

Decision of the Administrative Council of 27 October 2005 amending the European Patent Convention CA/D 11/05

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (EPC), and in particular Article 33(1)(a) thereof,

On a proposal from the President of the European Patent Office,

Having regard to the opinion of the Committee on Patent Law and of the Budget and Finance Committee,

HAS DECIDED AS FOLLOWS:

Article 1

Article 97(4) and (5) EPC shall be amended to read as follows:

"...

(4) The decision to grant a European patent shall not take effect until the date on which the European Patent Bulletin mentions the grant. This mention shall be published at least two months after the start of the time limit referred to in paragraph 2(b).

(5) Provision may be made in the Implementing Regulations for the applicant to file a translation, in the two official languages of the European Patent Office other than the language of the proceedings, of the claims appearing in the text in which the Examining Division intends to grant the patent. In such case, the period laid down in paragraph 4 shall be at least three months. If the translation has not been filed in due time, the application shall be deemed to be withdrawn.

..."

Article 2

(1) This decision shall enter into force on 1 January 2006.

(2) Article 97(4) and (5) EPC as amended by this decision shall apply to European patent applications in respect of which a communication under Rule 51(4) EPC is dispatched after 1 January 2006.

Done at Munich, 27 October 2005

For the Administrative Council
The Chairman

Roland GROSSENBACHER