

K oznámeniu č. 66/2010 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 28 October 2009

## Article 1

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

**1. Rule 141 shall be amended to read as follows:**

## “Rule 141

## Information on prior art

(1) An applicant claiming priority within the meaning of Article 87 shall file a copy of the results of any search carried out by the authority with which the previous application was filed together with the European patent application, in the case of a Euro-PCT application on entry into the European phase, or without delay after such results have been made available to him.

(2) The copy referred to in paragraph 1 shall be deemed to be duly filed if it is available to the European Patent Office and to be included in the file of the European patent application under the conditions determined by the President of the European Patent Office.

(3) Without prejudice to paragraphs 1 and 2, the European Patent Office may invite the applicant to provide, within a period of two months, information on prior art within the meaning of Article 124, paragraph 1.”

**2. The following new Rule 70b shall be inserted in Part IV, Chapter IV:**

## “Rule 70b

## Request for a copy of search results

(1) Where the European Patent Office notes, at the time the Examining Division assumes responsibility, that a copy referred to in Rule 141, paragraph 1, has not been filed by the applicant and is not deemed to be duly filed under Rule 141, paragraph 2, it shall invite the applicant to file, within a period of two months, the copy or a statement that the results of the search referred to in Rule 141, paragraph 1, are not available to him.

(2) If the applicant fails to reply in due time to the invitation under paragraph 1, the European patent application shall be deemed to be withdrawn.”

## Article 2

(1) The provisions mentioned in Article 1 of this decision shall enter into force on 1 January 2011.

(2) Rule 141 as amended by Article 1, paragraph 1, of this decision and new Rule 70b as inserted by this decision shall apply to European patent applications and international applications filed on or after that date.

Done at Munich, 28 October 2009

