

**Update of the 18th edition of
the Annotated European Patent Convention
from 15-11-2010 till 31-12-2010**

I Amendments in view of OJ 11 and 12 of 2010 and the EPO website

Convention

Page 269, Art. 111(2):1.2, last paragraph: change '(OJ 1999, 322)' to '(OJ 1999, 322; OJ 2010, 622)'

Implementing Regulations

Page 425, R. 36(1): change in the text of the law 'the Examining Divisions's first communication' to 'the Examining Division's first communication under Article 94, paragraph 3, and Rule 71, paragraph 1 and 2, or Rule 71, paragraph 3'.

The amended provision applies to divisional applications filed on or after 01.04.2010. (OJ 2010, 568).

Page 445, R.41(1):1, replace last sentence by: "The Request for Grant form has been revised to take into account the amendment of R.141, entering into force on 01.01.2011 (OJ 2010, 646)."

Page 526, the text of R. 71 will be amended and a new R. 71a will be inserted.

Page 556, the text of R.82(2) will be amended.

Page 568, the text of R.95(3) will be amended.

Page 715, the text of Rfees2(1)15 will be amended following the amendment of R. 71.

Since these amendments will enter into force only on 01.04.2012, they are not listed in this update. (OJ 2010, 637)

Page 647, R. 141(2):1, last sentence. Replace '(Dec. Pres. of 05.10.2010, to be published in OJ)' by '(Dec. Pres. OJ 2010, 600)'.

Page 672, add section 3 directly above R. 157(2) with the following text:

"3 Acknowledgment of receipt

Upon receipt of an international application by hand, post or fax, the EPO automatically generates an acknowledgment of receipt and issues it by post within four working days. The applicant should not include an acknowledgment form in the application documents. The acknowledgment lists the various documents filed (PCT request, description, etc.) but does not verify the number of sheets of the documents, in accordance with the requirements under R.35(2). The acknowledgment will be issued directly by fax or directly by post on request and payment of a fee. (Not. EPO OJ2010, 642 §4-8, 14-17; valid as from 01.03.2011)

When an international application is received on-line, an acknowledgment will be issued electronically within the submission session (see notes to R.2(1))."

Page 688, R. 161(1): change in the text of the law 'within a period of one month' to 'within a period of six months'.

Page 689, R. 161(2): change in the text of the law 'within a period of one month' to 'within a

period of six months’.

Page 690, R. 162(2): change in the text of the law ‘within one month’ to ‘within six months’.
The amended provisions R. 161 and 162 apply to Euro-PCT applications in respect of which no communication under existing R. 161 and 162 has been issued by 01.05.2011. (OJ 2010, 634)

Case Law Table

Page 851, G4/08: change OJ reference 2009,167 to 2010, 572.

II Corrections

Case Law Table

Page 850-868 Replace ‘R.136’ by ‘R.36’ for the following ten decisions:

G12/91

G4/98

G1/05b

G1/09

J11/91

J7/96

J24/03

J28/03

J20/05

T517/97

Index

page 850-899 The following entries in the Index should be corrected, replacing ‘136’ by ‘36’:

- Claims fee, for divisional application, period for payment of R. 36(3):1
- Designation fee, divisional application, period for payment of - for R. 36(4)
- Divisional application, applicant R. 36(1):3
- Divisional application, filing office Art. 76(1):1; R. 36(2)
- Divisional application, language Art. 76(1):4; R. 36(2)
- Divisional application, period for filing R. 36(1)
- Filing fee, divisional application, period for payment of - for R. 36(3)
- Filing of divisional application, failure to meet period R. 36(1):4
- Filing of divisional application, fees to be paid R. 36(3)
- Filing of divisional application, period for R. 36(1):3
- Search fee, for divisional application, period for payment of R. 36(3)