

K oznámeniu č. 354/2009 Z. z.

IMPLEMENTING
REGULATIONS TO THE EUROPEAN PATENT CONVENTION
of 5 October 1973
as amended by decision of the Administrative Council
of the European Patent Organisation
of 25 March 2009

Article 1

The Implementing Regulations to the EPC shall be amended as follows:

1. Rule 36(1) and (2) shall be amended to read as follows:

"(1) The applicant may file a divisional application relating to any pending earlier European patent application, provided that:

- (a) the divisional application is filed before the expiry of a time limit of twenty-four months from the Examining Division's first communication in respect of the earliest application for which a communication has been issued, or
- (b) the divisional application is filed before the expiry of a time limit of twenty-four months from any communication in which the Examining Division has objected that the earlier application does not meet the requirements of Article 82, provided it was raising that specific objection for the first time.

(2) A divisional application shall be filed in the language of the proceedings for the earlier application. If the latter was not in an official language of the European Patent Office, the divisional application may be filed in the language of the earlier application; a translation into the language of the proceedings for the earlier application shall then be filed within two months of the filing of the divisional application. The divisional application shall be filed with the European Patent Office in Munich, The Hague or Berlin."

2. Rule 57(a) shall be amended to read as follows:

- "(a) a translation of the application required under Article 14, paragraph 2, under Rule 36, paragraph

2, second sentence, or under Rule 40, paragraph 3, second sentence, has been filed in due time;".

3. Rule 135(2) shall be amended to read as follows:

"(2) Further processing shall be ruled out in respect of the periods referred to in Article 121, paragraph 4, and of the periods under Rule 6, paragraph 1, Rule 16, paragraph 1(a), Rule 31, paragraph 2, Rule 36, paragraphs 1(a), 1(b) and 2, Rule 40, paragraph 3, Rule 51, paragraphs 2 to 5, Rule 52, paragraphs 2 and 3, Rules 55, 56, 58, 59, 64 and Rule 112, paragraph 2."

Article 2

1. This decision shall enter into force on 1 April 2010.

2. Rule 36(1) and (2), as amended by this decision, shall apply to divisional applications filed on or after that date.

Article 3

The following transitional provisions shall apply to the amended provisions. If the time limits provided for in amended Rule 36(1) EPC have expired before 1 April 2010, a divisional application may still be filed within six months of that date. If they are still running on 1 April 2010, they will continue to do so for not less than six months. Amended Rule 135(2) EPC shall apply to these transitional periods.

Done at Munich, 25 March 2009

