

D-Book

*How to answer legal questions, draft legal opinions and pass
Paper D of the European Qualifying Examination*

written and edited by

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Eighth Edition

Leseprobe



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Foreword

Since its first edition in 2005, the C-Book from Bill Chandler and Hugo Meinders has figured first and foremost among the books used by candidates to prepare themselves for Paper C of the EQE. There appears to be nothing like it and this is the reason why it continues to be the general reference text used in the CEIPI courses in Strasbourg for this paper. I am very pleased to see now the emergence of a corresponding D-Book that will undoubtedly find its place next to the C-Book on the personal bookshelf of all candidates preparing for the EQE.

It is with great pleasure that I contribute this foreword to the D-Book. I would like to acknowledge the creativity, the energetic initiative and the work of the author Andrew Rudge. The result is of a very high level and goes beyond a textbook purely for examination preparation.

I am sure that the use of this new text, combined with attendance at one or more of the specifically designed CEIPI EQE courses and extensive study before the examination can bring only good results! The high quality of the D-Book reflects the high quality of tutoring on the CEIPI preparation courses that makes them among the best and most frequented in Europe.

I would like to express my thanks to the author for his commitment and long-time loyalty to CEIPI.

Strasbourg, September 2013

– *Thierry Debled,*
Director of the International Section of CEIPI

Preface

This book has been prepared with the intention of offering advice and support for candidates preparing for the legal papers of the European Qualifying Exam and Pre-examination. It is split into three parts. Part A offers general advice on how the legal papers should be approached and should be used in conjunction with attempts at past papers in order to develop strategy and tactics before sitting the exam itself. It cannot be stressed too much that attempting a number of past papers is an essential preparation for the EQE, not least in order to become confident in the use of time. A certain number of key legal principles are also explained in Part A. However, an understanding of these principles is only a starting point. Candidates must undertake several years of private study in order to develop a broad and deep understanding of all the relevant legal texts before sitting the exams. Attendance at seminars, particularly those organised by CEIPI (Centre d'Études Internationales de la Propriété Intellectuelle) is also recommended. Parts B and C set out the relevant law under the EPC and PCT, respectively, that needs to be assimilated. Subject matter in these sections has been set out in a logical sequence that mirrors the stages of the patent examination and granting process an applicant encounters in real life. With all the relevant legal materials relevant to each topic brought together, and ordered systematically, it should be easier for even newcomers to patent law to locate important legal basis quickly. In Part B, the articles and rules cited are those of EPC2000 unless specified otherwise. In Part C, the articles and rules cited are those of the PCT unless specified otherwise. The chapters in parts B and C have been aligned to the maximum possible extent, allowing the reader to readily compare and contrast the counterpart stages of the EPC and PCT procedures. Every effort has been made to ensure these materials are complete, accurate and up to date as of the date of publication but experience suggests that omissions and errors will inevitably persist. Readers who have suggestions for amendment are warmly invited to e-mail the author (andrew.rudge@hotmail.co.uk).

Walmer, June 2020

Andrew Rudge

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PART A – STRATEGY

Chapter 1: Paper D Part I – Legal Questions

1.1 General comments

In the first part of paper D of the EQE (from 2013 onwards), the candidate must answer a series of short questions relating to aspects of substantive and procedural law under the EPC and PCT (Part I: Legal Questions; Art. 1(4) REQEPR, r.26(1) IPREQE). These short questions correspond to the kind of questions posed in the D1 paper of the EQE up to and including 2012 and the overall length, content and style of the questions have not changed at all in the new format – the only significant change is that the number of questions has decreased in order to take into account the reduced time allocated to the exam as a whole. 1

The balance between EPC and PCT questions varies from year to year but generally about two thirds of the marks are allocated to questions relating to the EPC and one third of the marks are allocated to questions relating to the PCT. 2

In order to secure full marks in these short questions, the candidate needs to identify the legal provisions that are relevant and apply these provisions to the facts of the question in order to identify the appropriate consequences and outcomes. Both the citation of the legal basis and the reasoning relating to its application are necessary in order to secure any marks: a simple yes/no answer will not generally score any marks on its own. 3

The extent of the legal knowledge that can be tested in Paper D, and indeed in the EQE as a whole, is set out in the examination syllabus (Art. 13 REQEPR and r.22(1) IPREQE). A thorough knowledge of the EPC and PCT is required. In terms of the EPC, the candidates must be particularly familiar with Arts. 1 to 25 and 52 to 153 of EPC2000 and the corresponding Implementing Regulations. A knowledge of those important provisions of EPC1973 which continue to apply, e.g. Art. 54(4) and r.23a EPC1973, and transitional rules relating to them is also necessary. Furthermore, where recent changes to the regulations have taken place since the introduction of EPC2000, candidates are also expected to know the transitional provisions that determine the coming into force of the changes and the situations under which the previous rule may continue to apply. 4

Knowledge of the Protocols on Centralisation and Recognition (particularly the latter), the Rules Relating to Fees, important case law, the ancillary regulations (notices from the EPO and decisions of the President, including arrangements for debiting deposit accounts), the national law book and the Guidelines for Examination is also required. The relevant Guidelines include both Guidelines for Examination in the EPO and Guidelines for Search and Examination at the EPO as PCT Authority. The most important case law is that cited in the Guidelines together with the decisions of the Enlarged Board of Appeal. Students also need to be familiar with the content of the latest edition white Case Law book (Case Law of the Board of Appeal of the European Patent Office), the annual updates published in special editions of the Official Journal between new editions and any case law published in the Official Journal in the year before the exam up until 31 October (r.2 IPREQE). 5

In terms of the PCT, candidates must be particularly familiar with Arts. 1 to 49 and the corresponding implementing regulations. Knowledge of the main provisions of the Paris Convention (Articles 1 to 5 *quater* and 11), which is directly applied under the PCT, is also required. The syllabus further extends to a knowledge of the most significant provisions of Japanese and US patent law. 6

The legal texts to be used in the exam are those that are in force on 31 October of the year prior to the exam (r.2 and 22(1) IPREQE). Any changes, e.g. amendments to the EPC regulations, coming into force between that date and the date of the exam are to be ignored. It is a basic but important point that candidates should use these up-to-date texts in preparation for the exam and in the exam itself! Sadly, the reports of the Examination Committee suggest that this is not always the case. Since a new version of the Guidelines comes into force in November each year, the relevant version of the Guidelines to be used in the exam will necessarily be considerably out of date and will not reflect changes in the primary legal texts which are to be used. 7

8 Although this is an open-book exam (Point I.4, ICEQE, Decision of the Examination Board dated 24.10.2011), time is short and the opportunity to search for answers is severely limited. To ensure success, the candidate must be thoroughly familiar with the materials described above and know instantly where to locate the relevant information.

9 Apart from the guides to the EPC and PCT included in this publication (see below) and the sources they reference (EPC, PCT, Guidelines for Examination in the European Patent Office, ancillary regulations, case law), all of which you should be familiar with and have with you, several other reference works are useful in the exam. These include the PCT Applicant's Guide and a list of countries that are members of the EPC, PCT, Paris Convention and WTO (available from the WIPO website). In particular, an up to date copy of the PCT Applicant's Guide is virtually essential if you are to be able to answer fully many of the questions set on the PCT. It is also useful to have a pre-marked EPO calendar showing closed days for the year of the exam and the previous year and a copy of the EPO publication relating to aspects of national law. The EPO calendars showing closed days are supplied in the exam but time can be saved by obtaining copies in advance and marking closed days with a highlighter. Care should be taken, however, to ensure such a pre-prepared calendar matches the corresponding calendar in the paper since sometimes discrepancies can occur and the answer to the question will clearly have been based on the latter document.

1.2 How to tackle the questions

1.2.1 Time management – understanding the question

10 Paper D is five and a half hours long from 2017 onwards (r.26(1) IPREQE, Decision of the Supervisory Board of 17 November 2016). Now that all the legal questions have been combined in a single paper and candidates have complete freedom to allocate time as they wish, a well-planned and disciplined approach to time-management is absolutely essential for success. The planning must involve the allocation of an amount of time to be spent on each part of the paper that is commensurate with the number of marks available, allowing some time at the end, if possible, for checking. Discipline must be shown in adhering to this schedule properly so that a disproportionate amount of time is not spent answering questions for which only a few marks are available. It is vitally important that the whole paper is answered and, in particular, that an adequate amount of time is reserved for the longer questions which require more analysis in order to extract the points for which marks are available.

11 The number of marks allocated to each short question is clearly marked on the examination paper so it is possible to calculate how many minutes are available for each question. Five and a half hours equates to 330 minutes, allowing a maximum of 3 minutes 18 seconds for each mark (100 marks being awarded for the paper in total, r.6 IPREQE). If some time is to be reserved for a final check of the written answer, as is highly advisable, then about 3 minutes per mark should be allocated. So, for example, a typical question for which 6 marks have been allocated should be answered in a maximum of 18 minutes. Candidates should make a note of the time available for each question on the exam paper and not exceed it. It is better to leave a question half-answered and move on to the next question rather than risk running out of time at the end and not answering part of the paper. This is because it is easier to accumulate the first 50 % of the marks for any given question than the second 50 % and hence better to have partially answered all of the questions rather than fully answered half of the questions.

12 The other important aspect of time management is the allocation of the time available to a particular question between analysis and writing. There is a temptation to start writing the answer as soon as possible in order to make good progress and be able to complete the paper on time. The psychological pressure induced by everybody else furiously scribbling away in the tense atmosphere of an exam hall can be hard to resist. However, the truth is that once the question has been properly analysed and the answer deduced, it does not take much time to draft a clear and concise answer. If, on the other hand, an attempt is made to start writing the answer during the analysis phase it is likely that much crossing-out and rewriting will be necessary, which will waste precious moments and lead to a poorly laid-out and sometimes illegible script. It is therefore important not to panic and to resist the temptation to start writing immediately when some aspect of the question has

Chapter 13: Allowance and Grant

13.1 Circumstances in which a patent is granted

- Art. 97(2) If the Examining Division is of the opinion that a European patent application and the invention to which it relates meet the requirements of the EPC, it will decide to grant a patent provided that the conditions laid down in the Implementing Regulations are fulfilled. 1004

13.2 Approval of the text for grant, payment of fees and the filing of claim translations

13.2.1 Communication from the Examining Division under r.71(3)

- r.71(3)(4) Before deciding to grant a patent, the Examining Division: 1005
(a) informs the applicant of the text which it intends to grant and related bibliographic data; and invites the applicant to:
(b) pay the fee for grant and publishing;
(c) file translations of the claims into the two official languages of the EPO other than the language of proceedings; and
(e) pay claims fees for every claim over 15 for which a fee has not already been paid under r.45 or r.162;
within a period of four months.
- RRF Art. 2(2)(7) For European applications filed before April 1, 2009 and international applications entering the regional phase before that date, the fee for grant, including the fee for printing, is a combination of a fixed fee and an additional charge for each page more than 35. The fixed fee is (i) € 860 for fees paid on or after 01 April 2018 where all amendments and corrections of the application, if any, and the translations of the claims are filed online in character-coded format; or (ii) in all other cases € 960 where the fee is paid between 01 April 2018 and a date yet to be set by the President and € 1065 where the fee is paid on or after a date yet to be set by the President. The variable fee for the 36th and each subsequent page is € 16.
- RRF Art. 2(1)(7) For European applications filed on or after April 1, 2009 and international applications entering the regional phase on or after that date, the fee for grant and publishing (as it is now known) is a flat fee since the variable fee for pages more than 35 is now part of the filing fee. The fee is (i) € 860 if all amendments and corrections of the application, if any, and the translations of the claims are filed online in character-coded format; or (ii) in all other cases € 960 if paid between 01 April 2018 and a date yet to be set by the President and € 1065 if paid on or after a date yet to be set by the President.
- RRF Art. 2(3) The President of the EPO determines the formats referred to in RRF Art. 2(1) and RRF Art. 2(2) and may specify the conditions under which a document is deemed to have been filed online in character-coded format.
- RRF Art. 2(4) Fee levels which relate to a means of electronic communication or a format referred to in RRF Art. 2(1) or Art. 2(2) shall not apply until a date set by the President of the Office.
- OJ See Decision of the President dated 12 December 2018 ([2019] O.J. A3) and Notice from the EPO dated 24 January 2019 ([2019] O.J. A6). New RRF Art. 2(4) applies as of 01 April 2019 to RRF Art. 2(1)(7) and RRF Art. 2(2)(7) and as a consequence the € 860 and € 1065 fees will not apply for the time being.
- RRF Art. 2(2)(15) Each claims fee is € 245 for European applications filed before April 1, 2009 and international applications entering the regional phase before that date.
- RRF Art. 2(1)(15) Each claims fee is € 245 for claims in the range 16–50 and € 610 for the 51st and each subsequent claim for European applications filed on or after April 1, 2009 and international applications entering the regional phase on or after date.
- Guidelines The grant and printing fee and any additional claims fees fall due on the notification of the r.71(3) communication (A/X/5.2.3). See also C/V/1.4 – claims fees are not refunded if the number of claims is reduced during prosecution.
- T1255/04 If, during examination proceedings, a main and a subsidiary request have been filed and one of the subsidiary requests is allowable, the communication pursuant to r.71(3) is to be issued on the basis of the (first) allowable request and must be accompanied by an explanation of the reasons why the higher-ranking requests are not allowable and must expressly mention

- the applicant's right to maintain the main request and thus obtain an appealable decision (see below). See also T1181/04 and Guidelines H/III/3.3.4 and C/V/1.1.
- T1/92 It is possible to approve the text and then disapprove it within the time limit, the latest request filed within a time limit being the one that validly expresses the position of the party concerned.
- Guidelines See H/VI/5 – mistakes in claim translations cannot be corrected after a decision to grant has been taken under r.140 since they do not form part of that decision. They are not part of the authentic text of the patent and are provided for information only. A corrected version will, however, be published as part of the B publication if received in time. They can also be corrected if the patent is later upheld in amended form in opposition or limitation proceedings.
- OJ See Notice from the EPO dated 13 December 2011 [[2012] O.J. 52]. The text proposed for grant by the EPO may contain amendments/corrections made by the Examining Division which the applicant can reasonably be expected to accept (see also Guidelines C/V/1.1 for examples of such amendments).
- r.50(1) Rule 49(2)–(12) (general provisions governing the presentation of the application documents) apply to the translation of the claims referred to in r.71 (translation of the allowed claims).

13.2.2 *Consequences of not responding fully to the r.71(3) communication*

- 1006 r.71(7) If the fee for grant and publishing or any due claims fees are not paid in due time or if the translations of the claims are not filed in due time, the application is deemed to be withdrawn.
- Guidelines See C/V/3 and C/V/4.9. Deemed withdrawal is only possible in the absence of any indication from the applicant that he does not approve the text proposed for grant.
- Art. 121 Further processing is available.
- Guidelines See C/V/3 and C/V/8 – the omitted act could be payment of the fee for grant and publishing, payment of claims fees, filing of claim translations, filing of proposed amendments, rejection of amendments proposed by the Examining Division or the maintenance of a high-ranking request. See also Notice from the EPO dated 13 December 2011 [[2012] O.J. 52].
- RRF Art. 2(1)(12) The further processing fee is € 265 in respect of the acts to be performed under r.71(3) (filing of claim translations and payment of the fee for grant and publishing), whether one or both of these acts are omitted, plus an additional 50 % of any unpaid claims fees and € 265 in other cases.
- Guidelines See E/VIII/2 where examples are given.
- Art. 122 Re-establishment is available in respect of the time limit for further processing if it was missed in spite of all due care being shown.

13.2.3 *Implicit approval of the text by payment of fees and filing of translations*

- 1007 r.71(5) If the applicant pays the grant and printing fees and, if necessary, the claims fees and files the translations within the period set then he will be deemed to have approved the text intended for grant and verified the bibliographic data.

13.2.4 *Procedure where the proposed text is not acceptable to the applicant*

- 1008 r.71(6) If the applicant responds within the period set under r.71(3) by requesting reasoned amendments or corrections to the text proposed for grant, or by maintaining the latest text proposed by the applicant for grant, the Examining Division will either issue a new communication under r.71(3) if it gives its consent or will resume examination proceedings.
- r.137(2) Though it does not follow from the wording of r.137, point 7.2 of the notice from the EPO of 15 October 2009 ([2009] O.J. 533) indicates that where no search opinion is issued and the first communication from the Examining Division is under r.71(3), the applicant has the right to introduce amendments of his own volition. This is confirmed by Guidelines H/II/2.5.3 and C/V/4.4.
- Guidelines See C/V/4 and H/II/2.5. The applicant may request new amendments, request the reversal of amendments proposed by the Examining Division or, where the r.71(3) communication

was based on an auxiliary request, maintain a higher-ranking request. Examination must be resumed if either the amendments are not admitted into the procedure or the amendments are admitted into the procedure but found to be unallowable. Amendments should be reasoned – if they are not reasoned, it is more likely that examination will be reopened. Examination may be reopened in some cases with an invitation to oral proceedings or the refusal of the application (Guidelines C/V/4.7.1).

OJ See Notice from the EPO dated 13 December 2011 [[2012] O.J. 52]. Where the applicant responds according to r.71(6), he does not need to pay any fees or file any translations (see also Guidelines C/V/4.1). The applicant may, however, voluntarily pay the fees and the amount will be credited if a further r.71(3) communication is issued (r.71a(5), Guidelines A/X/11, C/V/4.2, C/V/4.8) or refunded in other cases. Any additional amount due a fee increase in the meantime must still be paid.

13.2.5 Refund of grant and publishing fee

r.71a(6) If the European patent application is refused or withdrawn prior to the notification of the decision on the grant of a European patent or, at that time, deemed to be withdrawn, the fee for grant and publishing will be refunded. 1009

Guidelines See A/X/10.2.5 – the fee for grant and publishing is refunded but claims fees are not refunded (unless they were paid when requesting amendments in response to a r.71(3) communication and were hence not due (Guidelines C/V/4.2)).

13.3 Between approval of the text and a decision to grant

r.71a(2) Until the decision to grant the European patent, the Examining Division may resume the examination proceedings at any time. 1010

Guidelines See C/V/6.1. Resumption may be necessary where third party observations are filed, the Examining Division becomes otherwise aware of deficiencies which have been overlooked or the applicant files amendments that are admitted into the procedure (see below).

r.71a(5) If, in response to an invitation under r.71(3), the applicant has already paid the fee for grant and publishing, or claims fees, the paid amount will be credited if a further such invitation is issued (Guidelines A/X/11, C/V/4.2, C/V/4.8).

G7/93 Headnote (1): An approval of the text submitted by an applicant pursuant to r.51(4) EPC (now r.71(3) EPC2000) does not become binding once a communication in accordance with r.51(6) (now part of r.71(3) EPC2000) has been issued. Following issue of such a communication under r.51(6) EPC and until issue of a decision to grant the patent, the Examining Division has a discretion under r.86(3) (now r.137(3) EPC2000), second sentence, EPC, whether or not to allow amendment of the application.

Comment This decision (G7/93) was taken under the old law where the grant procedure was considerably different but the principles established are still important. The Enlarged Board decided that Art. 113(2) (EPO to decide only on text approved by applicant) did not give the applicant a right to amend. Any amendment under r.137(3) had to be made with the consent of the Examining Division. Equally, the Examining Division is not bound in any way by the text as approved and can authorise amendments prior to the issue of a decision to grant. Discretion will only be exercised in favour of the applicant as an exception rather than a rule at such a late stage of the grant procedure. The Examining Division must balance the applicant's interest in obtaining a valid patent against the EPO's interest in bringing grant proceedings to a close. Typically, amendments should be allowed which do not involve reopening of substantive examination.

T556/95 A request for oral proceedings must be honoured at any time while proceedings are pending, i.e. up to the decision to grant or refuse.

Guidelines See H/II/2.6. Further requests for amendment after approval of the text are only admitted in exceptional circumstances, e.g. to take into account prior national rights, or if they are minor changes which will not delay grant appreciably.

13.4 Decision to grant

r.71a(1) If all fees have been paid, translations of the claims in the two official languages of the EPO other than the language of the proceedings have been filed and the applicant has approved the text proposed for grant, a decision to grant the patent will be issued. 1011

- r.71a(1) The decision to grant the patent will state the text of the application which forms the basis for the decision.
- J7/96 Between the decision to grant and the grant taking effect there are only certain things that may be done in relation to the application. Linguistic errors, errors of transcription and obvious mistakes in the decision may be corrected under r.140, the application may be withdrawn or transferred or a designation may be withdrawn.
- J12/83 Where a patent is granted with a text not approved by the applicant there is a right of appeal since the applicant is adversely affected by the decision.
- J28/03 When the mention of grant has been published in the bulletin, the fact that an appeal has been filed against the decision to grant does not mean that a divisional application can once more be filed – the suspensive effect on its own is not enough in this case (unlike the case where an appeal is filed against a decision to refuse). Only if the appeal is allowed does the application become pending again for the purposes of r.36(1).
- Guidelines See C/V/2, H/II/2.6 and H/VI/2.1. After a decision to grant has been taken (it is effective at the moment the decision is handed to the EPO's internal postal system or, very rarely, when announced in oral proceedings), neither amendment under Art. 123(1) nor correction under r.139 are possible. Only correction of the decision under r.140 is possible (and this cannot be used to change the text of the specification, G1/10). It would be possible, for example, to correct the bibliographic data in the decision under r.140 (Guidelines H/VI/3.2).

13.5 The decision to grant takes effect on publication of the mention of grant in the Bulletin

- 1012 Art. 97(3) The decision to grant a European patent will take effect on the date on which the mention of grant is published in the European Patent Bulletin.

13.6 No publication of the mention of grant until designation or renewal fees have been paid

- 1013 r.71a(3) If the designation fee becomes due after the communication under r.71(3), the mention of the grant of the European patent will not be published until the designation fee has been paid. The applicant will be informed accordingly.
- r.71a(4) If a renewal fee becomes due after the communication under r.71(3) and before the next possible date for publication of the mention of grant of the European patent, the mention will not be published until the renewal fee has been paid. The applicant will be informed accordingly.

13.7 Publication of the specification of the granted patent

- 1014 Art. 98 The European Patent Office will publish the specification of the European patent as soon as possible after the mention of grant of the European patent has been published in the European Patent Bulletin.
- r.73(1) The specification of the European patent includes the description, the claims and any drawings. It also indicates the period for opposing the European patent.
- r.73(2) The President of the EPO determines the form of the publication of the specification and the data to be included.
- r.73(3) The designated Contracting States are indicated in the specification.
- Art. 14(6) The specification of the European patent is published in the language of the proceedings and includes a translation of the claims in the two other official languages of the European Patent Office.
- r.52(5) The particulars in the declaration of priority are published with the granted patent.
- OJ The European patent as granted or amended is published in electronic form by means of a publication server from which it may be downloaded (since April 1, 2005)—see Decision of the President dated 12 July 2007, [2007] O.J. Special Edition No. D3.
- r.20(1) The designated inventor will be mentioned in the European patent specification unless the inventor informs the EPO in writing that he waives his right to be thus mentioned.
- r.20(2) In the event of a third party filing with the EPO a final decision determining that the applicant for or proprietor of a European patent is required to designate him as an inventor, the provisions of r.20(1) apply.

OJ	A copy of the patent can be requested to accompany the certificate ([2007] O.J. Special Edition No. 3, p. 95). Where technical information has been included in the file wrapper during prosecution, the granted patent will contain a reference to such material ([1981] O.J. 74 and Guidelines C/V/1.5). The title of the invention is now only shown on the title page and not as a heading to the description ([1984] O.J. 88). The published specification is not legally authentic (the text agreed for grant is) and any mistakes in it may readily be corrected ([1990] O.J. 260, T150/89 – see also Guidelines H/VI/4 and C/V/10). A list of any art cited by the applicant in the description pursuant to r.27(i)(b) is listed separately at the end of the published specification (see Decision of the President dated 12 July 2007, [2007] O.J. Special Edition No. 3 D4). A sequence listing filed with the application is published as part of the description (see Decision of the President dated 28 April 2011, [2011] O.J. 372).	
Guidelines	See C/V/11 – the patent specification is not published where the application is withdrawn before termination of the technical preparations for publication.	
13.8 Grant to different applicants		
r.72	Where different persons are recorded in the European Patent Register as applicants in respect of different Contracting States, the EPO will grant the European patent for each Contracting State accordingly.	1015
13.9 Issue of a certificate		
r.74	As soon as the specification of the European patent has been published, the EPO issues to the proprietor of the patent a certificate for a European patent. The President of the EPO prescribes the content, form and means of communication of the certificate and determines the circumstances in which an administrative fee is due.	1016
OJ	The certificate is supplied in paper form to each proprietor. The supply of any additional certified copies of the certificate with the patent attached is subject to an administrative fee. The certificate must state the patent number and certify that the patent has been granted, in respect of the invention described and the States designated in the patent specification, to the persons named in the certificate. It also states the name and address of the proprietor(s). A new certificate is issued when a patent is maintained in amended or limited form. See Decision of the President dated 16 July 2013, [2013] O.J. 416.	
RRF Art. 3(1)	The amount of the administrative fee is fixed by the President of the EPO.	
OJ	The amount is € 105 (see decision of the President dated 29 January 2020, [2020] O.J. A6).	
13.10 Validation in contracting States		
	See Chapter 18 (The application and patent in the Contracting States).	1017
13.11 Registration of the granted patent		
OJ	A European patent (UK) may be registered in Hong Kong – a request must be filed within six months of publication of the application ([1997] O.J. 429 and [2009] O.J. 546). A European patent (UK) may also be registered in several overseas territories after grant ([2018] O.J. A97).	1018
13.12 Validation in non-contracting States		
NatLaw	Note that for the extension of a European patent to one of the extension states or the validation of a European patent in a validation state to be valid, various acts in these states are necessary following the grant of the European patent (see Table IV).	1019