Kluwer Patent Blog

Combined VCR index and EPG/Gemstar, European Patent Office (EPO Board of Appeal), 14 September 2011

Ferry van Looijengoed · Friday, January 13th, 2012 · Landmark European Patent Cases

The question of whether or not a claim in a patent deriving from a divisional application covering or embracing something which was not specifically disclosed in the parent application, is not the proper standard for determining whether there has been an inadmissible extension of subject-matter. Although broadening of individual features is not prohibited by Art. 76(1) EPC, the correct test is whether the amendments have been directly and unambiguously disclosed in the parent application.

Click here for the full text of this case. A summary of this case will be posted on http://www.KluwerIPCases.com.

This entry was posted on Friday, January 13th, 2012 at 4:07 pm and is filed under G 1/93, OJ 1994, 541) *The 'gold standard'* of the European Patent Office's Board of Appeal is that *any amendment can only be made within the limits of what a skilled person would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole of the documents as filed (G 3/89, OJ 1993,117; G 11/91, OJ 1993, 125).*">Amendments, Case Law, EPC
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