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Visser's Annotated European Patent Convention

Andrea Sommer (ANDREA SOMMER Patentanwälte PartG mbB) · Monday, February 11th, 2019

Visser's Annotated Patent Convention, the 2018 Edition, previously known as the Annotated European Patent Convention, was published on 15 December 2018.

The new 2018 edition of this preeminent work - the only regularly updated authoritative article-by-article commentary in English on the European Patent Convention (EPC), its implementing regulations, and associated case law - provides the complete text of the 2000 Convention annotated with commentary and now an enlarged expert team around Derk Visser. The Annotated European Patent Convention was founded in 1994 by Derk Visser who updated the work annually up to and including the 25th edition, published in 2017. The 2018 edition features new contributors: Laurence Lai (Art. 52-57), Peter de Lange (Art. 99-112a, 142-153, Rfees, Notes to PCT) and Kaisa Suominen (Art. 58-74, 87-98, 119-123). This additional team power ensures more detailed analysis/interpretation of each article and rule.. Indeed, the 2018 edition comprises a further 28 pages of knowledge which provides very useful information for the EPC practitioners.

In addition to a thorough updating of developments, new material in this edition includes the following:

- Important amendments to the latest edition of the Guidelines that entered into force 1 November 2018;
- Announced amendments of the law that entered into force after 15 November 2018;
- A new decision of the Enlarged Board of Appeal on partial priority;
- The changed structure of the Boards of Appeal and the effect on their perceived independence.

As in the previous 25 editions (meaning 25 years!), a vertical line in the right-hand margin of a page indicates text amended or newly introduced on account of publications in the Official Journal of the EPO and on the EPO website as from November 2017.

The following important amendments have been made since the last edition in November 2017.

- Safeguard against outages of electronic communication (R134(2):2,3)
- Decision G1/16 of the Enlarged Board of Appeal on undisclosed disclaimers (Art.123(2):2.4.4)
- New referral G1/18 to the Enlarged Board of Appeal on appeal demand not filed or admissible (Art.108:4)
- Patentability of presentation of information, mathematical methods, mental acts, and rules for playing games (Art.52(2):3,5,7,9)
- Unity of invention (R44(1):1,2)
- Amendments to the November 2018 edition of the Guidelines for Examination in the EPO

In addition, the reader can easily see how the amendments of the new Guidelines for Examination have impact on the daily workload of practitioners, i.e. errors in priority documents (Art. 56:3.7), the scope of protection of “use features” (Art. 84:1.9), unclear expressions like “preferably”, “for example” etc. and interpretation of terms like “about” or “approximately” (Art.84:1.4).

Also important for practitioners are the amendments shown in view of the reduction of search fee for the supplementary European search (Art. 153(7):4) referring to the respective Official Journals of the EPO. Amendments in view of payment of renewal fees (R51(1):1) and the exemption from filing a copy of priority document (R53(2):1), as well as the important practical summary about extension of periods in case of problems with electronic communication (R134(1):2).

The Annotated European Patent Convention is intended as a reference book for both the practitioner and the trainee. It provides a summary of the essentials of the law. For practitioners it comprises all amendments and essential information for daily practical questions. It provides trainees in the field with the fundamental mandatory knowledge and all necessary information or at least links and references to subjects like epi, CEIPI courses, material and other information to prepare for the EQE (e.g. Art. 134a(1): 2).

As a suggestion for future editions also additional information like the fact that in Cambodia pharmaceutical products are excluded from patent protection until 2033 would be useful information and could be added shortly to the comments in view of Art 169.

For the reader it is great to see that the new “Visser team” has drafted the updates in the same clear, short and concise language as in the previous 25 years. This is exactly the reason why this masterpiece is so highly appreciated by all readers, not just native English speakers. This book is indispensable for daily EPC practice. It should finally be mentioned that the online version available at Kluwer IP Law is updated 3 times a year making it even easier to stay up to date.

In summary, also in 2019, the “Visser’s Annotated European Patent Convention” is a must!

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