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What is happening at the EPO ??

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After surprising the patent community with a new set of rules which make life difficult for the applicants, the attorneys and, to go by EPO members' internet blogs, also the EPO staff, some examination divisions are now introducing the 'common knowledge' approach to reject patents.

The examiners cite the 'common knowledge' as closest prior art. The effect is astounding. All features which cannot be found in a written prior art document become 'known' by 'common knowledge'. In accordance with Art. 52(2), 'common knowledge' comprises everything made available to the public. Since 'common knowledge' is considered as a 'single reference', all requirements of the inventive step can be met.

Well, this approach allows the rejection of each and every application, basically without any substantial prior art document.

It remains to be seen whether such 'common knowledge' attacks during oppositions will have the same effect as during examination!!

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