

Decision of the Administrative Council of 28 June 2001 on the transitional provisions under Article 7 of the Act revising the European Patent Convention of 29 November 2000

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION, Having regard to Article 7, paragraph 2, of the Act revising the European Patent Convention of 29 November 2000 ("Revision Act"), On a proposal from the President of the European Patent Office, Having regard to the opinion of the Committee on Patent Law, HAS DECIDED AS FOLLOWS:

Article 1

In accordance with Article 7, paragraph 1, second sentence, of the Revision Act, the following transitional provisions shall apply to the amended and new provisions of the European Patent Convention specified below:

1. Articles 14(3) to (6), 51, 52, 53, 54(3) and (4), 61, 67, 68 and 69, the Protocol on the Interpretation of Article 69, and Articles 70, 86, 88, 90, 92, 93, 94, 97, 98, 106, 108, 110, 115, 117, 119, 120, 123, 124, 127, 128, 129, 133, 135, 137 and 141 shall apply to European patent applications pending at the time of their entry into force and to European patents already granted at that time. However, Article 54(4) of the version of the Convention in force before that time shall continue to apply to these applications and patents.

2. Articles 65, 99, 101, 103, 104, 105, 105a–c and 138 shall apply to European patents already granted at the time of their entry into force and to European patents granted in respect of European patent applications pending at that time.

3. Article 54(5) shall apply to European patent applications pending at the time of its entry into force, in so far as a decision on the grant of the patent has not yet been taken.

4. Article 112a shall apply to decisions of the Boards of Appeal taken as from the date of its entry into force.

5. Articles 121 and 122 shall apply to European patent applications pending at the time of their entry into force and to European patents already granted at that time, in so far as the time limits for requesting further processing or re-establishment of rights have not yet expired at that time.

6. Articles 150 to 153 shall apply to international applications pending at the time of their entry into force. However, Articles 154(3) and 155(3) of the version of the Convention in force before that time shall continue to apply to these applications.

Article 2

This decision shall enter into force upon the entry into force of the revised text of the Convention in accordance with Article 8 of the Revision Act.

Done at Munich, 28 June 2001

For the Administrative Council

The Chairman

Roland GROSSENACHER