

Decision of the administrative council of 9 December 2004 amending the Implementing Regulations to the European Patent Convention* Rule 51(4)) CA/D 19/04

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

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

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

Having regard to the opinion of the Committee on Patent Law,

HAS DECIDED AS FOLLOWS:

Article 1

Rule 51(4) of the Implementing Regulations to the EPC shall be amended to read as follows:

"(4) Before the Examining Division decides to grant the European patent, it shall inform the applicant of the text in which it intends to grant it, and shall invite him to pay the fees for grant and printing and to file a translation of the claims in the two official languages of the European Patent Office other than the language of the proceedings within a nonextendable period to be specified, which may not be less than two months or more than four months. If the applicant pays the fees and files the translation within this period, he shall be deemed to have approved the text intended for grant.*

Article 2

This decision shall enter into force on 1 April 2005. Rule 51(4), as amended by this decision, shall apply to European patent applications in respect of which a communication under existing Rule 51(4) EPC has not yet been despatched by 1 April 2005.

Done at Munich, 9 December 2004

For the Administrative Council
The Chairman

Roland GROSSENBACHER