

Decision of the Administrative Council of 18 October 2001 amending the Implementing Regulations to the EPC: CA/D 33/01 (Rules 85 (5) EPC)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (EPC), and in particular [Article 33\(1\)\(b\)](#),

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

HAS DECIDED AS FOLLOWS:

Article 1

The following paragraph 5 shall be added to Rule 85 EPC:

"(5) Without prejudice to paragraphs 1 to 4, evidence may be offered that on any of the ten days preceding the day of expiration of a time limit the mail service was interrupted or subsequently dislocated on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the party or his representative resides or has his place of business or is staying. If such circumstances are proven to the satisfaction of the European Patent Office, a document received late shall be deemed to have been received in due time provided that the mailing has been effected within five days after the mail service was resumed."

Article 2

This decision shall enter into force with retrospective effect from 11 September 2001.

Done at Munich, 18 October 2001

For the Administrative Council
The Chairman

Roland GROSSENBACHER

