

Decision of the Administrative Council of 8 June 2000 approving amendments of the Rules of Procedure of the Boards of Appeal of the European Patent Office

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Article 23,

paragraph 4, thereof,

Having regard to the amendments to the Rules of Procedure of the Boards of Appeal, adopted on 13 and 27 March 2000 under Rule 11, first sentence, of the Implementing Regulations to the European Patent Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The amendments to the Rules of Procedure of the Boards of Appeal, as shown in Annexes I to III to this decision, are hereby approved.

Article 2

This decision shall enter into force on 1 October 2000.

Done at Limassol, 8 June 2000

For the Administrative Council

The Chairman

Roland GROSSENBACHER

ANNEX I

Amendments to the Rules of Procedure of the Boards of Appeal OJ EPO 1980, 171 as amended OJ EPO 1983, 7 and OJ EPO 1989, 361

In accordance with Rule 11, first sentence, of the Implementing Regulations to the Convention on the Grant of European Patents, the authority referred to in Rule 10, paragraph 2, of the Implementing Regulations to the Convention on the Grant of European Patents, amends the Rules of Procedure of the Boards of Appeal as follows:

Article 1

(1) Article 2 of the Rules of Procedure of the Boards of Appeal receives the following heading:

"Replacement of members and chairmen".

(2) A third paragraph is inserted in Article 2 of the Rules of Procedure of the Boards of Appeal, the text to be as follows:

"(3) The chairman of each Board may designate another member of the Board to replace him or her as chairman in a particular appeal, taking due account of the business distribution scheme."

Article 2

The amendments to the Rules of Procedure of the Boards of Appeal contained in Article 1 of this decision shall enter into force on the same day on which the decision of the Administrative Council of the European Patent Organisation approving these amendments enters into force.

Done at Munich, 13 and 27 March 2000

For the Presidium

For the Chairman of the Presidium

P. Messerli

Vice-President in charge of DG 3

ANNEX II

Amendments to the Rules of Procedure of the Boards of Appeal OJ EPO 1980, 171 as amended OJ EPO 1983, 7 and OJ EPO 1989, 361

In accordance with Rule 11, first sentence, of the Implementing Regulations to the Convention on the Grant of European Patents, the authority referred to in Rule 10, paragraph 2, of the Implementing Regulations to the Convention on the Grant of European Patents, amends the Rules of Procedure of the Boards of Appeal as follows:

Article 1

(1) The text of Article 4, paragraph 1, of the Rules of Procedure of the Boards of Appeal is amended as follows:

"The Chairman of each Board shall for each appeal designate a member of his Board, or himself, as rapporteur. If appropriate in the light of the subject-matter of the case, the Chairman may designate an additional rapporteur."

(2) The text of Article 14, paragraph 1, of the Rules of Procedure of the Boards of Appeal is amended as follows:

"During the deliberations of members of a Board, the opinion of the rapporteur shall be heard first, followed by that of the additional rapporteur if one has been appointed and, if the rapporteur is not the Chairman, the Chairman's last."

Article 2

The amendments to the Rules of Procedure of the Boards of Appeal contained in Article 1 of this decision shall enter into force on the same day on which the decision of the Administrative

Council of the European Patent Organisation approving these amendments enters into force.

Done at Munich, 13 and 27 March 2000

For the Presidium

For the Chairman of the Presidium

P. Messerli

Vice-President in charge of DG 3

ANNEX III

Amendments to the Rules of Procedure of the Boards of Appeal OJ EPO 1980, 171 as amended OJ EPO 1983, 7 and OJ EPO 1989, 361

In accordance with Rule 11, first sentence, of the Implementing Regulations to the Convention on the Grant of European Patents, the authority referred to in Rule 10, paragraph 2, of the Implementing Regulations to the Convention on the Grant of European Patents, amends the Rules of Procedure of the Boards of Appeal as follows:

Article 1

In Article 11 of the Rules of Procedure of the Boards of Appeal a paragraph 4 is inserted, the text to be as follows:

"When a case is ready for decision during oral proceedings, the Chairman declares the debate closed after having asked for final requests of the parties. No submissions may be made by the parties after the closure of the debate unless the Board decides to re-open the debate."

Article 2

The amendments to the Rules of Procedure of the Boards of Appeal contained in Article 1 of this decision shall enter into force on the same day on which the decision of the Administrative Council of the European Patent Organisation approving these amendments enters into force.

Done at Munich, 13 and 27 March 2000

For the Presidium

For the Chairman of the Presidium

P. Messerli

Vice-President in charge of DG 3