

K oznámeniu č. 65/2010 Z. z.

IMPLEMENTING REGULATIONS TO THE EUROPEAN PATENT CONVENTION

of 5 October 1973

as amended by decision of the Administrative Council of the European Patent Organisation
of 25 March 2009

Article 1

The Implementing Regulations to the EPC shall be amended as follows:

1. Rule 161 EPC, as adopted at the 117th meeting of the Administrative Council (CA/D 3/09), shall be amended to read as follows:

"Rule 161

Amendment of the application

(1) If the European Patent Office has acted as the International Searching Authority and, where a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority for a Euro-PCT application, it shall give the applicant the opportunity to comment on the written opinion of the International Searching Authority or the International Preliminary Examination Report and, where appropriate, invite him to correct any deficiencies noted in the written opinion or in the International Preliminary Examination Report and to amend the description, claims and drawings within a period of one month from the respective communication. If the European Patent Office has drawn up a supplementary international search report, an invitation in accordance with the first sentence shall be issued in respect of the explanations given in accordance with Rule 45bis.7(e) PCT. If the applicant does not comply with or comment on an invitation in accordance with the first or second sentence, the application shall be deemed to be withdrawn.

(2) Where the European Patent Office draws up a supplementary European search report on a Euro-PCT application, the application may be amended once within a period of one month from a communication informing the applicant accordingly.

The application as amended shall serve as the basis for the supplementary European search."

2. Rule 164 EPC shall be amended to read as follows:

"Rule 164

Consideration of unity
by the European Patent Office

(1) Where the European Patent Office considers that the application documents which are to serve as the basis for the supplementary European search do not meet the requirements for unity of invention, a supplementary European search report shall be drawn up on those parts of the application which relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims.

(2) Where the examining division finds that the application documents on which the European grant procedure is to be based do not meet the requirements of unity of invention, or protection is sought for an invention not covered by the international search report or, as the case may be, by the supplementary international search report or supplementary European search report, it shall invite the applicant to limit the application to one invention covered by the international search report, the supplementary international search report or the supplementary European search report."

Article 2

This decision shall enter into force on 1 April 2010.

Done at Munich, 27 October 2009

