Rule 10 E

Travaux Préparatoires (EPC 1973)

Comment:

The collection represents purely an internal research tool for the purpose of Directorate Patent Law of the European Patent Office. No guarantee can be given for its completeness or correctness. The documents produced before 1969 cannot be provided in English as this was not an official language in the period before that date. These documents therefore are provided in French and German.
Regel 10
MPÜ

Geschäftsverteilung für die zweite Instanz und Bestimmungen
ihrer Mitglieder

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MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Munich, 4 October 1973
M/160/K
Original: English/French/German

CONFERENCE DOCUMENT

Drawn up by: General Drafting Committee

Subject: Amendments to the texts of document M/145/R 1 to 15
Rule 10

Allocation of duties to the departments of the second instance and designation of their members

(1) Duties shall be allocated to the Boards of Appeal and the regular and alternate members of the various Boards of Appeal and the Enlarged Board of Appeal shall be designated before the beginning of each working year. Any member of a Board of Appeal may be designated as a member of more than one Board of Appeal. These measures may, where necessary, be amended during the course of the working year in question.

(2) The measures referred to in paragraph 1 shall be taken by an authority consisting of the President of the European Patent Office, who shall act as Chairman, the Vice-President responsible for appeals, the Chairmen of the Boards of Appeal and three other members of the Boards of Appeal, elected by the full membership of these Boards for the working year in question. This authority may only take a decision if at least five of its members are present; these must include the President or a Vice-President of the European Patent Office, and the Chairmen of two Boards of Appeal. Decisions shall be taken by a majority vote; in the event of parity of votes, the vote of the Chairman shall be decisive.

(3) The authority referred to in paragraph 2 shall decide on conflicts regarding the allocation of duties between two or more Boards of Appeal.
AUSFÜHRUNGSORDNUNG
ZUM ÜBEREINKOMMEN
ÜBER EIN EUROPÄISCHES PATENTERTeilUNGSGERFAHREN

IMPLEMENTING REGULATIONS
TO THE CONVENTION
ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

RÈGLEMENT D’EXÉCUTION
DE LA CONVENTION
INSTITUANT UN SYSTÈME EUROPÉEN DE DÉLIVRANCE DE BREVETS
MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Munich, 30 September 1973
M/ 146/R 8
Original: English/French/German

CONFERENCE DOCUMENT

Drawn up by: General Drafting Committee

Subject: Implementing Regulations: Rules 1 to 26

(3) Bei Meinungsverschiedenheiten zwischen mehreren Beschwerdekammern über ihre Zuständigkeit entscheidet das Präsidium.

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Regel 11
Verfahrensordnungen für die zweite Instanz

Das in Regel 10 Absatz 2 genannte Präsidium erläßt die Verfahrensordnung der Beschwerdekammern. Die Große Beschwerdekammer erläßt ihre Verfahrensordnung selbst.

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Regel 12
Verwaltungsmäßige Gliederung des Europäischen Patentamts

(1) Die Prüfungsabteilungen und Einspruchsabteilungen werden verwaltungsmäßig zu Direktionen zusammengefaßt, deren Zahl vom Präsidenten des Europäischen Patentamts bestimmt wird.

(2) Die Direktionen, die Eingangsstelle, die Beschwerdekammern und die Große Beschwerdekammer sowie die Dienststellen für die innere Verwaltung des Europäischen Patentamts werden verwaltungsmäßig zu Generaldirektionen zusammengefaßt.

(3) Jede Generaldirektion wird von einem Vizepräsidenten geleitet. Der Verwaltungsrat entscheidet nach Anhörung des Präsidenten des Europäischen Patentamts über die Zuweisung der Vizepräsidenten an die Generaldirektionen.

---

Cf. Artikel 15 (Organe im Verfahren), 19 (Beschwerdekammer) und 20 (Große Beschwerdekammer)

(2) The measures referred to in paragraph 1 shall be taken by an authority consisting of the President of the European Patent Office, who shall act as Chairman, the Vice-President responsible for appeals, the Chairmen of the Boards of Appeal and three other members of the Boards of Appeal, elected by the full membership of these Boards for the working year in question. This authority may only take a decision if at least five of its members are present; these must include the President or a Vice-President of the European Patent Office, and the Chairmen of two Boards of Appeal. Decisions shall be taken by a majority vote; in the event of parity of votes, the vote of the Chairman shall be decisive.

(3) The authority referred to in paragraph 2 shall decide on conflicts regarding the allocation of duties between two or more Boards of Appeal.

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Rule 11
Rules of Procedure of the departments of the second instance

The authority referred to in Rule 10, paragraph 2, shall adopt the Rules of Procedure of the Boards of Appeal. The Enlarged Board of Appeal shall adopt its own Rules of Procedure.

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Cf. Articles 19 (Boards of Appeal) and 20 (Enlarged Board of Appeal)

Rule 12
Administrative structure of the European Patent Office

(1) The Examining Divisions and the Opposition Divisions shall be grouped together administratively so as to form Directorates, the number of which shall be laid down by the President of the European Patent Office.

(2) The Directorates, the Receiving Section, the Boards of Appeal and the Enlarged Board of Appeal, and the administrative services of the European Patent Office shall be grouped together administratively so as to form Directorates-General.

(3) Each Directorate-General shall be directed by a Vice-President. The appointment of a Vice-President to a Directorate-General shall be decided upon by the Administrative Council, after the President of the European Patent Office has been consulted.

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Cf. Articles 10 (Direction) and 15 (The departments charged with the procedure)
Kapitel II
Organisation des Europäischen Patentamts

Regel 8
Patentklassifikation


Vgl. Artikel 4 (Europäische Patentorganisation) und 15 (Organe im Verfahren)

Regel 9
Geschäftsverteilung für die erste Instanz

(1) Der Präsident des Europäischen Patentamts bestimmt die Zahl der Prüfungsabteilungen und der Einspruchsabteilungen. Er verteilt die Geschäfte auf diese Abteilungen in Anwendung der Internationalen Klassifikation und entscheidet gegebenenfalls über die Klassifikation einer europäischen Patentanmeldung oder eines europäischen Patents nach Maßgabe der Internationalen Klassifikation.

(2) Der Präsident des Europäischen Patentamts kann der Eingangsstelle, den Prüfungsabteilungen und den Einspruchsabteilungen über die Zuständigkeit hinaus, die ihnen durch das Übereinkommen zugewiesen ist, Verwaltungsaufgaben übertragen.

(3) Der Präsident des Europäischen Patentamts kann mit der Wahrnehmung einzelner Prüfungsabteilungen oder Einspruchsabteilungen obliegender Geschäfte, die technisch oder rechtlich keine Schwierigkeiten bereiten, auch Bedienstete betrauen, die keine technisch vorgibil deten oder rechtstüchtigen Prüfer sind.

(4) Der Präsident des Europäischen Patentamts kann bestimmen, daß nur eine der Geschäftsstellen der Einspruchsabteilungen für die Kostenfestsetzung nach Artikel 103 Absatz 2 zuständig ist.

Vgl. Artikel 15 (Organe im Verfahren), 16 (Eingangsstelle), 17 (Prüfungsabteilungen), 18 (Einspruchsabteilungen) und 103 (Kosten)

Regel 10
Geschäftsverteilung für die zweite Instanz und Bestimmung ihrer Mitglieder


Chapter II
Organisation of the European Patent Office

Rule 8
Patent classification

The European Patent Office shall use the classification referred to in Article 1 of the European Convention on the International Classification of Patents for Invention of 19 December 1954, hereinafter referred to as the international classification.

Cf. Articles 4 (European Patent Organisation) and 15 (The departments charged with the procedure)

Rule 9
Allocation of duties to the departments of the first instance

(1) The President of the European Patent Office shall determine the number of Examining Divisions and Opposition Divisions. He shall allocate duties to these departments by reference to the international classification and shall decide where necessary on the classification of a European patent application or a European patent in accordance with that classification.

(2) In addition to the responsibilities vested in them under the Convention, the President of the European Patent Office may allocate administrative duties to the Receiving Section, Examining Divisions and Opposition Divisions.

(3) The President of the European Patent Office may entrust to employees who are not technically or legally qualified examiners the execution of individual duties falling to the Examining Divisions or Opposition Divisions and involving no technical or legal difficulties.

(4) The President of the European Patent Office may grant exclusive responsibilities to one of the registries of the Opposition Divisions for fixing the amount of costs as provided for in Article 103, paragraph 2.

Cf. Articles 15 (The departments charged with the procedure), 16 (Receiving Section), 17 (Examining Divisions), 18 (Opposition Divisions) and 103 (Costs)

Rule 10
Allocation of duties to the departments of the second instance and designation of their members

(1) Duties shall be allocated to the Boards of Appeal and the regular and alternate members of the various Boards of Appeal and the Enlarged Board of Appeal shall be designated before the beginning of each working year. Any member of a Board of Appeal may be designated as a member of more than one Board of Appeal. These measures may, where necessary, be amended during the course of the working year in question.
ENTWURF EINER AUSFÜHRUNGSORDNUNG
ZUM ÜBEREINKOMMEN
ÜBER EIN EUROPÄISCHES PATENTERTeilungsVERFAHREN

DRAFT IMPLEMENTING REGULATIONS
TO THE CONVENTION
ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

PROJET DE RÈGLEMENT D’EXÉCUTION
DE LA CONVENTION
INSTITUANT UN SYSTÈME EUROPÉEN DE DÉLIVRANCE DE BREVETS
MÜNCHNER DIPLOMATISCHE KONFERENZ
ÜBER DIE EINFÜHRUNG EINES EUROPÄISCHEN
PATENTerteilungsverfahrens 1973
(München, 10. September bis 6. Oktober 1973)

MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM
FOR THE GRANT OF PATENTS, 1973
(Munich, 10 September to 6 October 1973)

CONFERENCE DIPLOMATIQUE DE MUNICH
POUR L'INSTITUTION D'UN SYSTÈME EUROPÉEN
DE DÉLIVRANCE DE BREVETS
(1973)
(Munich, 10 septembre - 6 octobre 1973)

VORBEREITENDE DOKUMENTE
ausgearbeitet von der
Regierungskonferenz über die Einführung eines europäischen Patenterteilungsverfahrens
herausgegeben von der
Regierung der Bundesrepublik Deutschland

PREPARATORY DOCUMENTS
drawn up by the
Inter-Governmental Conference for the setting up of a European System for the Grant of Patents
and published by the
Government of the Federal Republic of Germany

DOCUMENTS PRÉPARATOIRES
élaborés par la
Conférence intergouvernementale pour l'institution d'un système européen de délivrance de brevets
et publiés par le
Gouvernement de la République fédérale d'Allemagne

1972
32. The Working Party introduced a provision laying down that the regular and alternate members of the Enlarged Board of Appeal too are to be designated each year by the authority concerned (Re. Article 53, No. 2a (new)).

33. The Working Party did this on the assumption that, in the interests of rational organisation, each member of the Enlarged Board of Appeal would also be a member of one of the Boards of Appeal.

Article 55a - Opposition Divisions

34. The French delegation proposed that it should be laid down that none of the three members of the Opposition Division should have taken part in the grant proceedings; but that an examiner who had taken part in the grant proceedings might be enlisted on a consultative basis. This proposal was rejected by the Working Party, with particular reference to its practical disadvantages.

35. The Working Party also did not adopt a suggestion by the same delegation to lay down that the Chairman of the Opposition Division must necessarily be a technically qualified examiner.
INTER-GOVERNMENTAL CONFERENCE Brussels, 28th October 1971
FOR THE SETTING UP BR/132/71
OF A EUROPEAN SYSTEM
FOR THE GRANT OF PATENTS

- Secretariat -

MINUTES

of the meeting of Working Party I,
held in Luxembourg from 14 to 17 September 1971

Opening of the meeting and adoption of the agenda

1. The Working Party held its 8th meeting in Luxembourg from
   Tuesday 14 to Friday 17 September 1971, with Dr HAERTEL,
   President of the German Patent Office, in the Chair.

   This meeting, which was devoted primarily to the exami-
   nation of certain legal problems connected with the provisions
   being drawn up, was also attended by legal experts from the
   countries of the delegations to Working Party I.

   Representatives from the Commission of the European
   Communities, WIPO and the IIB were also present at the meet-
   ing (1). The representative of the General Secretariat of
   the Council of Europe sent his apologies for being unable
   to attend.

   The Working Party adopted the provisional agenda (2).

(1) See Annex I for list of those attending.
(2) See Annex II for the provisional agenda (BR/GT I/109/71)
    and the list of the provisions of the Second Preliminary
    Draft Convention and the First Preliminary Draft Imple-
    menting Regulations to be examined at the meeting
    (BR/GT I/111/’71).

BR/132 e/71 ley/EL/ad
No. Article 53
No. 2

Allocation of duties to the Boards of Appeal
and designation of their members

(1) Duties shall be allocated to the Boards of Appeal
and the regular and alternate members of the various Boards
of Appeal shall be designated before the beginning of each
working year. Any member of a Board of Appeal may be
designated as a member of more than one Board of Appeal.
These measures may, where necessary, be amended during the
course of the working year in question.

(2) Unchanged from First Preliminary
Draft of the Implementing
(3) Regulations, published 1971

BR/131 e/71 (Annex II) prk
ANNEX II

AMENDMENTS

to the

FIRST PRELIMINARY DRAFT OF THE IMPLEMENTING REGULATIONS
INTER-GOVERNMENTAL CONFERENCE  
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS  

Brussels, 23 September 1971  
BR/131/71  

- Secretariat -

NOTE

Working Party I of the Inter-Governmental Conference drew up at its 3th meeting, held from 14 to 17 September 1971 with the participation of government legal experts, a number of amendments to the texts of the Preliminary Drafts of the Convention, the Implementing Regulations and the Rules relating to Fees published in 1971.

The delegations to the Conference will find:

- in Annex I the amendments to the Second Preliminary Draft of a Convention establishing a European System for the Grant of Patents;

- in Annex II the amendments to the First Preliminary Draft of the Implementing Regulations;

- in Annex III an amendment to the First Preliminary Draft of the Rules relating to Fees.

BR/131 e/71 prk
Re. Article 53, No. 2 IR - Allocation of duties to the Boards of Appeal

30. The Working Party had doubts about adopting a proposal by the French delegation for paragraph 1, whereby the composition of a Board of Appeal could be changed if necessary, for example, if it no longer had its full complement as a result of one of its members being excluded. In view of the intended similarity between the Board of Appeal and a court, the Working Party felt that such a rule might run contrary to the principle that nobody should be denied the right to be tried by his legal judge. It considered, however, that it was both expedient and necessary to state clearly in paragraph 1 that not only the regular members of the Boards of Appeal but also their alternates were to be designated by the authority concerned at the beginning of the working year. The title of the Article was also made more explicit along the same lines. This met the concern of the French delegation that the full complement of the Boards of Appeal should always be ensured.

31. In view of the clarification made in paragraph 1, the Working Party considered it no longer necessary to extend paragraph 3 to cover the possibility of a Board of Appeal being unable to deal with a case as a result of one of its members being prevented from taking part or objection being made to him. The Working Party agreed that such a case would practically never arise if at the beginning of the working year an alternate member were designated for each regular member of a Board of Appeal, another alternate were designated for the first alternate member, etc.

BR/132 e/71 lor/AV/ap
INTER-GOVERNMENTAL CONFERENCE          Brussels, 28th October 1971
FOR THE SETTING UP                       BR/132/71
OF A EUROPEAN SYSTEM
FOR THE GRANT OF PATENTS

- Secretariat -

MINUTES

of the meeting of Working Party I,
held in Luxembourg from 14 to 17 September 1971

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   Representatives from the Commission of the European
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(1) See Annex I for list of those attending.
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   and the list of the provisions of the Second Preliminary
   Draft Convention and the First Preliminary Draft Imple-
   menting Regulations to be examined at the meeting
   (BR/GT I/111/71).

BR/132 e/71 ley/KM/ad
von zwei Beschwerdekammern befinden müssen. Das Präsidium entscheidet mit Stimmenmehrheit; bei Stimmenungleichheit gibt die Stimme des Vorsitzenden den Ausschlag.

(3) Bei Meinungsverschiedenheiten zwischen mehreren Beschwerdekammern über ihre Zuständigkeit entscheidet das Präsidium.

Zu Artikel 53
Nummer 3
Klassifizierung der europäischen Patentanmeldungen und der europäischen Patente

Der Präsident des Europäischen Patentamts entscheidet in Anwendung der Internationalen Klassifikation über die Zugehörigkeit der europäischen Patentanmeldungen und europäischen Patente zu den Patentklassen.

Re. Article 53
No. 3
Classifying European patent applications and European patents

The President of the European Patent Office shall take decisions for classifying European patent applications and of European patents by reference to the international classification.

Zu Artikel 53
Nummer 4
Verwaltungsmäßige Gliederung des Europäischen Patentamts

(1) Die Prüfungsstellen, Prüfungsabteilungen und Einspruchsabteilungen werden verwaltungsmäßig zu Direktionen zusammengefaßt, deren Zahl vom Präsidenten des Europäischen Patentamts festgelegt wird.

(2) Die in Absatz 1 genannten Direktionen, die Beschwerdekammern und die Große Beschwerdekammer sowie die Dienststellen für die innere Verwaltung des Europäischen Patentamts werden verwaltungsmäßig zu Generaldirektionen zusammengefaßt.

(3) Jede Generaldirektion wird von einem Vizepräsidenten geleitet. Der Verwaltungsrat entscheidet nach Anhörung des Präsidenten des Europäischen Patentamts über die Zuweisung der Vizepräsidenten an die Generaldirektionen.

Re. Article 53
No. 4
Administrative structure of the European Patent Office

(1) The Examining Sections, the Examining Divisions and the Opposition Divisions shall be grouped together administratively so as to form Directorates, the number of which shall be laid down by the President of the European Patent Office.

(2) The Directorates referred to in paragraph 1, the Boards of Appeal and the Enlarged Board of Appeal, and the administrative services of the European Patent Office shall be grouped together administratively so as to form Directorates General.

(3) Each Directorate General shall be directed by a Vice-President. The appointment of a Vice-President to a Directorate General shall be decided upon by the Administrative Council, following consultation with the President of the European Patent Office.

Zu Artikel 54
Nummer 1
Besondere Prüfungsstelle für die Kostenfestsetzung

(1) Der Präsident des Europäischen Patentamts kann bestimmen, daß eine Prüfungsstelle ausschließlich für die Festsetzung der Kosten des Verfahrens gemäß Artikel 151 Absatz 3 des Übereinkommens zuständig ist.

(2) Artikel 54 Absatz 2 des Übereinkommens ist auf die in Absatz 1 genannte Prüfungsstelle nicht anzuwenden.

Re. Article 54
No. 1
Special Examining Section for the fixing of costs of proceedings

(1) The President of the European Patent Office may grant exclusive responsibilities to one Examining Section for the fixing of the procedural costs provided for in Article 151, paragraph 3, of the Convention.

(2) The provision contained in Article 54, paragraph 2, of the Convention shall not be applicable in respect of the Examining Section referred to in paragraph 1.
Zu Artikel 34
Nummer 7
Sprache der Zusatzpatentanmeldungen
Zusatzpatentanmeldungen oder im Fall des Artikels 34 Absatz 2 des Übereinkommens ihre Übersetzung müssen in der ursprünglichen Verfahrenssprache der Anmeldung des Hauptschafts eingereicht werden.

Re. Article 34
No. 7
Language of applications for patents of addition
An application for a patent of addition or, in the case referred to in Article 34, paragraph 2, of the Convention, the translation thereof must be lodged in the initial language of the proceedings for the parent patent application.

Zu Artikel 34
Nummer 8
Sprache bei der Teilung europäischer Patentanmeldungen
Auf Teilanmeldungen gemäß Artikel 81 Absatz 4 und Artikel 94 Absatz 2 des Übereinkommens ist Artikel . . . (Nummer 7 zu Artikel 34) entsprechend anzuwenden.

Re. Article 34
No. 8
Language used in the event of the division of European patent applications
The provisions of Article . . . (Re. Article 34, No. 7) shall apply to the divisional applications referred to in Article 81, paragraph 4, and Article 94, paragraph 2, of the Convention.

Zu Artikel 53
Nummer 1
Geschäftsverteilung auf die Prüfungsstellen, Prüfungsabteilungen und Einspruchsabteilungen
(1) Der Präsident des Europäischen Patentamts bestimmt die Zahl der in Artikel 53 Buchstaben a und b des Übereinkommens vorgesehenen Organe und verteilt die Geschäfte auf die Prüfungsstellen, Prüfungsabteilungen und Einspruchsabteilungen in Anwendung der Internationalen Klassifikation.

(2) Der Präsident des Europäischen Patentamts kann den Prüfungsstellen, Prüfungsabteilungen und den Einspruchsabteilungen über die Zuständigkeit hinaus, die ihnen durch das Übereinkommen und diese Ausführungsordnung zugewiesen ist, Verwaltungsaufgaben übertragen.

Re. Article 53
No. 1
Allocation of duties to the Examining Sections, Examining Divisions and Opposition Divisions
(1) The President of the European Patent Office shall determine the number of the departments provided for in Article 53, sub-paragraphs (a) and (b), of the Convention and shall allocate duties to the Examining Sections, Examining Divisions and Opposition Divisions. by reference to the international classification.

(2) In addition to the responsibilities vested in them under the Convention and these Implementing Regulations, the President of the European Patent Office may allocate administrative duties to the Examining Sections, Examining Divisions and Opposition Divisions.

Zu Artikel 53
Nummer 2
Geschäftsverteilung auf die Beschwerdekammern

(2) Die in Absatz 1 bezeichneten Anordnungen trifft das Präsidium, das sich zusammensetzt aus dem Präsidenten des Europäischen Patentamts als Vorsitzenden, dem für die Beschwerdekammern zuständigen Vizepräsidenten, den Vorsitzenden der Beschwerdekammern und drei weiteren Mitgliedern der Beschwerdekammern, die von der Gesamtzahl der Mitglieder der Beschwerdekammern, die von der Gesamtheit der Mitglieder der Beschwerdekammern für die Dauer des Geschäftsjahrs gewählt werden. Zur Beschlußfähigkeit des Präsidiums ist die Anwesenheit von mindestens fünf Mitgliedern erforderlich, unter denen sich der Präsident oder ein Vizepräsident des Europäischen Patentamts und die Vorsitzenden

Re. Article 53
No. 2
Allocation of duties to the Boards of Appeal
(1) Duties shall be allocated to the Boards of Appeal and the members of the various Boards of Appeal shall be designated before the beginning of each working year. Any member of a Board of Appeal may be designated as a member of more than one Board of Appeal. These measures may, where necessary, be amended during the course of the working year in question.

(2) The measures referred to in paragraph 1 shall be taken by an authority consisting of the President of the European Patent Office, who shall act as Chairman, the Vice-President responsible for appeals, the Chairman of the Boards of Appeal and three other members of the Boards of Appeal, elected by the full membership of these Boards for the working year in question. This authority may only take a decision if at least five of its members are present; these must include the President or a Vice-President of the European Patent Office, and the Chairmen of two Boards of Appeal. Decisions shall be taken by a majority vote; in the event of parity of voting, the Chairman shall exercise the casting vote.
FIRST PRELIMINARY DRAFT OF THE IMPLEMENTING REGULATIONS
TO THE CONVENTION ESTABLISHING A EUROPEAN SYSTEM
FOR THE GRANT OF PATENTS

PREMIER AVANT-PROJET DE RÈGLEMENT D'EXÉCUTION
DE LA CONVENTION INSTITUANT UN SYSTÈME EUROPÉEN
DE DÉLIVRANCE DE BREVETS
SECOND PRELIMINARY DRAFT OF A CONVENTION 
ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS 

with 

FIRST PRELIMINARY DRAFT OF THE IMPLEMENTING REGULATIONS TO THE 
CONVENTION ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT 
OF PATENTS 

and 

FIRST PRELIMINARY DRAFT OF THE RULES RELATING TO FEES
Re. Article 53, No. 2 - Allocation of duties to the Boards of Appeal

43. The text deals with the allocation of duties to the Boards of Appeal and their members.

It was adopted, after a number of amendments had been made to make this allocation more flexible.

Under paragraph 1, the allocation of duties may, if necessary be modified during the course of the working year in order to allow the EPC the required flexibility.

In paragraph 2, the Sub-Committee decided that, having regard to the considerable number of persons composing the authority (the President of the EPO, the Vice-President responsible for appeals, the Chairmen of the Boards of Appeal and three members of the Boards of Appeal, i.e. about 15 persons), it would be necessary to lay down that this authority could take valid decisions if at least five of its members were present, including the President or his Deputy, and two Chairmen of Boards of Appeal.

Re. Article 53, No. 3 - Classifying of European patent applications

44. No Comments.

Re. Article 53, No. 4 - Administrative structure of the European Patent Office

45. No Comments.

BR/43 e/70 ett/RT/cm

.../...
MINUTES

of the meeting of Working Party I sub-Committee on
"Implementing Regulations"
(Luxembourg, 24-26 June 1970)

I

1. The first working meeting of the sub-Committee instructed
by Working Party I to draw up draft Implementing Regulations

to the Convention (cf. BR/GT I/41/70, page 26, point 50)
was held at Luxembourg on 24 to 26 June 1970. In accordance with
the decision taken by the sub-Committee at its inaugural meeting

held at Luxembourg on 2 April 1970, the Chair was taken by
Mr. PRESSONNET, Deputy Director, French Industrial Property
Institute (cf. BR/GT I/40/70). In addition to the national
delегations represented in Working Party I, the meeting was
attended by the IIB (The Hague) (1).

(1) Annex I gives the provisional agenda for the meeting and
Annex II contains the list of those taking part in the
meeting.

BR/43 e/70 kel/RT/bm
The various Boards of Appeal are responsible for allocating business to departments of the European Patent Office. According to Article 19, paragraph 1, the Authority referred to in paragraph 2 shall be taken into account when the Authority referred to in paragraph 1 is not available.

Make clear:

Article 19 shall not be subject to the condition that the Authority referred to in paragraph 1 shall be the Authority referred to in paragraph 2.

(1) The proposal that the President of the European Patent Office should not be responsible for the allocation of duties shall be allocated to the President of the European Patent Office.

Notes:

Proposal

Allocation of duties to the Boards of Appeal

Number 2 (new)

Former Article 19

Re. Article 21
Stage.

The document should be incorporated in the Convention. The question of whether a number of the objectives set out in this Convention are agreed by the Working Party when drawing up the first Preliminary Draft.

4. Preliminary Draft Regulations as agreed by Working Party I.

Completely new proposals.

The proposals are submitted on the right-hand pages of this document, opposite the corresponding proposals of the Preliminary Draft Regulations drawn up in the correspondence with the text of the Preliminary Draft Regulations. The proposals are submitted on the right-hand pages of this document, opposite the articles of the Convention and should only be regarded as provisional.

The articles of the Convention follow the order of the objectives set out in the text of the Preliminary Draft Convention, for which they lay down the terms and conditions submitted herewith are drafted by reference to the articles of the first Preliminary Draft Regulations, the draft articles.

As in the above-mentioned Preliminary Draft Regulations, the draft articles have been published.


A European Patent Law, drawn up by the EEC Working Party on "Patents" (working documents, etc.) on the basis of the Preliminary Draft Implementation Regulations to the Convention, will be presented to the Working Party.

The proposals set forth in this document are closely based upon the proposals.
(unpublished working document 4419/7/6) of 20 January 1964)

a European Patent Law, as drafted by the PCT "Patents" Working Party

the Patentary Direct Implementing Regulations to the Convention relating to

the Patentary Direct Implementing Regulations with

"Implementing Regulations" by the Committee of Working Party I

put forward by the Chairman of the Committee to the Convention establishing a European System for the Grant of Patents

for Direct Implementing Regulations

WORKING DOCUMENT

SECRETARIAT

BR/GR 1/44 & 670 ERR/P4 SW

Brussels, 20 May 1970
Article 177

(1) This Convention, drawn up in a single original, in the English, French and German languages, shall be deposited ...

Implementing Regulations:

Rule 9

(2) ..., the President of the European Patent Office may allocate other duties to the Receiving Section, ...

Rule 10

(4) The Administrative Council may allocate duties under Article 134, paragraph 8(c), to the Boards of Appeal.

Rule 13

(1) ... has opened proceedings against the applicant for the purpose of seeking a judgment that he is entitled to the grant of the European patent, ...

(4) ... has opened proceedings against the proprietor of the European patent for the purpose of seeking a judgment that he is entitled to the European patent, ...

Rule 17

(1) ...; the designation must state the family name, given names and full address of the inventor and the statement referred to in Article 81 and shall bear the signature of the applicant or his representative.