

# Impact of the new European Patent Convention (EPC2000) on the EP documents and publication practices

M. Albrecht (EPO - Data Resources)  
K. Rowles (EPO - Patent Information)

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# European Patent Convention 2000 in brief

- A conference of the Contracting States was held in Munich from 20 to 29 November 2000
  - The revised text of the Convention (EPC 2000) entered into force on December 13, 2007.
  - Takes into account developments in international law - in particular TRIPS and the Patent Law Treaty 2000.
  - Meets desire of the user community for a new centralised limitation procedure before the EPO
  - Bringing Search and Examination Together will help the EPO to manage its workload
  - Eliminating unnecessary requirements
  - EPC had to be made more adaptable by streamlining the articles of the EPC itself (many details have been moved to the Implementing Regulations)

# Highlights of EPC 2000 impact on EPO publications practices

- We propose to modify ST 9 as described below
- The EPO will publish a new document kind - B3
  - A B3 will represent a new publication after a limitation procedure
  - As several limitations may be applied to a single patent, a sequence number will be associated with the documents and displayed after the kind code in certain contexts (e.g. B3-1, B3-2.....)
  - Current draft mock-up of a future B3:

(19)		European Patent Office Office européen des brevets	(11) <b>EP 1 047 087 B3</b>
(12)	<b>NEW EUROPEAN PATENT SPECIFICATION</b> After limitation procedure (B3-2)		
(45)	Date of publication and mention of the limitation decision: <b>B3-2 15.07.2006 Bulletin 2006/27</b>		(51) Int. Cl.: C07D 315/00 (2006.01)
(45)	Date of publication and mention of the limitation decision: <b>B3-1 15.06.2006 Bulletin 2006/23</b>		(86) International application number: PCT/EP1999/000003
(45)	Mention of the grant of the patent: 21.05.2006 Bulletin 2006/21		(87) International publication number: WO 1999/035139 (15.07.1999 Gazette 1999/28)

# Updates to the European Publication Server

- A new search criteria (<http://www.epo.org/publication-server>)

The screenshot shows a search interface with the following elements:

- A dropdown menu set to "During".
- A "Year" dropdown menu set to "2008".
- A "Week" dropdown menu set to "6".
- A section titled "Kind" containing several checkboxes:
  - Select all kind codes
  - A1/A2
  - A3
  - A8/A9
  - B1
  - B2
  - B8/B9
  - B3 (This checkbox is circled in red in the original image)
- Two buttons at the bottom right: "Search" and "Reset".

- Update Web Service and SiteMap files to facilitate automated retrieval of multiple documents having the same kind code, and publication number



## Changes to the European Patent Convention and consequences for ST 9

- Many changes were introduced by EPC 2000
- The scope of the present request to the SCIT is to update ST 9 to accommodate 2 specific items:
  - *The recognition of earlier filed application as foreseen in the Patent Law Treaty (PLT)*
  - *The recognition of priority dates claimed by World Trade Organisation member states (WTO)*
- As many countries are party to the PLT and WTO agreement we believe that that these two items are of international significance, and require international standardisation

# INID 27 (Earlier cited application)

## INID 27 (Earlier cited application)

- According to Article 80 in conjunction with Rule 40(1) and (2) EPC 2000, the EPO will accept for the purposes of the filing date a reference to a previously filed application instead of a description. Such “reference filing” is provided in Article 5(7) and Rule 2(5)(a) of the Patent Law Treaty (PLT).
- Example of current European Patent Application front page:

(19)	 Europäisches Patentamt European Patent Office Office européen des brevets	
		(11) <b>EP 1 883 246 A2</b>
(12)	<b>EUROPEAN PATENT APPLICATION</b>	
(43) Date of publication:	30.01.2008 Bulletin 2008/05	(51) Int Cl.: H04N 7/50 (2006.01) H04N 7/26 (2006.01)
(21) Application number:	07113420.9	
(22) Date of filing:	30.07.2007	
(84) Designated Contracting States:	AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IS IT LI LT LU LV MC MT NL PL PT RO SE SI SK TR	•
Designated Extension States:	AL BA HR MK YU	•
(30) Priority:	28.07.2006 KR 20060071431	(74)

*How to identify earlier filed application ?*

## INID 27 (Earlier cited application)

### ST 9 (RECOMMENDATION CONCERNING BIBLIOGRAPHIC DATA ON AND RELATING TO PATENTS AND SPCS) - **current text**

(20) Data concerning the application for a patent or SPC

\* (21) Number(s) assigned to the application(s), e.g., “Numéro d’enregistrement national,” “Aktenzeichen”

\* (22) Date(s) of filing the application(s)

\* (23) Other date(s), including date of filing complete specification following provisional specification and date of exhibition

(24) Date from which industrial property rights may have effect

(25) Language in which the published application was originally filed

(26) Language in which the application is published

Notes:

(i) Attention is drawn to Appendix 3 which contains information on the term of protection and on the date from which industrial property rights referred to under code (24) may have effect.

(ii) The languages under codes (25) and (26) should be indicated by using the two-letter language symbols according to International Standard ISO 639:1988.



## INID 27 (Earlier cited application)



- In view of the fact that the existing codes (21)-(26) do not address the “reference-filing” foreseen in Article 5(7) PLT, we propose to introduce a new code “(27)” (not yet existing under WIPO Standard ST.9) for previously filed applications referred to in accordance with Article 5(7) PLT.
- The EPO proposes modifying ST 9 to include the following text:

(27) Reference to a previously filed application

# INID 34 (WTO Priority)

## INID 34 (WTO Priority)

- According to Article 87(1) EPC 2000, the EPO will recognize priority rights for first filings made in or for a member of the World Trade Organization (WTO) that is not party to the Paris Convention. As from the entry into force of EPC 2000, the EPO will indicate such “WTO-priorities” also under INID code (30).
- Example of current European Patent Application front page:

(19)	 Europäisches Patentamt European Patent Office Office européen des brevets	
		(11) <b>EP 1 883 246 A2</b>
(12)	<b>EUROPEAN PATENT APPLICATION</b>	
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(21) Application number:	07113420.9	
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## INID 34 (WTO Priority)

### ST 9 (RECOMMENDATION CONCERNING BIBLIOGRAPHIC DATA ON AND RELATING TO PATENTS AND SPCS) - **current text**

(30) Data relating to priority under the **Paris Convention**

- \* (31) Number(s) assigned to priority application(s)
  - \* (32) Date(s) of filing of priority application(s)
  - \* (33) WIPO Standard ST.3 code identifying the national industrial property office allotting the priority application number or the organization allotting the regional priority application number; for international applications filed under the PCT, the code “WO” is to be used
- (34) For priority filings under regional or international arrangements, the WIPO Standard ST.3 code identifying at least one country party to the **Paris Convention** for which the regional or international application was made

Notes:

- (i) With the proviso that when data coded (31), (32) and (33) are presented together, category (30) can be used, if so desired. If an ST.3 code identifying a country for which a regional or international application was made is published, it should be identified as such using code (34) and should be presented separately from elements coded (31), (32) and (33) or (30).
- (ii) The presentation of priority application numbers should be as recommended in WIPO Standards ST.10/C and in ST.34.

## INID 34 (Earlier cited application)

- The EPO proposes modifying ST 9 to include the following text:

(34) For priority filings under regional or international arrangements, the WIPO Standard ST.3 code identifying at least one country party to the Paris Convention or member of the **World Trade Organisation** for which the regional or international application was made

Thank you for your attention