Article 74 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.
<table>
<thead>
<tr>
<th>Entwurf, der dem nebenstehenden Dokument zugrunde liegt</th>
<th>Art. Nr. im Entwurf/Dokument</th>
<th>Dokument, in dem der Art. behandelt wird</th>
<th>Fundstelle im Dokument</th>
</tr>
</thead>
<tbody>
<tr>
<td>BR/88/71</td>
<td>22a</td>
<td>BR/94/71</td>
<td>Rdn. 9/10</td>
</tr>
<tr>
<td>VE 1971 (Ue)</td>
<td>22a</td>
<td>BR/132/71</td>
<td>Rdn. 12/13</td>
</tr>
</tbody>
</table>

**Dokumente der MDK**

<table>
<thead>
<tr>
<th>M/1</th>
<th>72</th>
<th>M/PR/I</th>
<th>Rdn. 189</th>
</tr>
</thead>
<tbody>
<tr>
<td>E 1972</td>
<td>72</td>
<td>M/PR/I</td>
<td>S. 38^3^, Rdn. 189</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
<td>S. 6</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td>M/80/I/R 2</td>
<td>Art. 74</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td>M/146/R 3</td>
<td>S. 3, Rdn. 17</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td>M/40</td>
<td></td>
</tr>
</tbody>
</table>
MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Brussels, 13 August 1973
M/ 40
Original: English

PREPARATORY DOCUMENT

Drawn up by: The United Kingdom Government

Subject: Proposed amendments concerning the Draft Convention, the Draft Implementing Regulations, the Draft Protocol on Recognition and the Draft Protocol on Privileges and Immunities
Article 74

Law applicable

Unless otherwise specified in this Convention, the European patent application as an object of property shall, in each designated Contracting State and with effect for such State, be subject to the law applicable in that State to national patent applications.
MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Munich, 30 September 1973
M/146/R3
Original: English/French/German

CONFERENCE DOCUMENT

Drawn up by: General Drafting Committee

Subject: Convention: Articles 55 to 83
Unless otherwise specified in this Convention, the European patent application as an object of property shall, in each designated Contracting State and with effect for such State, be subject to the law applicable in that State to national patent applications.
MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Munich, 14 September 1973

M/80/I/R 2

Original: English/French/German

TEXTS DRAWN UP BY
THE DRAFTING COMMITTEE OF MAIN COMMITTEE I
AT THE MEETING ON 13 SEPTEMBER 1973

Articles of the Convention:

<table>
<thead>
<tr>
<th>Articles</th>
<th>53</th>
<th>58</th>
<th>59</th>
<th>61</th>
<th>68</th>
<th>71</th>
<th>72</th>
<th>73</th>
<th>74</th>
<th>84</th>
<th>85</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>86</td>
<td>87</td>
<td>92</td>
<td></td>
<td>96</td>
<td>98</td>
<td>99</td>
<td>101</td>
<td>102</td>
<td>104</td>
<td>148</td>
</tr>
</tbody>
</table>

Rules of the Implementing Regulations:

| Rules | 13 | 16 | 52 | 59 |
protection of the application or patent in the language of the translation did not extend beyond protection in the language of the proceedings.

167. The Chairman of the Drafting Committee replied that in the latter's view either version would have very much the same effect.

168. The United Kingdom agreed with the Drafting Committee on this point.

169. The Chairman considered that the sole purpose of paragraph 3 was to provide for the eventuality of protection in the translation being narrower than in the language of the proceedings. More extensive protection in the translation could constitute grounds for revocation in accordance with Article 138. If, on the other hand, protection were identical in the translation and in the language of the proceedings, the language of the proceedings would, under Article 68, paragraph 1, be the authentic one should any problems arise.

170. The Swiss delegation agreed, and added the view that the version of paragraph 3 proposed by the Drafting Committee might lead to the temptation to “stretch” translations from the language of the proceedings as far as possible, since, under paragraph 4(a), they could be corrected, and so no harm would be done.

171. The Main Committee finally voted on the Swiss proposal (see point 164 above) that the English and French versions should be amended to correspond to the German version of 12 delegates voted in favour, one against and there were 6 abstentions.

172. The Main Committee referred to the Drafting Committee a drafting proposal from the Netherlands delegation regarding paragraph 4(a) (M/52/111, III, point 9).

173. The Norwegian delegation, seconded by the Swedish delegation, proposed that paragraph 4(a) should clearly lay down that the applicant was himself obliged to pay for the publication of a corrected translation of the patent application or patent. This could be achieved by means of a reference to Article 63 (65), paragraph 2 (M/60/1, page 1).

174. The delegations of the Federal Republic of Germany and the Netherlands considered that the Norwegian delegation’s aim was already achieved by means of the reference to Article 65 (67), paragraph 3, and that such clarification was therefore superfluous. They could nonetheless accept the Norwegian drafting proposal.

175. The Main Committee adopted the Norwegian drafting proposal.

176. The Norwegian delegation proposed (M/28, point 8, and M/60/1, page 1) that paragraph 4(c) should provide that anyone who had used an invention in good faith should be entitled, in the event of an incorrect translation of the patent, to continue to use it without payment, even if he subsequently established that the invention should not have been used.

177. The Finnish, Netherlands and Swedish delegations supported this proposal.

178. The Swiss delegation said it was opposed to this proposal. The comparison drawn by the Norwegian delegation between this case and that of resitutio in integrum (Article 121, paragraph 6) was not convincing, since, in the latter, the proprietor of the patent actually lost his rights until they were re-established, whereas in the former, the proprietor of the patent was accorded protection of which however the third party was unaware, on account of an incorrect translation of the patent.

179. The delegation of the Federal Republic of Germany pointed out that this point had already been turned down at the Luxembourg Inter-Governmental Conference and that there were no grounds for going back on the decision taken on that occasion.

180. The IAPIP delegation supported the view of the two previous delegations. It considered that the right to continue to use the patent was, in itself, a positive advantage and that there was no need to grant it free of charge.

181. The United Kingdom delegation considered that circumstances might arise in which the applicant should be entitled to require the user of the invention to pay reasonable compensation, for example, if the latter were aware that the translation was incorrect. On the other hand, there might be other circumstances in which compensation would be out of place. It therefore wondered whether it might not be advisable to elaborate on the words “reasonable compensation”, depending on the case.

182. The French delegation likewise considered that, while the present wording would be satisfactory in certain circumstances, it would not be in others. It therefore proposed that the last sentence of sub-paragraph (b) should state that the applicant could, “where appropriate”, require the user to pay compensation, to be awarded at the discretion of the courts in the relevant Contracting State.

183. The delegation of the International Chamber of Commerce pointed out that, if the Norwegian proposal were adopted, applicants might be tempted to formulate the translations they had to supply so generally that a situation in which it was possible to continue using the invention without payment would be excluded a priori. On the other hand, it considered that the French compromise proposal was reasonable.

184. The CEIF delegation saw no need to amend the present version. It covered all cases inasmuch as “reasonable” compensation could, in specific cases, also be taken to mean “no” compensation.

185. The Norwegian delegation considered the French compromise proposal less felicitous, since elsewhere in the Convention, in Article 65 (67), paragraph 2, for example, “reasonable compensation” meant that some compensation would always be paid.

It called for a vote on its proposal.

186. In the ensuing vote on the Norwegian proposal, 6 delegations voted in favour, 4 against; and there were 5 abstentions.

Article 71 (73) — Contractual licensing

187. The French delegation proposed that it be made clear that a licence could be granted for part of the protected invention, e.g. for a claim for use only, whereas the patent might also cover claims for the product and for the process for its manufacture (M/26, points 13 and 14).

188. This proposal, which was supported by a number of delegations, was adopted by the Main Committee.

Article 72 (74) — Law applicable

189. A drafting proposal made by the United Kingdom delegation (M/40, point 17) was referred to the Drafting Committee.

Article 73 (75) — Filing of the European patent application

190. The Chairman opened by noting that the Steering Committee had agreed that the question of the filing of patent applications should be dealt with under Article 73.

191. The French delegation pointed out that, when paragraph 1(a) was drafted, it had not yet been established that examinations on filing and examinations as to formal requirements could be carried out at the branch at The Hague.

It was necessary to decide whether European patent
**Contents**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>7</td>
</tr>
<tr>
<td>Report on the meeting of the Plenary</td>
<td>9</td>
</tr>
<tr>
<td>Opening Meeting</td>
<td>9</td>
</tr>
<tr>
<td>(M/PR/K/1)</td>
<td></td>
</tr>
<tr>
<td>Minutes of the proceedings of the Credentials Committee</td>
<td>25</td>
</tr>
<tr>
<td>(M/PR/V)</td>
<td></td>
</tr>
<tr>
<td>Minutes of the proceedings of Main Committee I</td>
<td>27</td>
</tr>
<tr>
<td>(M/PR/I)</td>
<td></td>
</tr>
<tr>
<td>Minutes of the proceedings of Main Committee II</td>
<td>109</td>
</tr>
<tr>
<td>(M/PR/II)</td>
<td></td>
</tr>
<tr>
<td>Minutes of the proceedings of Main Committee III</td>
<td>155</td>
</tr>
<tr>
<td>(M/PR/III)</td>
<td></td>
</tr>
<tr>
<td>Minutes of the proceedings of the Committee of the Whole</td>
<td>163</td>
</tr>
<tr>
<td>(M/PR/G)</td>
<td></td>
</tr>
<tr>
<td>Report on the meeting of the Plenary</td>
<td>199</td>
</tr>
<tr>
<td>Final Meeting</td>
<td></td>
</tr>
<tr>
<td>(M/PR/K/2)</td>
<td></td>
</tr>
<tr>
<td>List of participants</td>
<td>211</td>
</tr>
</tbody>
</table>
MINUTES
OF THE
MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING
UP OF A EUROPEAN SYSTEM
FOR THE GRANT OF PATENTS

(Munich, 10 September to 5 October, 1973)

published by the
Government of the Federal Republic of Germany
Artikel 70
Rechtsgeschäftliche Übertragung

Die rechtsgeschäftliche Übertragung der europäischen Patentanmeldung muß schriftlich erfolgen und bedarf der Unterschrift der Vertragsparteien.

Vgl. Regel 20 (Eintragung von Rechtsübergängen)

Artikel 71
Vertragliche Lizenzen

Eine europäische Patentanmeldung kann Gegenstand von Lizenzen für alle oder einen Teil der Hoheitsgebiete der benannten Vertragsstaaten sein.

Vgl. Regeln 21 (Eintragung von Lizenzen und anderen Rechten) und 22 (Besondere Angaben bei der Eintragung von Lizenzen)

Artikel 72
Anwendbares Recht

Soweit in diesem Übereinkommen nichts anderes bestimmt ist, unterliegt die europäische Patentanmeldung als Gegenstand des Vermögens in jedem benannten Vertragsstaat und mit Wirkung für diesen Staat dem Recht, das in diesem Vertragsstaat für nationale Patentanmeldungen gilt.

Cf. Rule 20 (Registering a transfer)

Cf. Rules 21 (Registering of licences and other rights) and 22 (Special indications for the registration of a licence)

Article 70
Assignment

An assignment of a European patent application shall be made in writing and shall require the signature of the parties to the contract.

Article 71
Contractual licensing

A European patent application may be licensed for the whole or part of the territories of the designated Contracting States.

Cf. Rules 21 (Registering of licences and other rights) and 22 (Special indications for the registration of a licence)

Article 72
Law applicable

Unless otherwise specified in this Convention, the European patent application as an object of property shall, in each designated Contracting State and with effect for such State, be subject to the law applicable in that Contracting State to national patent applications.
ENTWURF EINES ÜBEREINKOMMENS
ÜBER EIN EUROPÄISCHES PATENTERTeilungsVERFAHREN

DRAFT CONVENTION
ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

PROJET DE 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
Article 22a - Law applicable

12. One delegation suggested drafting this Article differently so as to make it more explicit that only those legal procedures relating to the patent application which were initiated after filing, but not the filing itself, are subject to national law.

The Working Party nevertheless came to the conclusion that this situation was made clear both by the present wording of the Article "the European patent application as an object of property" and by its position in Chapter V, and thus required no amendment to the wording.

13. It also agreed that according to the present wording, not only the application itself but also licences issued in respect of the application were objects of property.

Article 23 - Transfer of European patent application

14. The Working Party agreed that paragraph 1 should deal only with the assignment of the application, whereas paragraphs 2 and 4 should cover all kinds of transfer. It decided accordingly to align the English wording of paragraphs 2 and 4 on the other two versions in this respect ("transfer" instead of "assignment"). The German title of the Article was also extended in this respect.
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/KM/ad

Artikel 22a
Anwendbares Recht
Soweit in diesem Übereinkommen oder in einem besonderen Übereinkommen nach Artikel 8 nichts anderes bestimmt ist, unterliegt die europäische Patentanmeldung als Gegenstand des Vermögens in jedem benannten Vertragsstaat und mit Wirkung für diesen Staat dem Recht, das in diesem Vertragsstaat für nationale Patentanmeldungen gilt.

Artikel 23
Übertragung der europäischen Patentanmeldung
(1) Die rechtsgeschäftliche Übertragung der europäischen Patentanmeldung muß schriftlich erfolgen und bedarf der Unterschrift der Vertragsparteien.
(2) Der Rechtsübergang wird auf Antrag eines Beteiligten in das europäische Patentregister eingetragen, wenn das Original oder eine beglaubigte Abschrift des Übertragungsvertrags oder der öffentlichen Urkunden, aus denen sich der Rechtsübergang ergibt, oder zur Feststellung des Rechtsübergangs ausreichende Auszüge aus dem Vertrag oder den Urkunden vorgelegt werden. Der Antrag gilt erst als gestellt, wenn die in der Gebührenordnung zu diesem Übereinkommen vorgeschriebene Gebühr entrichtet worden ist.
(3) Ein Exemplar der in Absatz 2 genannten Unterlagen wird vom Europäischen Patentamt aufbewahrt; das Europäische Patentamt gewährt auf Antrag und nach Entrichtung der in Artikel 149 vorgesehenen Gebühr Einsicht in diese Unterlagen.
(4) Der Rechtsübergang wird dem Europäischen Patentamt gegenüber erst wirksam, wenn ein Hinweis darauf in das europäische Patentregister eingetragen ist; der Rechtsübergang wird nur in dem Umfang wirksam, in dem er sich aus den in Absatz 2 genannten Unterlagen ergibt.

Artikel 24 bis 27
— gestrichen —

Artikel 28
Vertragliche Lizenzen an einer europäischen Patentanmeldung
Eine europäische Patentanmeldung kann Gegenstand von Lizenzen für alle oder einen Teil der Gebiete der benannten Vertragsstaaten sein.

States. Such assignment shall not affect the unity of the application in proceedings before the European Patent Office. The assignees in the different States shall be regarded as joint applicants for the purpose of these proceedings.

Artikel 22a
Law applicable
Unless otherwise specified in this Convention or in a special agreement under Article 8, the European patent application as an object of property shall, in each designated State and with effect for such State, be subject to the law applicable in that Contracting State to national patent applications.

Article 23
Assignment of a European patent application
(1) The assignment of a European patent application shall be made in writing and shall require the signature of the parties to the contract.
(2) The assignment shall be recorded in the Register of European Patents at the request of the interested party or of one of the interested parties on production either of the original or of a certified copy of the assignment deed, or of official documents verifying the assignment, or of such extracts from such deed or documents as suffice to establish the assignment. The request shall not be considered as made until such time as the fee prescribed for this purpose by the Rules relating to Fees adopted pursuant to this Convention has been paid.
(3) The European Patent Office shall retain one copy of the documents referred to in paragraph 2 and shall allow access to these documents on request, after the fee referred to in Article 149, paragraph 3, has been paid.
(4) The assignment shall not have effect vis-à-vis the European Patent Office until after notification of such assignment has been recorded in the Register of European Patents; it shall only become effective to the extent to which it is verified by the documents referred to in paragraph 2.

Articles 24 to 27
— deleted —

Article 28
Contractual licensing of a European patent application
A European patent application may be licensed for the whole or part of the territories of the designated Contracting States.
ZWEITER VORENTWURF EINES ÜBEREINKOMMENS
ÜBER EIN EUROPÄISCHES PATENTERTEILUNGSVERFAHREN

SECOND PRELIMINARY DRAFT OF A CONVENTION
ESTABLISHING A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

SECOND AVANT-PROJET DE 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

SECOND AVANT-PROJET DE CONVENTION INSTITUANT UN
SYSTÈME EUROPÉEN DE DÉLivrANCE DE BREVETS
ainsi que
PREMIER AVANT-PROJET DE RÈGLEMENT D'EXÉCUTION DE LA CONVENTION
INSTITUANT UN SYSTÈME EUROPÉEN DE DÉLivrANCE DE BREVETS,
et
PREMIER AVANT-PROJET DE RÈGLEMENT RELATIF AUX TAXES

— 1971 —
(b) Proposal by the Netherlands delegation concerning Articles 22 ff. (the patent application as an object of property - BR/GT I/95/71)

9. The Working Party agreed with the opinion expressed by the Netherlands delegation in BR/GT I/95/71 that the European patent application in which several Contracting States were designated represented a bundle of reversionary rights or, at the very least, was in effect equivalent to a bundle of such rights. It did not consider it necessary to enter into a discussion about the juridicial basis of this opinion.

The practical outcome of this view was that the Working Party agreed to accept the new text of Articles 22 ff. proposed by the Netherlands delegation. It merely made certain textual improvements to this text; in particular, it re-introduced the expression "assignment" of the European patent application in paragraph 1 of Article 23, an expression employed in earlier texts.

10. Furthermore, the Working Party agreed to discuss Articles 22 ff. at a later date with the government legal experts.

(c) Proposal by the French delegation for a new version of Article 64, paragraph 2 (compulsory filing of a European patent application with the national patent office - BR/GT I/100/71)

11. The French delegation pointed out that the former text of Article 64, paragraph 2 could have undesirable consequences in several Contracting States.

BR/94 e/71 aut/KM/prk .../...
INTER-GOVERNMENTAL CONFERENCE
FOR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 6th April 1971
BR/94/71

- Secretariat -

MINUTES

of the 7th meeting of Working Party I
held at Luxembourg from 26 to 29 January 1971

Item 1 on the agenda (1): Opening of the meeting and adoption of the provisional agenda.

1. The Working Party held its seventh meeting at Luxembourg from Tuesday 26 to Thursday 28 January 1971 with Dr. HAERTHEL, President of the German Patent Office, in the Chair.

The meeting was attended by representatives of the Commission of the European Communities, WIPO/OMPI and the International Patent Institute (2). The representative of the General Secretariat of the Council of Europe sent his apologies for being unable to attend.

2. The Drafting Committee, under the Chairmanship of the President of the Netherlands "Octrooiraad", Mr. J.V. VAN BENTHEM, held its meetings directly after the deliberations of the Working Party, and also on the morning of 29 January 1971.

(1) For the provisional agenda (BR/GT I/101/71), see Annex I.
(2) For the list of those attending the meeting of the Working Party, see Annex II.
Article 22a
Law applicable

Unless otherwise specified in this Convention or in a special agreement under Article 8, the European patent application as an object of property shall, in each designated State and with effect for such State, be subject to the law applicable in that Contracting State to national patent applications.
FIRST PRELIMINARY DRAFT OF A CONVENTION

ESTABLISHING

A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- Stage reached on 29 January 1971 -
14. **Article 63** The comma in line 2, paragraph 1, should be deleted.

15. Paragraph 3 should read "...deemed to be void ab initio in that State".

16. **Article 68** In line 3, paragraph 2, "determine" should be amended to read: "constitute the basis for determining".

17. **Article 72** The word "Contracting" in the penultimate line should be deleted.

18. **Article 111** In paragraph 1(a), "ex officio" should be amended to read "of its own motion".

19. **Article 113** The title should be amended to read "Examination by the European Patent Office of its own motion" and in paragraph 1, "ex officio" should be amended to read "of its own motion".

20. **Article 121** In line 2, paragraph 5, "specified" should be amended to read "referred to" since the time limit of Article 74(3) is in fact not specified in that Article but in the Implementing Regulations.

21. **Article 131** In paragraph 1, the word "for" in line 1 should be deleted and the first sentence should read, "...Contracting States shall on request give assistance....opening files for inspection".

22. **Article 132** "prior right" should be amended to read "prior art".

23. **Article 146** Paragraph 1, last sentence, should be amended to read:

   "Article 37, paragraphs 3 and 4, and Article 39 shall apply mutatis mutandis".

24. **Article 156** In sub-paragraphs (3)(a) and (b) "is to" should be amended to read "shall".