

**Update of the 21st edition of
the Annotated European Patent Convention
from 15-11-2013 till 31-12-2013**

Amendments in view of OJ 11 and 12 of 2013 and the EPO website

Convention

Page 30, Art.20(1):1, first paragraph, replace ‘Spec. Ed. 3 of OJ 2007, 113’ by ‘Dec. Pres. OJ 2013, 600’

Page 30, Art.20(1):1, second paragraph, replace ‘Not. of Vice-Pres. OJ 1984, 317, 319 and 1989, 178’ by ‘Dec. Pres. OJ 2013, 601’

Page 30, Art.20(1):1, third paragraph, replace ‘Spec. Ed. 3 of OJ 2007, 113’ by ‘OJ 2013, 600’

Page 262, Art.107:3.2.2, one but last sentence, after ‘13.2)’ add ‘or by a change of the factual basis of the decision (T1843/09)

Page 328, Art.125:, add the following section:
‘Complaints

Anyone may make a complaint when dissatisfied with a service of the EPO. The complaint should preferably be filed online (www.epo.org/contact; OJ 2013, 608). The department DQMS, handling the complaints, aims to reply within 30 days. See for more information chapter 8 of the ‘Handbook of Quality procedures before the EPO’, available on the EPO website.

When the complaint relates to the behaviour of a specific examiner, such as applying an improper procedure or responding unsatisfactorily, a party may, before launching an official complaint, contact the director of the examiner. No complaint should be raised about lack of progress in examination; instead, a request for acceleration should be filed.’

Page 329, Ante Art.127:3, second paragraph, replace ‘OJ 2013, 93’ by ‘OJ 2013, 606’.

Page 333, Art.129:2, first paragraph, replace ‘OJ 2013, 93, 444’ by ‘OJ 2013, 93, 444, 606’

Page 336, Art.133:2, first paragraph, add at the end: ‘In the case of a general authorisation, only one representative and the registration number of the authorisation must be entered in the form; the names of the further representatives need not be given. (OJ 2013, 535 section II).’

Page 344, Art.134a(1):2, last paragraph, replace ‘OJ 2012, 632’ by ‘OJ 2013, 554’

Implementing Regulations

The amendments of R.36(1), 38(4), 135(2) and 164 published in OJ 12/2013 have already been included in the 21st edition

Page 411, R.14:1, first paragraph, replace ‘OJ 1990, 404’ by ‘OJ 2013, 600’

Page 429

R.30:1, second paragraph, replace ‘(OJ 2011, 376, §I.1.8)’ by ‘(OJ 2013, 542, §I.1.7)’

R.30(1):1, first paragraph, replace ‘(OJ 2011, 376, §1.5, 1.6)’ by ‘(OJ 2013, 542, §I.1.5)’

R.30(1):1, second paragraph, replace ‘(OJ 2011, 376, §I.1.4)’ by ‘(OJ 2013, 542, §I.1.4)’

R.30(2):1, first paragraph, replace ‘(OJ 2011, 376, §I.2.5)’ by ‘(OJ 2013, 542, §I.2.5)’

Page 478, R.50(1):, add the following section

‘Handwritten amendments

Since R.49(8) requires the description, claims and abstract to be typed or printed, any replacement document must also be typed or printed according to R.50(1). As an exception under R.49(8), graphic symbols and characters and chemical and mathematical formulae may be drawn or written by hand, although it is recommended to type or print them (A-IX,11.1). The EPO enforces this rule strictly as of 01.01.2014. Hence, any amendment of the description or claims must be typed or printed, handwritten amendments are deficiencies that must be corrected (A-III,3.2). (Not. EPO OJ 2013, 603)

Handwritten amendments will normally be accepted during oral proceedings as a basis for discussion. A final decision granting a patent or maintaining it in amended form may be taken only on the basis of a typed or printed document. The EPO provides computers, pdf printers, copiers and internet access for preparing typed documents during oral proceedings. If a typed or printed document is not available during oral proceedings, the EPO will continue in writing and request to file a compliant document within two months. Where handwritten amendments are filed in examination proceedings, the EPO will request to submit a typed or printed version if there is agreed patentable subject-matter. (E-II,8.7)’

Page 509, R.57:11, second paragraph, add ‘Not. EPO OJ 2013, 542;’ after ‘OJ 2011, 372’

Page 530, R.68(1):1, first paragraph, replace ‘OJ 2011, 376 §IV.1’ by ‘OJ 2013, 542, §IV.1’

Page 697, R.159(1):1.2, one but last paragraph, replace ‘OJ 2011, 376 §III.1-3’ by ‘OJ 2013, 542, §III.1-3’

Page 714, R.163(3):1, end of last paragraph, replace ‘OJ 2011, 376’ by ‘OJ 2013, 542’

Page 683, R.152(11), replace the paragraph starting with ‘if an association ...’ by

‘ An association of representatives must be registered with the Legal Division to enable its use in appointments and authorisations. The use of form 52304 is recommended. The Legal Division informs the applicant of the registration number of the association. (OJ 2013, 535 section I)

The association is appointed by entering its name and registration number in the same box of the Request for Grant form. The address in the form, which the EPO will use for notifying communications, may be different from the registered address. Documents submitted to the EPO can be signed by any member of the association; in addition to the signature, the name of the member and of the association and its registration number must be provided. (OJ 2013, 535 section I)

Rules relating to fees

Page 741, Rfees2(1):4.2.1, replace '(OJ 2011, 376, §I.1.7)' by '(OJ 2013, 542, §I.1.6)'