

CA/PL 4/02

Orig.: English

Munich, 17.06.2002

SUBJECT: Draft Implementing Regulations under the EPC 2000

DRAWN UP BY: President of the European Patent Office

ADDRESSEES: Committee on Patent Law (for information)

SUMMARY

This document contains the Notice announcing the posting on the European Patent Office website of the draft Implementing Regulations under the EPC 2000 and the accompanying Explanatory remarks. These documents are available presently only in English. The French and German versions will be posted on the Micado website as soon as they become available.

Notice from the European Patent Office dated 7 June 2002 concerning

DRAFT IMPLEMENTING REGULATIONS UNDER THE EPC 2000

Introduction

The European Patent Convention (EPC 1973) was revised at a Diplomatic Conference in Munich by the Act revising the Convention on the Grant of European Patents of 29 November 2000.

As a consequence, it is necessary to overhaul the entire corpus of the Implementing Regulations to the EPC (IRs). This exercise is one of fundamental importance, given that some Contracting States are awaiting the text of these new IRs in order to complete national procedures to ratify the EPC 2000.

The draft Implementing Regulations under the EPC 2000 and accompanying Explanatory remarks are hereby posted on the EPO website for public consultation.

The purpose of this revision exercise is limited to the pursuit of the three following objectives:

- (1) Making the adjustments required by substantive amendments to the EPC 1973, and those dictated by the implementation of the Patent Law Treaty of 1 June 2000
- (2) Integrating the provisions transferred from the Convention to the IRs
- (3) Ensuring the consistency of the IRs with the drafting style of the EPC 2000, *ie* restructuring the IRs, streamlining the Rules and aligning their wording to reflect the terminology of the new Convention.

Explanatory notes regarding the amendments to the EPC 1973 are found in the Basic Proposal for the Revision of the EPC (MR/2/00) and the **new text of the EPC 2000** is contained in the Decision of the Administrative Council of 28 June 2001. Both documents may be consulted on and downloaded from the EPO website.

Any comments should be confined to whether the draft IRs achieve the objectives stated above. Improvement proposals unrelated to these goals, however desirable they might be, have not been and will not be taken up for the purpose of this revision exercise.

Comments should reach the European Patent Office by **12 July 2002** at the latest. They may be emailed to the following address: <international_legal_affairs@epo.org> or sent by post or by fax to the EPO in Munich, to the attention of the International Legal Affairs Directorate.

The timetable for the completion of the new IRs is as follows:

July	Further review of the draft by the EPO in light of comments submitted in due time
October	Discussion of final draft in the EPO's Patent Law Committee
December	Adoption of the new Implementing Regulations as approved by Patent Law Committee by the Administrative Council

The entry into force of the new Implementing Regulations will coincide with the entry into force of the EPC 2000, in accordance with Article 8 of the Act revising the Convention on the Grant of European Patents. This is expected to take place in 3 to 5 years.
