <u>E-VIII, 2.3</u>

Abstract E-VIII, 2.3.10

Claim to priority *E-VIII*, 2.3.5

Claims fee E-VIII, 2.3.8

Designation fee E-VIII, 2.3.11

Designation of inventor E-VIII, 2.3.4

Drawings E-VIII, 2.3.9

Physical requirements *E-VIII*, 2.3.2

Prohibited matter E-VIII, 2.3.7

Representation *E-VIII*, 2.3.1

Request for grant *E-VIII*, 2.3.3

Title of the invention *E-VIII*, 2.3.6

Provisions of Chapter <u>A-IV</u> ("Special provisions")  $\underline{E}$ -VIII, 2.4

Divisional applications E-VIII, 2.4.1

Sequence listings E-VIII, 2.4.2

Provisions of Chapter <u>A-VI</u> ("Publication of application; request for examination and transmission of the dossier to Examining Division") <u>E-VIII, 2.5</u>

Publication of the international application <u>*E-VIII*</u>, <u>2.5.1</u>

Request for examination *E-VIII*, 2.5.2

Supplementary European search E-VIII, 2.5.3

#### Public

Admission of the public to proceedings *E-II*, *8.1* Information to the public *D-I*, 8

Matter contrary to "ordre public" or morality <u>F-II. 7.2,</u> <u>G-II, 4.1</u>

Morality or "ordre public" A-III, 8.1

Public availability of biological material F-III, 6.2 State of the art made available to the public "by use or in any other way" G-IV, T

State of the art made available to the public in writing or by any other means <u>G-IV, 7.4</u>

# **Publication**

Burden of proof: other "print equivalent" publications *G-IV*, 7.5.3.2

Non-traditional publications <u>G-IV. 7.5.3.3</u>
Publication of a new specification of the patent <u>D-VII.</u>
7

Publication of application <u>A-VI, A-VI, 1</u>
Content of the publication <u>A-VI, 1.3</u>
Date of publication <u>A-VI, 1.1</u>

No publication A-VI, 1.2

Preventing publication A-VI, 1.2

Provisions of Chapter A-VI ("Publication of application; request for examination and transmission of the dossier to Examining

Division") E-VIII, 2.5

Publication in electronic form only <u>A-VI, 1.4</u>
Request for examination and transmission of the dossier to the Examining Division <u>A-VI, 2</u>
Response to the search opinion <u>A-VI, 3</u>
Separate publication of the European search report <u>A-VI, 1.5</u>

Publication of bibliographic data before publication of the application *A-XI*, 2.6

Publication of the international application <u>F-VIII, 2.5.1</u>
Publication of the patent specification <u>C-V, 10</u>
Withdrawal before publication of the patent specification <u>C-V, 11</u>

Published European applications as "E" documents <u>B-VI, 4.1.1</u>

Published international applications (WO) as "E" documents <u>B-VI. 4.1.2</u>

Purpose of examination C-1, 4

Purpose of Part A A-I, 3

Purpose of Part B B-1, 1

Purpose of payment A-X, 7, A-X, 7.1.2

Indication of the purpose of payment in the case of claims fees A-X, 7.3

Indication of the purpose of the payment in the case of designation fees  $\underline{A-X, 7.2}$ 

Purpose of the abstract F-II, 2.1

#### R

"Reach-through" claims F-III, 9
Novelty of "reach-through" claims G-VI, 9

Reaction to the extended European search report (EESR) <u>B-XI, 8</u>

Re-allocation instead of refund A-X, 10.5

**Reasoned objections** <u>B-XI, 3.2.1, C-III, 4.1.1</u> Reasoning <u>B-XI, 3.2.1, C-III, 4.1.1</u>

#### Reasoned statement D-VI, 4.1

Reasoning *B-XI*, 3.2, *C-III*, 4.1

Analysis of the application and content of the search opinion B-XI, 3.2

First communication <u>C-III, 4.1</u>

Positive statements B-XI, 3.2.2

Positive statements/suggestions C-III, 4.1.2

Reasoned objections B-XI, 3.2.1, C-III, 4.1.1

Reasoning for a lack of unity objection F-V, 8.1

Reasoning of decisions E-IX, 5

Analysing the parties' arguments E-IX, 5.2

Content E-IX, 5.1

Late-filed submissions E-IX, 5.4

Main and auxiliary requests E-IX, 5.3

# Receipts A-II, 3.1

# **Receiving Section**

Competence A-X, 10.2.1

Examination as to formal requirements A-III, 3.2

# Recommendation to grant C-VIII, 2

Recommendation to refuse C-VIII, 3

# Recording of the video-conference E-II, 11.6

#### Reduction

Reduction and refunds of fees in respect of

international (PCT) applications E-VIII, 2.6

Reduction in examination fee A-VI, 2.6, A-X, 9.2.3 Request for examination and transmission of the

dossier to the Examining Division A-VI, 2.6

Reduction of fees A-X, 9

Special reductions A-X, 9.3

Reduction of the examination fee where the

international preliminary examination report is being drawn up by the EPO A-X, 9.3.2

Reduction of the fees for the international search and international preliminary examination of an international application A-X, 9.3.3

Reduction of the search fee for a supplementary European search A-X, 9.3.1

Reduction under the language arrangements A-X, 9.2 Conditions A-X, 9.2.1

Reduction of the examination fee A-X, 9.2.3 Reduction of the filing fee A-X, 9.2.2

# Re-establishment of rights A-III, 6.6, E-VII, 3, F-VI,

Admissibility of the request E-VII, 3.1

Claiming priority F-VI, 3.6

Decision on re-establishment of rights E-VII, 3.3

Merit of the request E-VII, 3.2 Re-establishment of rights in respect of the priority period F-VI, 3.6

Time limits, loss of rights, further and accelerated processing and re-establishment of rights E-VII, 3 Time limits, loss of rights, further and accelerated processing and re-establishment of rights E-VII

#### Reference

Reference documents F-III, 8, H-V, 2.5

Amendments in the description H-V, 2.5

Sufficiency of disclosure F-III, 8

Reference in the description to drawings F-II, 4.7, F-IV, 4.17

Clarity and interpretation of claims F-IV, 4.17 Description (formal requirements) F-II, 4.7

Reference signs F-II, 4.8, F-IV, 4.19

Clarity and interpretation of claims F-IV, 4.19 Consistent use of reference signs as between description, claims and drawings A-IX, 7.5.4 Consistent use of reference signs as between

drawings A-IX, 7.5.5

Description (formal requirements) F-II, 4.8 Numbers, letters and reference signs A-IX, 7.5

Reference to a previously filed application A-II, 4.1.3.1 Physical requirements of applications filed by reference to a previously filed application A-III, 3.2.1

Sequence listings of an application filed by reference to a previously filed application A-IV, 5.2 Reference to sequences disclosed in a database *F-II*. 6.1

# Reformulation of the subject of the search B-IV,

# Refund A-X, 10.1.3, A-X, 10.2.1, A-X, 10.2.2, B-VII, 2.1, C-III, 3.3

Reduction and refunds of fees in respect of

international (PCT) applications E-VIII, 2.6

Refund of additional search fees C-III, 3.3

Refund of examination fee A-VI, 2.5, A-X, 10.2.4 Request for examination and transmission of the dossier to the Examining Division A-VI, 2.5

Special refunds A-X, 10.2.4

Refund of fees A-X, 10

Method of refund A-X, 10.3

Person to whom refund is payable A-X, 10.4 Re-allocation instead of refund A-X, 10.5

Special refunds A-X, 10.2

Refund of the fee for grant and publishing A-X, 10.2.7, C-V, 9

Final stage of examination C-V, 9

Special refunds A-X, 10.2.7

Refund of the further search fee A-X, 10.2.2

Refund of the international preliminary examination fee A-X, 10.2.5

Refund of the international search fee A-X, 10.2.3

Refund of the search fee A-X, 10.2.1

Refund pursuant to Rule 37(2) A-X, 10.2.6

Request for refund of further search fee(s) B-VII, 2.1

# Refusal C-V, 4.7.3, C-V, 14

Issuing a further communication (no refusal) C-V, 15.4 Refusal of the earlier application A-IV, 2.6

#### Register of European Patents, entries D-1, 6

Registered letter E-1, 2.3

Registered trademarks F-II, 4.14

Registration E-XIII, 6.1

1.10.1, E-III, 1.10.2

Registration of changes of name, transfers, licences and other rights  $\underline{\textit{E-XIII}}$ 

Changes of name <u>E-XIII. 5</u>
Licences and other rights <u>E-XIII. 6</u>
Responsible department <u>E-XIII. 2</u>
Transfer of the European patent <u>E-XIII. 4</u>

Transfer of the European patent application <u>E-XIII,</u> 3

Reimbursement for witnesses and experts *E-III*,

Reimbursement of appeal fees *E-XI*, 7.3

Rejection of the opposition <u>D-VIII, 1.3</u>
Communication in the event of deficiencies as described in <u>D-IV, 1.2.2</u>, which, if not remedied, will lead to rejection of the opposition as inadmissible <u>D-IV, 1.3.2</u>

Rejection of the opposition as inadmissible by the Opposition Division, the patent proprietor not being a party <u>D-IV. 3</u>

Rejection of the request D-X, 6

**Relation to opposition proceedings** <u>D-X, 7</u>
Filing of opposition after decision on limitation <u>D-X, 7.2</u>
Precedence of opposition proceedings <u>D-X, 7.1</u>

Relation to unity in search <u>C-III, 3.1, C-III, 3.1.1</u>
Additional search fees paid <u>C-III, 3.1.2</u>
Invitation to pay additional search fees combined with invitation to restrict the scope of the search <u>C-III, 3.1.3</u>
Limitation to searched invention: no additional search fees paid <u>C-III, 3.1.1</u>

Relationship between documents and claims <u>B-X,</u> 9.3

Relationship between Rule 43(2) and Art. 82 F-V, 14

Relative terms F-IV, 4.6

Relevant date of a prior document G-VI, 3

Remittal to the Board of Appeal E-XI, 7.2

Remittal to the Division after appeal <u>E-XI, 9</u> Consequences for the Division <u>E-XI, 9.2</u> Orders on remittal <u>E-XI, 9.1</u> Renewal fees A-IV, 1.4.3, A-X, 5.2.4

Renunciation of rights <u>E-VII.</u> 7
Statement of withdrawal <u>E-VII.</u> 7.3
Surrender of patent <u>E-VII.</u> 7.4
Withdrawal of application or designation <u>E-VII.</u> 7.1
Withdrawal of priority claim <u>E-VII.</u> 7.2

Repeatability of results of microbiological processes <u>G-II, 5.5.2</u>

Replacement documents and translations <u>A-VIII.</u> 2.2

Replacement or removal of a feature from a claim  $\underline{H-V, 3.1}$ 

## Reply

Reply in time <u>B-VIII, 3.2.2</u>
Failure to reply in time <u>B-VIII, 4.2.1</u>
Failure to reply in time or no reply <u>B-VIII, 3.2.1</u>
Reply to the invitation under <u>Rule 62a(1)</u> <u>B-VIII, 4.2.1</u>
Reply filed in time <u>B-VIII, 4.2.1</u>
Reply to the invitation under <u>Rule 63(1)</u> <u>B-VIII, 3.2</u>
Failure to reply in time or no reply <u>B-VIII, 3.2.1</u>

**Representation** <u>A-III, 2, A-VIII, 1, A-VIII, 3.1, D-I, 7, E-VIII, 2.3.1</u>

Common provisions A-VIII, 1 Common representative A-VIII, 1.3 Examination of formal requirements A-III, 2 General authorisation A-VIII, 1.6 Invitation to file authorisation A-VIII, 1.7 Legal practitioners A-VIII, 1.4 List of professional representatives A-VIII, 1.4 Non-compliance A-III, 2.2 Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3.1 Representation by a professional representative A-VIII, 1.1 Representation by an employee A-VIII, 1.2 Representation of drawings A-IX, 2 Figure accompanying the abstract A-IX, 2.3 Grouping of drawings A-IX, 2.1 Reproducibility of drawings A-IX, 2.2

# Representatives

Requirements A-III, 2.1

Signature of documents A-VIII, 3.1

Signed authorisation A-VIII, 1.5

Appointment of representatives <u>A-VIII, 1.1</u>
Authorisations <u>A-VIII, 1.1, A-VIII, 1.5</u>
Common representatives <u>A-VIII, 1.3</u>
List of professional representatives <u>A-VIII, 1.4</u>
Notification to representatives <u>E-I, 2.5</u>

Reproducibility of drawings A-IX, 2.2

# Request

Admissibility during examination procedure: further requests for amendment after approval <u>H-II, 2.6</u>

Alphabetical keyword index - 52 Admissibility of auxiliary requests H-III, 3.3.1 Admissibility of the request E-VII, 3.1 Amended main/single request filed with the appeal E-XI, 7.4.2 Amendments made by the EPO at the request of a party *H-III*, 2.4 Auxiliary requests H-III, 3 Complete text for auxiliary request available H-III, Complete text for auxiliary request not yet available H-III, 3.3.3 Confidentiality of the request A-XI, 2.4 Criteria for admissibility of auxiliary requests H-III, 3.3.1.1 Decision on a notified loss of rights at the request of the person concerned D-VIII, 2.3 Decision on request for revocation D-X, 3 Decision on the request and the taking of evidence E-Deficiencies which lead to the request being deemed not to have been filed D-X, 2.1 Deficiencies which, if not remedied, lead to the request being rejected as inadmissible D-X, 2.2 Entitlement to file the request E-VII, 3.1.2 Examination for deficiencies in the request D-X, 2 Filing of amended documents and new requests C-VII, Form of the request and applicable time limit *E-VII*, Formal procedure for limitation when the request is allowable D-X, 5 Further action upon examination of replies: further action where a request for a translation of the priority application was sent earlier in examination proceedings C-IV, 3.1 Further requests for amendment after approval C-V, 5 Indication of amendments made in main and/or auxiliary requests in examination proceedings H-III, 3.1.4 Late-filed requests after summons to oral proceedings in examination H-II, 2.7 Late-filed requests in opposition proceedings H-II, 3.5 Main and auxiliary requests *E-IX*, 5.3 Main and auxiliary requests filed with the appeal E-XI, 7.4.3 Merit of the request E-VII, 3.2 Multiple requests D-X, 11 Neither main nor auxiliary requests allowable H-III, 3.1.3 Oral proceedings at the request of a party E-II, 2 Rejection of the request D-X, 6 Request for a decision according to the state of the file *C-V, 15.1* Request for correction of minutes E-II, 10.4 Request for documents D-VII, 2 Request for examination C-II, 1, E-VIII, 2.5.2 Confirmation of the intention to proceed further with the application C-II, 1.1 Euro-PCT applications C-II, 1.2

Filing fee, designation fee, request for examination,

search fee and claims fees E-VIII, 2.1.3 Invention to be examined C-II, 1.3

Provisions of Chapter A-VI ("Publication of application; request for examination and transmission of the dossier to Examining Division") E-VIII, 2.5 Responsibility of the Receiving Section and the Examining Division A-III, 3.2, C-II, 1 Search, publication and request for examination of divisional applications A-IV, 1.8 Time limit for filing the request for examination A-VI, 2.2 Time limits E-VI, 1.5 Request for examination and transmission of the dossier to Examining Division A-VI, A-VI, 2 Communication A-VI, 2.1 Legal remedy <u>A-VI, 2.3</u> Provisions of Chapter <u>A-VI</u> ("Publication of application; request for examination and transmission of the dossier to Examining Division") E-VIII, 2.5 Publication of application A-VI, 1 Reduction in examination fee A-VI, 2.6 Refund of examination fee A-VI, 2.5 Response to the search opinion A-VI, 3 Time limit for filing the request for examination A-VI, 2.2 Transmission of the dossier to the Examining Division A-VI, 2.4 Request for further oral proceedings *E-II*, 3 Request for grant A-III, 4, A-IV, 1.3.2, E-VIII, 2.3.3, F-*II*, 3 Examination of formal requirements A-III, 4 Examination of the Request for Grant form A-III, Filing a divisional application A-IV, 1.3.2 Provisions of Chapter A-III ("Examination of formal requirements") E-VIII, 2.3.3 Request for Grant form A-III, 11.3.5 Examination of the Request for Grant form A-III, Request for oral proceedings by an opponent whose opposition is to be rejected as inadmissible or is deemed not to have been filed E-II, 2.1 Request for publishing fee, translations and a formally compliant version of amended text passages D-VI, 7.2.3 Request for refund of further search fee(s) B-VII, 2.1 Request for the conservation of evidence E-III, 2.2 Request from a national court for a technical opinion concerning a European patent E-XII Composition and duties of the Examining Division E-XII, 3 Language to be used E-XII, 4 Procedure E-XII, 5 Scope of the technical opinion E-XII, 2 Requesting information on prior art (not confined to priority) C-III, 5 Requesting postponement during oral proceedings E-II, 8.11.1 Requests for the postponement of oral proceedings E-

Requests for video-conferencing E-II, 11.1

Discretion regarding grant of requests for videoconferences <u>E-II, 11.1.1</u>

Status of oral proceedings held by videoconference  $\underline{E-II}$ , 11.1.2

Second Rule 71(3) invitation based on higher request initially rejected in first Rule 71(3) invitation C-V, 4.6.2 Sequence of requests H-III, 3.1.1 Substantiation of the request E-VII, 3.1.4

Timeliness and structure of auxiliary requests <u>H-III.</u> 3.3.1.2

Withdrawal of the extension or validation request <u>A-III,</u> 12.3

Withdrawal of the request D-X, 9, E-XII, 5.3

Residence or principal place of business <u>A-III, 2.1,</u> <u>A-VI, 2.6, A-VII, 3.2, A-VIII, 1.1, A-VIII, 1.2, A-X, 9.2.1,</u> <u>D-IV, 1.2.2.2, D-VII, 6</u>

## Response

Response filed before first communication in examination <u>C-II. 3</u>

Invitation under Rule 70a(1) C-II, 3.3
Response to PCT actions prepared by the EPO C-

II. 3.2

Response to the search opinion A-VI, 3, C-II, 3.1

Amendments made in response to the search opinion C-III, 2.1

Comments and amendments in response to the

search opinion B-XI, 3.3

# Responsibility A-III, 7.2

Responsibility for formalities examination A-I, 2

# Responsible department A-IV. 2.2.1, E-VI. 1.2, E-XIII, 2

Interruption E-VI, 1.2

Registration of changes of name, transfers, licences and other rights *E-XIII*, 2

Stay of proceedings for grant A-IV, 2.2.1

# Restricted IPER F-V, 13.4

# Restrictions B-IV, 2.1

Restriction of the subject of the search <u>B-X, 8</u>
Restriction to a single, searched invention <u>H-II, 7.1</u>
Restriction to an unsearched invention <u>H-II, 7.2</u>
Restrictions to file inspection <u>A-XI, 2.3</u>

# Result to be achieved F-IV, 4.10

# Resumption

Resumption of proceedings <u>E-VI, 1.4</u>
Resumption of the proceedings for grant <u>A-IV, 2.2.5</u>
Resumption after final decision in entitlement proceedings <u>A-IV, 2.2.5.1</u>
Resumption regardless of the stage of entitlement proceedings <u>A-IV, 2.2.5.2</u>
Resumption of time limits <u>E-VI, 1.5</u>

#### Review

Review by the EPO as a designated Office <u>E-VIII, 2.9</u> Review of non-unity findings <u>F-V, 11.3</u> Reviews or books B-X, 11.4

#### Revision of stated technical problem H-V, 2.4

#### Revocation

Revocation of the European patent <u>D-VIII, 1.2</u> Revocation for failure to notify the appointment of a new representative <u>D-VIII, 1.2.3</u>

Revocation for failure to pay the prescribed fee for publishing, to file a translation or to file a formally compliant version of amended text passages <u>D-VIII. 1.2.2</u>

Revocation in the event of requirements not being met until after expiry of time limits <u>D-VIII, 1.2.4</u>
Revocation of the patent in the event that the patent proprietor no longer wishes the patent to be maintained as granted <u>D-VIII, 1.2.5</u>
Revocation on substantive grounds <u>D-VIII, 1.2.1</u>

Revocation of the patent *D-VI*, 2.2

Revocation of the patent in the event that the patent proprietor no longer wishes the patent to be maintained as granted <u>D-VIII, 1.2.5</u>

#### Right

Amendments occasioned by national rights <u>H-II, 3.3</u> Cases of loss of rights <u>E-VII, 1.9.1</u>

Conflict with national rights of earlier date <u>G-IV, 6</u> Decision on a notified loss of rights at the request of the person concerned <u>D-VIII, 2.3</u>

Decision on loss of rights E-VII, 1.9.3

Decision on re-establishment of rights <u>D-VIII, 2.4, E-VII, 3.3</u>

Different text where national rights of earlier date exist *H-III*, *4.4* 

Licences and other rights <u>E-XIII, 6</u> Loss of rights <u>A-X, 6.2.6, E-VII, 1.9.1</u>

Loss of rights and legal remedies A-III, 6.8.3

National earlier rights B-VI, 4.2

Noting and communication of loss of rights <u>E-VII, 1.9.2</u> Noting of loss of rights <u>A-X, 6.2.6</u>

Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to <a href="Art. 61">Art. 61</a> took place in examination proceedings <a href="H-III. 4.3.3">H-III. 4.3.3</a> Re-establishment of rights <a href="A-III. 6.6">A-III. 6.6</a>, <a href="E-VII. 3">E-VII. 3</a>, <a href="F-VII. 3">F-VI. 3.6</a>

Re-establishment of rights in respect of the priority period *F-VI*, 3.6

Registration of changes of name, transfers, licences and other rights <u>*E-XIII*</u>

Renunciation of rights E-VII, 7

Right of priority F-VI, 1

Applications giving rise to a right of priority <u>A-III,</u> 6.2

Filing date as effective date F-VI, 1.1

First application F-VI, 1.4

Multiple priorities F-VI, 1.5

Priority date as effective date F-VI, 1.2

Validly claiming priority *F-VI*, 1.3

Right of the other members of the Division to put questions *E-II*, *8.10* 

Right to amend H-I

Rights of earlier date B-VI, 4.2, H-III, 4.4

Time limits and loss of rights resulting from failure to respond within a time limit E-VII, 1 Time limits, loss of rights, further and accelerated

processing and re-establishment of rights E-VII Transfer of rights E-XIII, 3, E-XIII, 6.1

# Room reservations *E-II*, 11.2.1

#### Rule

Rule 137(4) and oral proceedings H-III, 2.1.3 Rule 137(4) applies E-VIII, 3.4

Rule 137(4) applies to amendments filed at this stage H-II, 2.5.4

Rule 137(4) communication and response thereto H-III, 2.1.1

Rule 161 communication issued before 1 April 2010 E-VIII, 3.3.3

Rule 42(1)(c) vs. Art. 52(1) F-II, 4.6 Rule 62a and/or Rule 63 cases H-II, 6.1

Rule 71(3) waiver C-V, 4.11

Rules of Procedure for the departments of second instance E-XI, 8

# S

Same invention F-VI, 2.2

Scale of drawings A-IX, 7.4

Schemes, rules and methods for performing mental acts, playing games or doing business G-II, 3.5

Scientific theories G-II, 3.2 List of exclusions G-II, 3.2

# Scope

Scope of the examination D-X, 4.3

Scope of the search B-III, 2

Completeness of the search B-III, 2.1

Effectiveness and efficiency of the search **B-III**, 2.2 Invitation to pay additional search fees combined with invitation to restrict the scope of the search C-III, 3.1.3

Search in analogous fields B-III, 2.3 Search on the internet B-III, 2.4

Scope of the technical opinion E-XII, 2

Search A-III, 10.2, A-VI, 1.3, B-II, 4, B-III, 3.1, B-IV, 1.2, B-IV, 1.3, B-VIII, 3.4, B-VIII, 4.5, B-X, 7, F-II, 2.2, F-II, 2.6

Accelerated search E-VII, 4.1 Account of the search B-X, 3.3

Additional search D-VI, 5

Amendments required by a limitation of the search under Rule 62a and/or Rule 63 H-II, 5

Auxiliary requests: in the search phase H-III, 3.2

Basis for the search B-III, 3.1

Characteristics of the search B-III

Classification when the scope of the invention is not clear (e.g. a partial search) B-V, 6

Complete search despite of lack of unity B-VII, 2.2

Completeness of the search B-III, 2.1 Copy of the search results for the priority or

priorities A-III, 6.12, C-II, 5

Data related to search strategies B-X, 3.4

Documents discovered after completion of the

search B-IV, 3.2

Effectiveness and efficiency of the search B-III, 2.2

Extension of the search B-VI, 5.3

Filing, search and designation fee(s) A-IV, 1.4.1

International applications with supplementary

search F-V, 13.2

International applications without supplementary search *F-V*, 13.1

Invitation to indicate subject-matter for search B-VIII,

Invitation to indicate which independent claim to search B-VIII, 4.1

Lack of unity during search F-V, 10

No meaningful search possible B-VIII, 3

Objective of the search B-II, 2

Opinions of the Search Division B-III, 1

Opinions on matters relating to limitation of the search B-III, 1.2

Reduction of the fees for the international search and international preliminary examination of an international application A-X, 9.3.3

Relation to unity in search C-III, 3.1, C-III, 3.1.1

Scope of the search B-III, 2

Search and substantive examination B-II, 1

Contact between the applicant and the Search Division B-II, 1.1

Search at the examination stage C-IV, 7.3 Search Division consisting of more than one

examiner B-I, 2.2

Further searches on a non-unitary application in a different technical field B-I, 2.2.2

Where claimed unitary subject-matter covers more than one technical field B-I, 2.2.1

Search divisions B-I, 2, B-II, 4.1

Consultation with other examiners B-I, 2.1

European search report B-I, 2

Organisation and composition of the documentation available to the Search Divisions B-IX, 1.1

Search documentation B-II, 3, B-IX

Access to EPO documentation for the national patent offices B-IX, 5

Non-patent literature arranged for library-type access B-IX, 4

Non-patent literature arranged for systematic access B-IX, 3

Patent documents arranged for systematic access B-IX, 2

Search fee

Additional search fees paid C-III, 3.1.2

Applicant has not paid all additional search fees B-VII, 1.2.3

European search A-III, 13.1, A-IV, 1.4.1, A-X, 10.2.1

Filing and search fees A-III, 13

Filing fee and search fee A-X, 5.2.1

Filing fee, designation fee, request for examination,

search fee and claims fees E-VIII, 2.1.3

Invitation to pay additional search fees combined with invitation to restrict the scope of the search C-Invitation to pay further search fees B-VII, 1.2 Limitation to searched invention: no additional search fees paid C-III, 3.1.1 Reduction of the search fee for a supplementary European search A-X, 9.3.1 Refund of additional search fees C-III, 3.3 Refund of the further search fee A-X, 10.2.2 Refund of the international search fee A-X, 10.2.3 Refund of the search fee A-X, 10.2.1 Request for refund of further search fee(s) B-VII, 2.1 Supplementary European search A-X, 9.3.1, A-X, 10.2.1, B-VIII, 3.4, B-VIII, 4.5, E-VIII, 2.1.3, F-V, Search for conflicting European applications C-IV, 7.1 Search in analogous fields B-III, 2.3 Search on dependent claims B-III, 3.8 Search on the internet **B-III**, 2.4 Search opinion B-XI, B-XI, 1.1 Amendments made in response to the search opinion C-III, 2.1 Analysis of the application and content of the search opinion B-XI, 3 Art. 124 and the utilisation scheme B-XI, 9 Basis of the search opinion B-XI, 2 Comments and amendments in response to the search opinion B-XI, 3.3 No search opinion is issued B-XI, 7 Priority claim and the search opinion B-XI, 4 Reaction to the extended European search report (EESR) B-XI, 8 Response to the search opinion A-VI, 3, C-II, 3.1 Search opinion in cases of a limitation of the search B-XI, 6 Transmittal of the search report and search opinion B-X, 12 Unity in relation to the search opinion B-XI, 5 Use of "P" and "E" documents in the search opinion B-XI, 4.1 Search opinion is part of the EESR B-XI, 1 Position of the Examining Division B-XI, 1.2 Search procedure and strategy B-IV Procedure after searching B-IV, 3 Procedure prior to searching B-IV, 1 Search report B-II, 4, B-IX, 2.3, B-X Additional European searches B-II, 4.2 Admissibility during examination procedure: after receipt of the search report - Rule 137(2) H-II, 2.2 Admissibility during examination procedure: before receipt of the search report - Rule 137(1) H-II, 2.1 Amendments made in response to the WO-ISA, IPER or supplementary international search report C-III, 2.2 Application documents for the supplementary European search report B-II, 4.3.3 Applications for which a supplementary European search report is prepared E-VIII, 3.1, E-VIII, 3.2 Areas of technology searched B-X, 6 Authentication and dates B-X, 10

Citing documents not mentioned in the search report C-IV, 7.4 Classification of late-published search reports B-V. Classification of the patent application B-X, 5 Content of the extended European search report (EESR) B-VIII, 3.3, B-VIII, 4.3 Copies to be attached to the search report B-X, 11 Date of reference for documents cited in the search report B-VI, 5 Different types of search reports drawn up by the EPO B-X, 2 Dispensing with the supplementary European search report B-II, 4.3.1 Documents noted in the search B-X, 9 Errors in the search report B-IV, 3.3 European search report A-VI, 1.3, A-X, 9.3.1, B-II, 4, B-II, 4.3, B-VII, 2.3, B-X, 4, B-X, 7, C-II, 1.2, C-II, 3.1, C-IV, 7.2, E-VIII, 2.5.2, F-II, 2.2, F-V, 13.1, F-V, 13.2 European searches B-II, 4.1 Evaluation of prior art documents cited in search report and late priority claim C-III, 6 Form and language of the search report B-X, 3 Identification of documents in the search report B-X, 9.1 Identification of the patent application and type of search report B-X, 4 International (PCT) searches B-II, 4.4 International-type searches B-II, 4.5 Opinions in relation to the search report B-III, 1.1 Partial European search report B-VII, 1.1 Preparation of the search report B-IV, 3.1 Reaction to the extended European search report (EESR) B-XI, 8 Restriction of the subject of the search B-X, 8 Searches on national applications B-II, 4.6 Separate publication of the European search report A-VI, 1.5 Supplementary European search report B-X, 9.1.4 Supplementary European search report is required *B-II*, *4*.3.2 Supplementary European searches B-II, 4.3 Title, abstract and figure(s) to be published with the abstract (as indicated on supplemental sheet A) B-X, 7 Transmittal of the search report and search opinion B-X, 12 Search strategy B-IV, 2 Carrying out the search B-IV, 2.3 Closest prior art and its effects on the search **B-IV**, 2.5 End of search B-IV, 2.6 Formulating a search strategy B-IV, 2.2 Reformulation of the subject of the search B-IV, 2.4 Restrictions B-IV, 2.1 Subject of the search B-IV, 2.1 Types of documents B-IV, 2.3 Search, publication and request for examination of divisional applications A-IV, 1.8 State of the art at the search stage B-VI

Subject-matter excluded from search B-III, 3.11 Subject-matter to be excluded from the search B-VIII Supplementary international search B-III, 3.3.2 Where the EPO does not perform a supplementary search H-II, T, I.1

Where the EPO performs a supplementary search  $\underline{H}$ - $\underline{II}$ , 7.4.2

## Searches on national applications B-II, 4.6

# Searches under Rule 164(2) C-III, 2.3

Search-related issues in examination <u>C-IV, 7.</u>
Additional searches during examination <u>C-IV, 7.2</u>
Citing documents not mentioned in the search report <u>C-IV, 7.4</u>
Search at the examination stage <u>C-IV, 7.3</u>
Search for conflicting European applications <u>C-IV, 7.1</u>

# Second non-medical use G-VI, 7.2

# Second or further medical use of known pharmaceutical products *G-VI*, 7.1

Dependent claims pursuant to Art. 54(5) G-VI, 7.1.5 Diagnostic uses pursuant to Art. 54(5) G-VI, 7.1.3 Products that may be claimed for a further medical use G-VI, 7.1.1

Surgical uses pursuant to Art. 54(5) G-VI, 7.1.4
Therapeutic uses pursuant to Art. 54(5) G-VI, 7.1.2

# Second <u>Rule 71(3)</u> invitation based on higher request initially rejected in first <u>Rule 71(3)</u> invitation <u>C-V, 4.6.2</u>

Secondary indicators G-VII, 10
Arbitrary choice G-VII, 10.1
Bonus effect G-VII, 10.2
Commercial success G-VII, 10.3
Long-felt need G-VII, 10.3
Non-functional modification G-VII, 10.1
Predictable disadvantage G-VII, 10.1
Unexpected technical effect G-VII, 10.2

# Sectional diagrams A-IX, 7.3.1

**Selection inventions** *G-VI, 8, G-VII, 12*Error margins in numerical values *G-VI, 8.1*Inventive step *G-VII, 12*Novelty *G-VI, 8* 

# Separate crediting of the fee for grant and publishing and claims fees A-X, 11.3

Separate hearings *E-III*, 1.6.4

# Separate publication of the European search report <u>A-VI, 1.5</u>

#### Sequence

Sequence information filed under Rule 56 A-IV, 5.1 Sequence listing A-III, 1.2, B-IV, 1.2, E-VIII, 2.4.2, F-II, 6

Content of a European patent application (other than claims) F-II, 6 Provisions of Chapter A-IV ("Special provisions") E-VIII, 2.4.2 Reference to sequences disclosed in a database F-II, 6.1 Sequence listings filed after the date of filing H-IV, 2.2.4 Sequence listings of a divisional application A-IV, 5.3 Sequence listings of an application filed by reference to a previously filed application A-IV, 5.2 Sequence of proceedings D-VII, 1 Exceptions D-VII, 1.2 Sequence of requests H-III, 3.1.1 Sequences and partial sequences of genes G-III, 4 Sequences of divisional applications A-IV, 1.1.2

#### Service

Filing of applications by delivery by hand or by postal services <u>A-II, 1.1</u>
Notification by postal services <u>E-I, 2.3</u>

# Shading A-IX, 7.2

#### SI

SI base units *F-II. An. 2, 1.1*Special name and symbol of the SI derived unit of temperature for expressing Celsius temperature *F-II. An. 2, 1.1.1* 

SI derived units *F-II*, *An.* 2, 1.2

General rule for SI derived units *F-II*, *An.* 2, 1.2.1

SI derived units with special names and symbols *F-II*, *An.* 2, 1.2.2

SI units and their decimal multiples and submultiples *F-II*, *An. 2, 1* 

Prefixes and their symbols used to designate certain decimal multiples and submultiples *F-II*, *An. 2, 1.3*Special authorised names and symbols of decimal multiples and submultiples of SI units *F-II*, *An. 2, 1.4* 

Signature A-III. 4.2.2, C-VIII. 6, D-III. 3.4

Examination of the Request for Grant form A-III. 4.2.2

Signature of documents A-VIII. 3

Documents filed after filing the European patent application A-VIII. 3.1

Documents forming part of the European patent application A-VIII. 3.2

Form of signature A-VIII. 3.3

Joint applicants A-VIII. 3.4

Signature of the notice of opposition D-III. 3.4

Submission in writing D-III. 3.4

Work within the Examining Division C-VIII, 6

#### Signed authorisation A-VIII, 1.5

Situation in which it has to be checked whether the application from which priority is actually claimed is the "first application" in the sense of <u>Art.</u> 87(1) *F-VI*, 2.4.4

# Skilled person (Common general knowledge of the ~) <u>G-VII, 3.1</u>

# Some examples of determining priority dates <u>F-VI</u>, 2.4

Intermediate publication of another European application *F-VI*, 2.4.2

Intermediate publication of the contents of the priority application *F-VI*, 2.4.1

Multiple priorities claimed for different inventions in the application with an intermediate publication of one of the inventions *F-VI*, 2.4.3

Situation in which it has to be checked whether the application from which priority is actually claimed is the "first application" in the sense of Art. 87(1) F-VI, 2.4.4

# Special applications C-IX, H-IV, 2.3

Applications filed by reference to an earlier application *H-IV*, 2.3.1

Applications resulting from a decision under <u>Art. 61</u> <u>C-IX. 2, H-IV. 2.3.3</u>

Applications where a reservation has been entered in accordance with Art. 167(2)(a) EPC 1973 C-IX, 3 Divisional applications C-IX, 1, H-IV, 2.3.2 International applications (Euro-PCT applications) C-IX, 4

Special authorised names and symbols of decimal multiples and submultiples of SI units  $\underline{\textit{F-II. An. 2}}, \underline{\textit{1.4}}$ 

# Special circumstances C-VI, 1.2

Special name and symbol of the SI derived unit of temperature for expressing Celsius temperature <u>F-II, An. 2, 1.1.1</u>

# Special provisions A-IV

Applications relating to biological material <u>A-IV, 4</u> Applications relating to nucleotide and amino acid sequences <u>A-IV, 5</u>

Art. 61 applications and stay of proceedings under Rule 14 A-IV. 2

Conversion into a national application <u>A-IV, 6</u> Display at an exhibition <u>A-IV, 3</u> European divisional applications <u>A-IV, 1</u>

Provisions of Chapter A-IV ("Special provisions") *E-VIII*, 2.4

# Special reductions A-X, 9.3

Reduction of the examination fee where the international preliminary examination report is being drawn up by the EPO <u>A-X, 9.3.2</u>

Reduction of the fees for the international search and international preliminary examination of an international application <u>A-X, 9.3.3</u>

Reduction of the search fee for a supplementary European search *A-X*, *9.3.1* 

# Special refunds A-X, 10.2

Refund of the examination fee A-X, 10.2.4
Refund of the fee for grant and publishing A-X, 10.2.7
Refund of the further search fee A-X, 10.2.2
Refund of the international preliminary examination fee A-X, 10.2.5
Refund of the international search fee A-X, 10.2.3
Refund of the search fee A-X, 10.2.1
Refund pursuant to Rule 37(2) A-X, 10.2.6

# Special technical features F-V, 2

# Specific rules applicable to Euro-PCT applications <u>B-III, 3.3.2</u>

#### Standard

Standard marks for indicating amendments or corrections by the Divisions <u>C-V</u>, An.
Insertion of letters and words <u>C-V</u>, An., 1
Standard of proof <u>G-IV</u>, 7.5.2
Standards and standard preparatory documents <u>G-IV</u>, 7.6

# State of the art <u>B-VI, 2, F-II, 4.3, G-IV, G-IV, 5.1, G-IV, 5.2, G-VII, 1, G-VII, 2</u>

Conflict with national rights of earlier date <u>G-IV, 6</u>
Conflict with other European applications <u>G-IV, 5</u>
Conflict with other European applications <u>G-IV, 5.1, G-IV, 5.2</u>

IV. 5.2

Cross-references between prior art documents G-IV, 8

Date of filing or priority date as effective date G-IV, 3

Description (formal requirements) F-II, 4.3

Different text in respect of the state of the art according to Art. 54(3) and Art. 54(4) EPC 1973 H-III, 4.2

Documents defining the state of the art and not prejudicing novelty or inventive step B-X, 9.2.2

Documents in a non-official language G-IV, 4

Enabling disclosures G-IV, 2

Errors in prior art documents G-IV, 9

General remarks and definition G-IV, 1

Invention G-VII, 1

Matters of doubt in the state of the art <u>B-VI. 5.6</u> State of the art at the search stage <u>B-VI</u>

Conflicting applications B-VI, 4

Contents of prior-art disclosures <u>B-VI, 6</u>

Date of reference for documents cited in the search report <u>B-VI, 5</u>

Filing and priority date B-VI, 5

Internet disclosures B-VI, 7

Oral disclosure, etc. B-VI, 2

Priority B-VI, 3

State of the art B-VI, 2

Technical journals B-VI, 7

State of the art made available by means of oral description *G-IV*, *7*.3

Cases of oral description G-IV, 7.3.1

Matters to be determined by the Division in cases of oral description G-IV, 7.3.3

Non-prejudicial oral description  $\underline{G-IV}$ , 7.3.2 State of the art made available to the public "by use or in any other way"  $\underline{G-IV}$ , 7

Internet disclosures *G-IV, 7.5* 

Matters to be determined by the Division as regards prior use *G-IV*, 7.2

Standards and standard preparatory documents <u>G-IV, 7.6</u>

State of the art made available to the public in writing or by any other means *G-IV*, 7.4

Types of use and instances of state of the art made available in any other way *G-IV*, 7.1

State of the art pursuant to Art. 54(2) G-VI. 1
State of the art pursuant to Art. 54(3) G-IV. 5.1

Accorded date of filing still subject to review <u>G-IV</u>,

Requirements G-IV, 5.1.1

#### Statement

Disparaging statements A-III, 8.2, B-IV, 1.2, F-II, 7.3
Effect of statements made in an interview or by telephone C-VII, 2.5
General statements, "spirit" of invention F-IV, 4.4
Positive statements B-XI, 3.2.2
Positive statements/suggestions C-III, 4.1.2
Statement in the decision of the amended form of the European patent D-VIII, 1.4.2
Statement of withdrawal E-VII, 7.3

# Status of oral proceedings held by videoconference <u>E-II, 11.1.2</u>

# Stay of proceedings D-VII, 4.1

Art. 61 applications and stay of proceedings under Rule 14 A-IV, 2

Legal character and effect of the stay of proceedings <u>D-VII, 4.1.2</u>

Stay of proceedings for grant A-IV, 2.2

Date of the stay of proceedings <u>A-IV, 2.2.2</u> Interruption of time limits <u>A-IV, 2.2.4</u> Legal nature and effects of the stay <u>A-IV, 2.2.3</u> Responsible department <u>A-IV, 2.2.1</u> Resumption of the proceedings for grant <u>A-IV</u>,

Stay of proceedings under <u>Rule 14</u> due to pending national entitlement proceedings <u>E-VI, 2</u> Stay of proceedings when a referral to the Enlarged Board of Appeal is pending <u>E-VI, 3</u>

# Subject matter

2.2.5

Subject-matter excluded from patentability under <u>Art.</u> 52(2) and (3) <u>B-VIII. 2.2</u>

Computer-implemented business methods <u>B-VIII,</u> <u>2.2.1</u>

Subject-matter excluded from search <u>B-III, 3.11</u>
Subject-matter of a dependent claim <u>F-IV, 3.6</u>
Subject-matter of minutes <u>E-II, 10.3</u>

Subject-matter of the European patent extending beyond the original disclosure *D-V*, 6

Basis of this ground for opposition D-V, 6.1

Distinction between allowable and unallowable amendments *D-V, 6.2* 

Subject-matter taken from the description <u>H-II, 6.2</u>
Subject-matter to be excluded from the search <u>B-VIII</u>
Claims contravening <u>Art. 123(2)</u> or <u>Art. 76(1)</u> <u>B-VIII, 6</u>

Considerations relating to specific exclusions from and exceptions to patentability <u>B-VIII, 2</u> Invitation under both <u>Rule 62a(1)</u> and <u>Rule 63(1)</u> B-VIII, 5

More than one independent claim per category (Rule 62a) B-VIII. 4

No meaningful search possible <u>B-VIII. 3</u> Subject-matter to be excluded is disclosed in the application as originally filed <u>H-V. 4.2</u> Subject-matter to be excluded is not disclosed in the application as originally filed (so-called undisclosed disclaimers) <u>H-V. 4.1</u>

# Subject of the search B-III, 3, B-IV, 2.1

Abandonment of claims B-III. 3.4

Amended claims or missing parts (Rule 56) B-III., 3.3

Anticipation of amendments to claims B-III., 3.5

Basis for the search B-III. 3.1

Broad claims B-III. 3.6

Combination of elements in a claim B-III., 3.9

Different categories B-III., 3.10

Independent and dependent claims B-III., 3.7

Interpretation of claims B-III., 3.2

Lack of unity B-III., 3.12

Reformulation of the subject of the search B-IV. 2.4

Restriction of the subject of the search B-IV. 2.4

Search on dependent claims B-III., 3.8

Subject-matter excluded from search B-III., 3.11

Technological background B-III., 3.13

Submissions E-II, 11.3 E-mail *E-II*, 11.3.2 Facts and submissions *E-IX*, 4.3 Fax *E-II*, 11.3.1 Late filed submissions E-V, 2 Late-filed submissions E-IX, 5.4 New submissions in reply to summons C-IV, 8 Parties' written submissions A-VII, 3.1 Submission in writing D-III, 3 Form of the opposition D-III, 3.1 Notices of opposition filed by fax D-III, 3.3 Notices of opposition filed electronically D-III, 3.2 Signature of the notice of opposition D-III, 3.4 Submissions by the parties E-II, 8.5 Use of computer-generated slideshows in oral proceedings E-II, 8.5.1

# Subsequent

Subsequent application considered as first application *F-VI*, *1.4.1*Subsequent filing of documents *A-II*, *1.5*Subsequent procedure *D-IV*, *1.6*Subsequent procedure in the event of deficiencies which may no longer be remedied *D-IV*, *1.4*Deficiencies which may no longer be remedied in accordance with *Rule 77(1)* and *(2)*, resulting in the

opposition being rejected as inadmissible <u>*D-IV*</u>, 1.4.2

Deficiencies which may no longer be remedied, as a result of which the opposition is deemed not to have been filed  $\underline{D-IV}$ ,  $\underline{1.4.1}$ 

# Substances and compositions G-II, 4.2

## Substantiation of the request E-VII, 3.1.4

## Substantive examination

Substantive examination (limitation) <u>D-X, 4</u>
Basis for the examination <u>D-X, 4.2</u>
Department responsible <u>D-X, 4.1</u>
Further stages of the examination <u>D-X, 4.4</u>
Scope of the examination <u>D-X, 4.3</u>
Third-party observations during the examination <u>D-X, 4.5</u>

Substantive examination of a Euro-PCT application accompanied by an IPER *E-VIII*, *4*.3

Basis for substantive examination <u>E-VIII, 4.3.2</u> Comparative test results <u>E-VIII, 4.3.1</u> Consideration of the contents of the IPER <u>E-VIII, 4.3.3</u>

Substantive examination of opposition <u>D-V</u>

Beginning of the examination of the opposition <u>D-V</u>

V. 1

Clarity of claims <u>D-V, 5</u>
Extent of the examination <u>D-V, 2</u>
Insufficient disclosure of the invention <u>D-V, 4</u>
Non-patentability pursuant to <u>Art. 52</u> to <u>57</u> <u>D-V, 3</u>
Subject-matter of the European patent extending beyond the original disclosure <u>D-V, 6</u>

# Sufficiency of disclosure F-III, F-III, 1

Art. 83 vs. Art. 123(2) F-III. 2

Burden of proof as regards the possibility of performing and repeating the invention F-III. 4

Cases of partially insufficient disclosure F-III. 5

Insufficient disclosure F-III. 3

Inventions relating to biological material F-III. 6

Proper names, trademarks and trade names F-III. 7

"Reach-through" claims F-III. 9

Reference documents F-III. 8

Sufficiency of disclosure and clarity F-III. 11

Sufficiency of disclosure and inventive step F-III. 12

Sufficiency of disclosure and Rule 56 F-III. 10

# Summaries, extracts or abstracts B-X, 11.5

# Summoning of parties, witnesses and experts $\underline{E-III}$ , $\underline{1.5}$

Summons to oral proceedings  $\underline{D\text{-}VI, 3.2}$ ,  $\underline{E\text{-}II, 6}$  Invitation to file observations  $\underline{D\text{-}VI, 3.2}$  Late-filed requests after summons to oral proceedings in examination  $\underline{H\text{-}II, 2.7}$  Oral proceedings  $\underline{E\text{-}II, 6}$  When can summons to oral proceedings be issued in substantive examination  $\underline{E\text{-}II, 5.1}$ 

#### **Supplementary**

Supplementary European search <u>B-VII, 2.3, E-VIII, 2.5.3</u>

Application documents for the supplementary European search report B-II, 4.3.3

Applications for which a supplementary European search report is prepared E-VIII, 3.1, E-VIII, 3.2

Dispensing with the supplementary European search report B-II, 4.3.1

Procedures in cases of lack of unity B-VII, 2.3

Provisions of Chapter A-VI ("Publication of application; request for examination and transmission of the dossier to Examining Division") E-VIII, 2.5.3

Reduction of the search fee for a supplementary European search A-X, 9.3.1

Supplementary European search report is required B-II, 4.3.2

Supplementary European search report B-X, 9.1.4
Application documents for the supplementary
European search report B-II, 4.3.3
Applications for which a supplementary European
search report is prepared E-VIII, 3.1, E-VIII, 3.2
Dispensing with the supplementary European
search report B-II, 4.3.1
Supplementary European search report is
required B-II, 4.3.2

Supplementary European searches <u>B-II, 4.3</u>
Application documents for the supplementary European search report <u>B-II, 4.3.3</u>
Dispensing with the supplementary European search report <u>B-II, 4.3.1</u>
Supplementary European search report is required <u>B-II, 4.3.2</u>

Supplementary international search <u>B-III, 3.3.2</u>
Amendments made in response to the WO-ISA, IPER or supplementary international search report <u>C-III, 2.2</u>

Supplementary technical information H-V, 2.3

# Support for dependent claims F-IV, 6.6

Support in description F-IV. 6

Definition in terms of function F-IV. 6.5

Extent of generalisation F-IV. 6.2

Lack of support vs. insufficient disclosure F-IV. 6.4

Objection of lack of support F-IV. 6.3

Support for dependent claims F-IV. 6.6

# Surcharge A-X, 4.1, A-X, 6.2.1

#### Surgery G-II, 4.2.1.1

Methods for treatment by surgery <u>G-II, 4.2, G-II, 4.2.1</u> Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body <u>B-VIII, 2.1</u>

Surgery, therapy and diagnostic methods <u>G-II, 4.2</u> Limitations of exception under <u>Art. 53(c)</u> <u>G-II, 4.2.1</u> Methods for screening potential medicaments and clinical trials <u>G-II, 4.2.2</u>

# Surgical uses pursuant to Art. 54(5) G-VI, 7.1.4

Surrender of patent E-VII, 7.4

Suspensive effect E-XI, 1

#### т

**Tables** A-IX, 11.2

Formulae and tables F-IV, 2.4

Tables in the claims A-IX, 11.2.2

Tables in the description A-IX, 11.2.1

Taking and conservation of evidence *E-III* 

Conservation of evidence *E-III*, 2
Evaluation of evidence *E-III*, 4
Taking of evidence by courts or authorities of the Contracting States *E-III*, 3
Taking of evidence by the departments of the EPO *E-III*. 1

# Taking of a final decision D-VIII, 1.4.1

Taking of evidence C-VII, 3, D-VI, 1, D-VI, 7.1, E-III, 1.1, E-III, 1.3, E-III, 2.4 Conservation of evidence E-III, 2.4 Costs D-IX, 1.1, D-IX, 1.3, E-III, 1.9 Costs arising from oral proceedings or taking of evidence E-III, 1.9 Decision on the request and the taking of evidence E-Language used in the taking of evidence E-IV. 4 Minutes of taking of evidence *E-III*, 1.7 Other procedures in examination C-VII, 3 Producing evidence C-VII, 3.2 Taking of evidence by courts or authorities of the Contracting States E-III, 3 Costs of taking evidence E-III, 3.5 Legal co-operation E-III, 3.1 Letters rogatory E-III, 3.3 Means of giving or taking evidence *E-III*, 3.2 Procedures before the competent authority *E-III*, 3.4 Taking of evidence by an appointed person *E-III*, Taking of evidence by the departments of the EPO E-

# Taking of evidence by the departments of the EPO <u>E-III. 1</u>

Taking of evidence on oath E-III, 3.2.1

Written evidence C-VII, 3.3

Commissioning of experts <u>E-III. 1.8</u>
Costs arising from oral proceedings or taking of evidence <u>E-III. 1.9</u>
Entitlements of witnesses and experts <u>E-III. 1.10</u>
Hearing of parties, witnesses and experts <u>E-III. 1.10</u>
Means of evidence <u>E-III. 1.2</u>
Minutes of taking of evidence <u>E-III. 1.7</u>
Models <u>E-III. 1.11</u>
Order to take evidence <u>E-III. 1.4</u>

Summoning of parties, witnesses and experts <u>E-III.</u> <u>1.5</u>
Taking of evidence <u>E-III. 1.3</u>
Video recordings <u>E-III. 1.12</u>

**Tasks of the Opposition Divisions** <u>D-II, 4</u>
Ancillary proceedings <u>D-II, 4.3</u>
Decision concerning the awarding of costs by the

Opposition Division <u>D-II, 4.2</u>
Examination of oppositions <u>D-II, 4.1</u>

# Tasks of the other members of the Examining Division *C-VIII*, 4

## **Technical**

Technical details and general remarks G-IV, 7.5.6

Technical drawings A-IX, 1.1

Technical features F-IV, 2.1

Special technical features F-V, 2

Technical field F-II, 4.2

Search Division consisting of more than one examiner: further searches on a non-unitary application in a different technical field <u>B-I, 2.2.2</u> Where claimed unitary subject-matter covers more than one technical field <u>B-I, 2.2.1</u>

Technical journals B-VI, 7, G-IV, 7.5.3.1

Technical opinion E-XII, 1

Establishment and issue of the technical opinion <u>E-XII, 5.4</u>

Fee for a technical opinion E-XII, 5.3

Request from a national court for a technical opinion concerning a European patent <u>E-XII</u>

Scope of the technical opinion *E-XII*, 2

Technical problem E-II, 11.4

Formulation of the objective technical problem <u>G-VII, 5.2, G-VII, 5.4.1</u>

Revision of stated technical problem <u>H-V, 2.4</u> Technical problem and its solution <u>F-II, 4.5</u> Use of the description and/or drawings to identify the technical problem <u>B-III, 3.2.2</u>

Technical progress, advantageous effects G-I, 3

# Technically qualified examiners D-II, 2.1

Technological background B-III, 3.13

# Telephone consultations C-VII, 2.1

# Telephone conversation, personal interview, email *C-VII*, 2

Conduct of an interview or telephone conversation <u>C-VII, 2.4</u>

Effect of statements made in an interview or by

telephone C-VII, 2.5

Interviews C-VII, 2.2

Minutes of an interview or telephone conversation <u>C-VII, 2.6</u>

Persons attending the interview <u>C-VII, 2.3</u> Telephone consultations <u>C-VII, 2.1</u>

Use of e-mail <u>C-VII, 2.7</u>

Ten-day fail-safe arrangement A-X, 6.2

Amount of fee payable A-X, 6.2.5

Application of the ten-day fail-safe arrangement to the replenishment of deposit accounts *A-X*, *6.2.2* 

Debit orders A-X, 6.2.3

Noting of loss of rights A-X, 6.2.6

Payment of fee at the normal fee rate A-X, 6.2.4

Requirements A-X, 6.2.1

Termination of opposition proceedings in the event of inadmissible opposition D-IV, 4

Terminology F-II, 4.11

Terms like "about" and "approximately" F-IV, 4.7

Terms of reference of the expert E-III, 1.8.3

Territorial effect of the opposition D-1, 3

Text for approval C-V, 1.1

Text matter on drawings A-IX, 8

Therapeutic uses pursuant to Art. 54(5) G-VI, 7.1.2

Therapy G-II, 4.2.1.2

Methods for treatment by therapy <u>G-II, 4.2, G-II, 4.2.1</u> Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body <u>B-VIII, 2.1</u>

Surgery, therapy and diagnostic methods G-II, 4.2

Third parties <u>D-I, 6</u>

Examination of observations by third parties <u>C-VII. 5</u> Observations by third parties <u>D-I. 6, E-V, E-V, 3</u>

Third-party observations A-VII, 3.5

Third-party observations during the examination  $\underline{D-X}$ ,  $\underline{4.5}$ 

#### Time

Time allowed for filing notice of opposition <u>D-III, 1</u> Time limit and form of appeal <u>E-XI, 6</u>

Time limit for filing the request for examination  $\underline{A-VI}$ , 2.2

Time limit for payment of extension and validation fees <u>A-III, 12.2</u>

Time limits A-III, 11.2.1, A-III, 11.3.1, G-V, 2

Calculation of time limits *E-VII*, 1.4

Consideration of time limits *E-IX*, 2

Determination of time limits E-VII, 1.1

Interruption of time limits A-IV, 2.2.4, D-VII, 4.3

Resumption of time limits E-VI, 1.5

Revocation in the event of requirements not being met until after expiry of time limits <u>D-VIII, 1.2.4</u>

Time limits covered *E-VII*, 3.1.1

Time limits which may be freely determined <u>E-VII</u>, <u>1.3</u>

Time limits (general) E-VII, 1.4

Calculation E-VII, 1.4

Time limits and acceleration of examination <u>C-VI</u>

Further ways to accelerate examination <u>C-VI, 3</u> Influencing the speed of examination proceedings <u>C-VI, 2</u> PACE <u>C-VI, 2</u>

Time limits and loss of rights resulting from failure to respond within a time limit E-VII, 1

Calculation of time limits *E-VII*, 1.4

Determination of time limits *E-VII*, 1.1

Duration of the periods to be specified by the EPO

on the basis of EPC provisions *E-VII*, 1.2

Effect of change in priority date <u>E-VII, 1.5</u>

Extension of a time limit E-VII, 1.6

Failure to respond within a time limit <u>E-VII, 1.8</u>

Late receipt of documents E-VII, 1.7

Loss of rights E-VII, 1.9

Time limits which may be freely determined <u>E-VII</u>, <u>1.3</u>

Time limits for response to communications from the examiner *C-VI*, 1

General considerations C-VI, 1.1

Special circumstances C-VI, 1.2

Time limits, loss of rights, further and accelerated processing and re-establishment of rights *E-VII* 

Accelerated processing before the Boards of

Appeal E-VII, 6

Accelerated processing of oppositions <u>E-VII. 5</u>

Accelerated prosecution of European patent

applications E-VII, 4

Further processing *E-VII*, 2

Re-establishment of rights E-VII, 3

Renunciation of rights E-VII, 7

Timeliness and structure of auxiliary requests  $\underline{H}$ - $\underline{III}$ , 3.3.1.2

Title *F-II*, 3

Changes in the title H-V, 8

Title of the invention A-III, 7, E-VIII, 2.3.6

Examination of formal requirements A-III, 7

Provisions of Chapter A-III ("Examination of formal

requirements") E-VIII, 2.3.6

Requirements A-III, 7.1

Responsibility A-III, 7.2

Title, abstract and figure(s) to be published with the abstract (as indicated on supplemental sheet A) <u>B-X, 7</u>

Trademarks F-IV, 4.8, H-IV, 2.2.9

Clarity and interpretation of claims <u>F-IV. 4.8</u> Content of the application as "originally" filed <u>H-IV,</u> 2.2.9

Proper names, trademarks and trade names <u>F-III, 7</u> Registered trademarks <u>F-II, 4.14</u>

Transfer of rights E-XIII, 3, E-XIII, 6.1

Opposition cases with different texts where a transfer of rights by virtue of a final decision pursuant to <u>Art. 61</u> took place in examination proceedings <u>H-III, 4.3.3</u>

Transfer of the European patent E-XIII, 4

Transfer of the European patent application E-XIII, 3

# Transitional provisions for Art. 54(4) EPC 1973 and Art. 54(5) D-VII, 8

# Transitional provisions relating to Rule 137(4) H-III. 2.1.4

# Translation E-VIII, 2.1.2

Amendments or corrections filed in reply to a Rule 71(3) communication: no payment of fees or filing of translations necessary C-V, 4.1

Certification A-VII, 7

Correction and certification of the translation A-VII, 7 Divisional application A-IV, 1.3.3, A-VII, 1.3

Documents making up the application, replacement documents, translations A-III, 3.2

In language of proceedings of documents which have to be filed within a time limit A-VII, 3.2, A-X, 9.2.1 Invitation to file the translation A-VII, 1.4

Language of proceedings A-VII, 3.2, A-VII, 7, A-X, 9.2.1

Letters rogatory *E-III*, 3.3

Machine translations G-IV, 4.1

Replacement documents and translations A-VIII, 2.2 Request for publishing fee, translations and a formally compliant version of amended text passages D-VI, 7.2.3

Revocation for failure to pay the prescribed fee for publishing, to file a translation or to file a formally compliant version of amended text passages D-VIII, 1.2.2

Translation of claims C-V, 1.3

Correction of the translations of the claims H-VI, 3.3

Translation of international application E-VIII, 2.1.2, E-VIII, 2.5.1

Translation of the application A-III, 14

Translation of the previous application A-III, 6.8, F-VI, 3.4

Claim to priority A-III, 6.8, F-VI, 3.4 Declaration replacing the translation A-III, 6.8.6 Invitation to file the translation before examination A-III, 6.8.1 Invitation to file the translation in examination/opposition A-III, 6.8.2 Loss of rights and legal remedies A-III, 6.8.3 Translation of priority already filed A-III, 6.8.4

Voluntary filing of the translation of the previous

application A-III, 6.8.5 Translation of the priority A-II, 5.4.4

Further action upon examination of replies: further action where a request for a translation of the priority application was sent earlier in examination proceedings C-IV, 3.1

# Transmission of the dossier to the Examining Division A-VI, 2.4

## **Transmittal**

Transmittal of the abstract to the applicant F-II, 2.6 Transmittal of the search report and search opinion B-X, 12

# Travel expenses E-III, 1.10.1

Treatment of dependent claims under Rule 62a B-VIII, 4.6

# **Treaty (Applications under the Patent Cooperation** ~ (PCT)) E-VIII

Two-part form F-IV, 2.2 Two-part form unsuitable F-IV, 2.3 No two-part form F-IV, 2.3.1

Two-part form "wherever appropriate" F-IV, 2.3.2

## **Types**

Types of documents B-IV, 2.3 Types of evidence *E-III*, 4.2 Types of use and instances of state of the art made available in any other way G-IV, 7.1

#### U

# Unexpected technical effect G-VII, 10.2

Units recognised in international practice and complying with Rule 49(10) F-II, An. 2

Compound units F-II, An. 2, 5

SI units and their decimal multiples and

submultiples F-II, An. 2, 1

Units and names of units permitted in specialised fields only F-II, An. 2, 4

Units used with the SI, and whose values in SI are

obtained experimentally F-II, An. 2, 3 Units which are defined on the basis of SI units but are not decimal multiples or submultiples

thereof F-II, An. 2, 2

# Unity

Unity in relation to the search opinion B-XI, 5 Unity of invention B-II, 4.2, B-III, 3.12, B-VII, B-VII, 1.1, B-VIII, 3.4, B-VIII, 4.5, C-III, 3, C-III, 3.1, C-III, 3.1.1, C-IX, 1.2, D-V, 2.2, F-IV, 3.2, F-IV, 3.3, F-IV, 3.7, F-V, F-V, 1, G-VI, 7.1

Alternatives F-V, 4

Amended claims F-V, 12

Changing from one searched invention to another C-III, 3.4

Classification in cases of a lack of unity of

invention B-V, 7

Dependent claims F-V, 9

Divisional applications C-IX, 1.2

Euro-PCT applications F-V, 13

European search report B-VII, 1.1

Examination of novelty G-VI, 7.1

Examiner's approach F-V, 8

Excision of other inventions C-III, 3.2

Extent of the examination D-V, 2.2

Filing divisional applications C-III, 3.2

First stage of examination C-III, 3

Individual features in a claim F-V, 6

Intermediate and final products F-V, 3

Kinds of claim *F-IV*, 3.2, *F-IV*, 3.3, *F-IV*, 3.7 Lack of unity "a priori" or "a posteriori" F-V, 7 Lack of unity and Rule 62a or Rule 63 B-VII, 3 Lack of unity during search F-V, 10 Lack of unity during substantive examination F-V, 11 Limitation to searched invention *C-III*, 3.1 Markush grouping F-V, 5 No meaningful search possible B-VIII, 3.4 Procedures in cases of lack of unity B-VII, 2 Refund of additional search fees C-III, 3.3 Relation to unity in search C-III, 3.1 Relationship between Rule 43(2) and Art. 82 F-V, 14 Special technical features F-V, 2 Subject of the search B-III, 3.12 Unity of the European patent D-VII, 3 Factors affecting the unity of the European patent D-VII, 3.2

# Unpublished patent applications B-IX, 2.2

# Usable surface area of sheets A-IX, 4.1

#### Use

Use claims F-IV. 4.16
Use of an official language E-IV. 1
Use of computer-generated slideshows in oral proceedings E-II. 8.5.1

Examination proceedings (ex parte) E-II. 8.5.1.2
Opposition proceedings (inter partes) E-II. 8.5.1.1
Use of e-mail C-VII. 2.7

Confidentiality C-VII. 2.7.3

Examples of where e-mail could be used C-VII. 2.7.1

Filing of amended documents and new requests C-VII. 2.7.4
Inclusion in the file of any e-mail exchange C-VII,

Initiation of e-mail <u>C-VII, 2.7.2</u>
Use of laptops or other electronic devices during either ex parte or inter partes oral proceedings <u>E-II, 8.2.1</u>

XI, 4.1

2.7.5

Use of Rule 137(4) for amendments filed during oral proceedings in examination *E-II*, 8.8

Use of "P" and "E" documents in the search opinion B-

Use of the description and/or drawings to establish definitions of clear terms given a definition different from their usual meaning B-III, 3.2.4

Use of the description and/or drawings to establish definitions of unclear terms not defined in the claims <u>B-III</u>, 3.2.3

Use of the description and/or drawings to identify the technical problem  $\underline{\textit{B-III.}}$  3.2.2

Use on non-public property G-IV, 7.2.3

User interfaces G-II, 3.7.1

## ٧

Validly claiming priority F-VI, 1.3

Variations in proportions A-IX, 7.6

Verification of claimed priority date(s) B-VI, 5.1

Verification of official classification B-V, 8

Version of the granted patent to be considered <u>H-IV, 3.4</u>

Video recordings E-III, 1.12

#### Voluntary

Voluntary and mandatory division <u>C-IX, 1.2</u>
Voluntary filing of the translation of the previous application <u>A-III, 6.8.5</u>
Voluntary reply to <u>Rule 161(1)</u> communication <u>E-VIII, 3.3.4</u>

#### W

Waiver of right to be mentioned as inventor <u>A-III.</u> 5.2

When can summons to oral proceedings be issued in substantive examination  $\underline{E-11}$ ,  $\underline{5.1}$ 

When does the Examining Division resume examination after approval <u>C-V, 6.1</u>

When may models be submitted <u>E-III, 1.11.1</u>

Where and how applications may be filed A-II, 1
Application numbering systems A-II, 1.8
Debit orders for deposit accounts held with the
EPO A-II, 1.6

Filing of applications by delivery by hand or by postal services *A-II*, 1.1

Filing of applications by fax  $\underline{A-II}$ ,  $\underline{1.2}$  Filing of applications by means of electronic communication  $\underline{A-II}$ ,  $\underline{1.3}$ 

Filing of applications by other means <u>A-II, 1.4</u> Forwarding of applications <u>A-II, 1.7</u> Subsequent filing of documents <u>A-II, 1.5</u>

Where and how to file a divisional application  $\underline{A-IV}$ , 1.3.1

Where claimed unitary subject-matter covers more than one technical field B-1, 2.2.1

Where the EPO does not perform a supplementary search  $\underline{H-II, 7.4.1}$ 

Where the EPO performs a supplementary search *H-II*, 7.4.2

Whole figure A-IX, 5.3

## Withdrawal

Statement of withdrawal *E-VII*, *7.3*Withdrawal before publication of the patent specification *C-V*, *11*Withdrawal of amendments/abandonment of subject matter *H-III*, *2.5*Withdrawal of application or designation *E-VII*, *7.1*Withdrawal of designation *A-III*, *11.2.4*, *A-III*, *11.3.8*European patent applications filed before 1 April 2009 *A-III*, *11.3.8*European patent applications filed on or after 1 April 2009 *A-III*, *11.2.4* 

Withdrawal of late-filed missing drawings or missing parts of the description <u>A-II, 5.5</u>
Withdrawal of priority claim <u>E-VII, 7.2</u>

Withdrawal of the extension or validation request <u>A-III.</u> 12.3

Withdrawal of the request <u>D-X, 9, E-XII, 5.3</u> Limitation and revocation procedure <u>D-X, 9</u> Technical opinion <u>E-XII, 5.3</u>

#### Without invitation A-II, 5.2

#### Witnesses

Details of the entitlements of witnesses and experts  $\underline{E}$ - $\underline{III}$ , 1.10.3

Entitlements of witnesses and experts <u>E-III. 1.10</u> Hearing of parties, witnesses and experts <u>E-III. 1.6</u> Reimbursement for witnesses and experts <u>E-III. 1.10.1</u>, <u>E-III. 1.10.2</u>

Summoning of parties, witnesses and experts <u>*E-III*</u>, <u>1.5</u>

Witnesses and experts not summoned E-III, 1.6.2

#### Work

Work at the EPO <u>General Part, 4</u>
Work of an examiner <u>C-I, 2</u>
Work within the Examining Division <u>C-VIII</u>
Consultation of a legally qualified examiner <u>C-VIII, 7</u>
Decision <u>C-VIII, 6</u>
Enlargement of the Examining Division <u>C-VIII, 7</u>
Further communication with the applicant <u>C-VIII, 5</u>
Recommendation to grant <u>C-VIII, 2</u>
Recommendation to refuse <u>C-VIII, 3</u>
Tasks of the other members of the Examining Division <u>C-VIII, 4</u>

## Written

Written evidence <u>C-VII</u>, <u>3.3</u>
Written form of decisions <u>E-IX</u>, <u>4</u>
Decision on the file as it stands <u>E-IX</u>, <u>4.4</u>
Facts and submissions <u>E-IX</u>, <u>4.3</u>
Order <u>E-IX</u>, <u>4.2</u>
Written procedure <u>H-III</u>, <u>3.4.1</u>, <u>H-III</u>, <u>3.5.2</u>
Auxiliary requests: in limitation proceedings <u>H-III</u>, <u>3.5.2</u>
Auxiliary requests: in opposition proceedings <u>H-III</u>, <u>3.4.1</u>