

K oznámeniu č. 476/2010 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 26 October 2010

## Article 1

1. Rule 161 of the Implementing Regulations to the EPC shall be amended to read as follows:

## “Rule 161

## Amendment of the application

(1) If the European Patent Office has acted as the International Searching Authority and, where a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority for a Euro-PCT application, it shall give the applicant the opportunity to comment on the written opinion of the International Searching Authority or the International Preliminary Examination Report and, where appropriate, invite him to correct any deficiencies noted in the written opinion or in the International Preliminary Examination Report and to amend the description, claims and drawings within a period of six months from the respective communication. If the European Patent Office has drawn up a supplementary international search report, an invitation in accordance with the first sentence shall be issued in respect of the explanations given in accordance with Rule 45bis.7(e) PCT. If the applicant does not comply with or comment on an invitation in accordance with the first or second sentence, the application shall be deemed to be withdrawn.

(2) Where the European Patent Office draws up a supplementary European search report on a Euro-PCT application, the application may be amended once within a period of six months from a communication informing the applicant accordingly. The application as amended shall serve as the basis for the supplementary European search.”

2. Rule 162 of the Implementing Regulations to the EPC shall be amended to read as follows:

## “Rule 162

## Claims incurring fees

(1) If the application documents on which the European grant procedure is to be based comprise more than fifteen claims, claims fees shall be paid for the sixteenth and each subsequent claim as laid down in the Rules relating to Fees within the period under Rule 159, paragraph 1.

(2) If the claims fees are not paid in due time, they may still be paid within six months from a communication concerning the failure to observe the time limit. If within this period amended claims are filed, the claims fees due shall be computed on the basis of such amended claims.

(3) Any claims fees paid within the period under paragraph 1 and in excess of those due under paragraph 2, second sentence, shall be refunded.

(4) Where a claims fee is not paid in due time, the claim concerned shall be deemed to be abandoned.”

## Article 2

(1) This decision shall enter into force on 1 May 2011.

(2) Rules 161 and 162 EPC, as amended by Article 1 of this decision, shall apply to Euro-PCT applications in respect of which no communication under existing Rules 161 and 162 EPC has been issued by 1 May 2011.

Done at The Hague, 26 October 2010