

K oznámeniu č. 71/2014 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 13 December 2013****Article 1**

Rule 103 of the Implementing Regulations to the EPC shall read as follows:

"Rule 103

Reimbursement of the appeal fee

- (1) The appeal fee shall be reimbursed in full
- (a) in the event of interlocutory revision or where the Board of Appeal deems an appeal to be allowable, if such reimbursement is equitable by reason of a substantial procedural violation, or
- (b) if the appeal is withdrawn before the filing of the statement of grounds of appeal and before the period for filing that statement has expired.
- (2) The appeal fee shall be reimbursed at 50% if the appeal is withdrawn after expiry of the period under paragraph 1(b), provided withdrawal occurs:
- (a) if a date for oral proceedings has been set, at least four weeks before that date;
- (b) if no date for oral proceedings has been set, and the Board of Appeal has issued a communication

inviting the appellant to file observations, before expiry of the period set by the Board for filing observations;

(c) in all other cases, before the decision is issued.

(3) The department whose decision is impugned shall order the reimbursement if it revises its decision and considers reimbursement equitable by reason of a substantial procedural violation. In all other cases, matters of reimbursement shall be decided by the Board of Appeal."

Article 2

(1) Rule 103 EPC as amended under Article 1 of this decision shall enter into force on 1 April 2014.

(2) Rule 103 EPC as amended under Article 1 of this decision shall apply to appeals pending at the date of entry into force and to appeals filed after the date of entry into force.

Done at Munich, 13 December 2013