

# Kluwer Patent Blog

## New The Annotated European Patent Convention by Derk Visser

Derk Visser (EIP) · Friday, December 9th, 2016

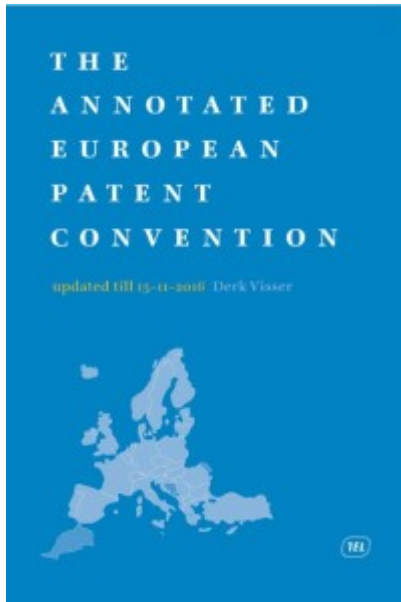
### The new Visser is out

The 24th edition of the book *The Annotated European Patent Convention* by Derk Visser has been published on 6 December 2016. The book is updated till 15 November 2016.

A few important amendments in the book are:

- The changes in the latest edition of the Guidelines for Examination in the EPO, valid as from 1 November 2016, have been included in the 24<sup>th</sup> edition. The changes relate both to substantive and procedural issues.
- The Enlarged Board of Appeal has issued decision G1/14 and a new referral G1/16 has been made to the Enlarged Board of Appeal. Decision G1/14 relates to the way the EPO notifies decisions to parties, in particular what delivery providers the EPO can use to dispatch the communications to parties. The question referred in G1/16 is about undisclosed disclaimers. The referring board of appeal had found an apparent incompatibility in the application of the disclosure test to disclaimers in the earlier decisions G1/03 and G2/10. Since the allowability of an undisclosed disclaimer hinges on the disclosure test, the decision of the Enlarged Board of Appeal will affect most pending cases with undisclosed disclaimers.
- The PACE program and the acceleration of procedure have been changed. As from now the search of a patent application will always be accelerated. However, the examination will be accelerated only on request. Such a PACE request must be filed online on a special form; no other ways of filing the request are accepted. The PACE programme is not applicable in opposition proceedings.
- The EPO has defined a new procedure for handling of enquiries about an EPO file. In special cases when a party to proceedings makes an enquiry about the status of a file, the enquiry will accelerate the procedure.
- The refund system of the examination fee has been simplified and may more applicant friendly. If a patent application is (deemed) withdrawn or refused before the examination has begun, the entire examination fee will be refunded. A 50% refund will be given if the application is withdrawn before expiry of the period for responding to the first substantive communication of the examining division. The EPO has added quite a few exceptions to the 50% refund case.

You can order your print copy of the book by clicking the following [link](#) or view the full online version and related smart charts on [Kluwer IPLaw.com](#).



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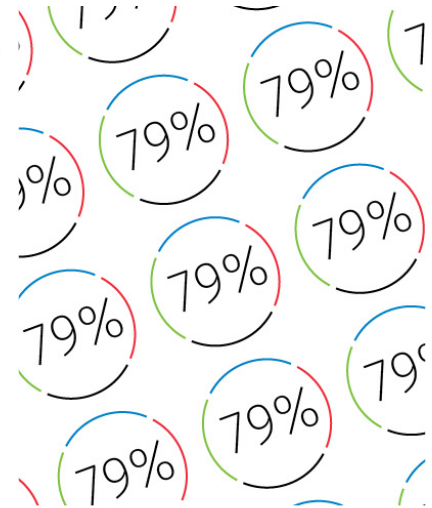
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