

REVISED EUROPEAN PATENT CONVENTION AND IMPLEMENTING REGULATIONS

Foreword

The 1973 European Patent Convention was extensively revised in November 2000 and its new wording was adopted by the Administrative Council of the European Patent Organisation on 28 June 2001ⁱ. The revised Convention - referred to as the "EPC 2000" - along with the new Implementing Regulationsⁱⁱ approved by the Administrative Council in December 2002 contain the provisions that will govern the European patent grant procedure and European patents in future.

The EPC 2000 and its Implementing Regulations will enter into force two years after ratification by 15 contracting states. The seven statesⁱⁱⁱ that acceded to the Convention in 2002 have already ratified the new wording. With ratification procedures in preparation or already under way in the other contracting states, the EPC 2000 should come into effect in around two to four years' time.

The new legal provisions will then apply to all European patent applications filed after entry into force of the EPC 2000, as well as to patents granted in respect of such applications. However, applications pending at that time and patents already granted will only be affected to the extent specified in the transitional provisions adopted by the Administrative Council in June 2001.

Related passages of practical importance from the EPC 2000, Implementing Regulations and Protocol on the Interpretation of Article 69 are reproduced below. The transitional provisions applying when the EPC 2000 enters into force, along with explanatory remarks on the Implementing Regulations and the Council decision on transitional provisions, are also set out. Commentary on the Revision Act is set out in MR/2/02 and the proceedings of the Diplomatic Conference 2000, both of which can be viewed on the European Patent Office website.

ⁱ See also special editions Nos.1 and 4 of OJ 2001.

ⁱⁱ OJ 2003, 57.

ⁱⁱⁱ Bulgaria, Czech Republic, Estonia, Hungary, Romania, Slovakia and Slovenia.