

**Update of the 16th edition of  
the Annotated European Patent Convention  
from 15-11-2008 till 31-12-2008**

**I Amendments in view of OJ 11 and 12 of 2008 and the EPO website**

**Convention**

p.207, Art.94(3):6, second paragraph: replace ‘OJ 2008, 442’ by ‘OJ 2008, 544 and 442 for the form’.

p.251, Art.110:1, after the first paragraph add the following paragraph:  
‘ The requirements for admissibility of the appeal are determined by the law as in force on expiry of the two- and four-month period of Art.108. Hence, if the two-month period has expired before 13.12.2007, the requirements for admissibility are given by Art.106, Art.108 and R.64 EPC 1973. The same transitional provision applies to the four-month period. This transitional provision avoids the legal uncertainty that would arise if the admissibility requirements changed during the appeal procedure. (J10/07 r.1)’

p.263, Art.112(3):3, add after last line ‘G4/08 Change of language’

p.320, Art.134a(1):2, first paragraph: replace ‘OJ 12/2007’ by ‘OJ 12/2008’ and replace ‘Suppl. OJ 12/2007, p.23, §4.2’ by ‘Suppl. OJ 12/2008, p.25, §3.2’.

p.356, Art.169:6, fourth paragraph: replace ‘see EPO website’ by ‘OJ 2008,507’

**Implementing Regulations**

p.372, R.2(1):7, fifth paragraph: replace ‘OJ 2008, 218’ by ‘OJ 2008, 218 and 542’

p.373, R.3(1):2, add after first paragraph the following paragraph:  
‘ The question whether the EPO may use another official EPO language than the language of the procedure during written proceedings has been referred to the Enlarged Board of Appeal, pending under G4/08 (J8/07).’

p.633, R.159(1):3.1, add after first paragraph the following paragraph:  
‘ The question whether on entry into the European phase an applicant may file a translation into another official EPO language to change the language of proceedings has been referred to the Enlarged Board of Appeal, pending under G4/08 (J8/07).’

**Rules relating to fees**

p.669, Rfees2:11: replace ‘see OJ 2000, 446’ by ‘see OJ 2008, 521’

## **Notes to the Patent Cooperation Treaty**

p.696, §1.5, second paragraph: replace ‘OJ 2008, 269’ by ‘OJ 2008, 269 and 608’

## **Case Law Table**

p.804, T1242/06: add in the third column ‘2008, 523’

## **II Corrections**

### **Convention**

p.198, Art.92:4, last line: replace ‘R.45(2)’ by ‘R.45(3)’

p.206, Art.94(3):4, sixth paragraph: replace ‘Art.96(2)’ by ‘Art.94(3)’

p.207, Art.94(4):1, second paragraph: replace ‘Art.96(3)’ by ‘Art.94(4)’

p.353, Art.169:1.1: replace ‘situation 15.11.2007’ by ‘situation 15.11.2008’

### **Implementing Regulations**

p.424, R.42(1):1, fifth paragraph: replace ‘C-II,4.18’ by ‘C-II,4.19’.

p.637, R.159(1):8, last sentence of second paragraph: replace ‘40%’ by ‘60%’.