

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 29 June 2017

Article 1

Paragraph (b) of Rule 27 of the Implementing Regulations to the EPC shall be amended as follows:

"(b) without prejudice to Rule 28, paragraph 2, plants or animals if the technical feasibility of the invention is not confined to a particular plant or animal variety;"

Article 2

Rule 28 of the Implementing Regulations to the EPC shall be amended as follows:

1. The current text shall become paragraph 1 (a) to (d).
2. The following new paragraph 2 shall be added:

"(2) Under Article 53(b), European patents shall not be granted in respect of plants or animals exclusively obtained by means of an essentially biological process."

Article 3

This decision shall enter into force on 1 July 2017. Rules 27 and 28 EPC as amended by Articles 1 and 2 of this decision shall apply to European patent applications filed on or after this date, as well as to European patent applications and European patents pending at that time.

Done at The Hague, 29 June 2017