

Decision of the Administrative Council of 8 June 1994 approving an amendment to the Rules of Procedure of the Enlarged Board 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 amendment to the Rules of Procedure of the Enlarged Board of Appeal, adopted on 11 March 1994 under Rule 11 of the Implementing Regulations to the European Patent Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The amendment to the Rules of Procedure of the Enlarged Board of Appeal, as shown in the Annex to this decision, is hereby approved.

Article 2

This decision shall enter into force on 8 June 1994.

Done at Munich, 8 June 1994.

For the Administrative Council
The Chairman

Per Lund THOFT

ANNEX

Amendment to the Rules of Procedure of the Enlarged Board of Appeal, OJ EPO 1983, 3, as amended in OJ EPO 1989, 362

In accordance with Rule 11 of the Implementing Regulations to the Convention on the Grant of European Patents, the Enlarged Board of Appeal amends its Rules of Procedure as follows:

Article 1

Article 11a of the Rules of Procedure of the Enlarged Board of Appeal receives the following heading:

"EPO President's right to comment"

Article 2

A new Article 11b is inserted in the Rules of Procedure of the Enlarged Board, the text to be as follows:

"Article 11b - Statements by third parties

"(1) In the course of proceedings before the Board, any written statement concerning the points of law raised in such proceedings which is sent to this Board by a third party may be dealt with as the Board thinks fit."

"(2) The Board may announce further provisions concerning such statements in the Official Journal of the European Patent Office if it seems appropriate."

Article 3

A new Article 12a is inserted in the Rules of Procedure of the Enlarged Board, the text to be as follows:

"Article 12a - Reasons for the decision

"The decision of the Board shall be in accordance with the votes of the majority of its members. If a majority of the members of the Board agrees, the reasons for such decision may also indicate the opinions held by a minority of the members.

"Neither the decision nor its reasons may indicate either the names of the members forming any such minority or the size of such minority."

Article 4

These amendments to the Rules of Procedure of the Enlarged Board of Appeal shall enter into force on the day they are approved by the Administrative Council of the European Patent Organisation.

Done at Munich, 11 March 1994

For the Enlarged Board of Appeal
The Chairman

Paolo GORI