



DECISION OF THE ADMINISTRATIVE COUNCIL
of 13 October 2022
amending Rules 46, 49, 50, 57, 65, 82, 126, 127
and 131 of the Implementing Regulations to the
European Patent Convention

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (hereinafter referred to as "the EPC") and
in particular Article 33(1)(c) thereof,

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

The Implementing Regulations to the EPC shall be amended as follows:

1. Rule 46 shall be deleted.
2. The title of Rule 49 shall read as follows:

"Presentation of the application documents"

3. Rule 49(2) shall read as follows:

"(2) The President of the European Patent Office shall determine the presentation requirements of documents making up the application."

4. Rule 49(3)-(12) shall be deleted.

5. Rule 50(1) shall read as follows:

"(1) Rules 42, 43 and 47 to 49 shall apply to documents replacing documents making up the European patent application. Rule 49, paragraph 2, shall also apply to the translation of the claims referred to in Rule 71."

6. Rule 50(2) shall read as follows:

"(2) The President of the European Patent Office shall determine the presentation requirements of all documents other than those making up the application."

7. Rule 57(i) shall read as follows:

"(i) the application meets the requirements laid down in Rule 49, paragraph 1, and the applicable requirements prescribed by the President of the European Patent Office under Rule 49, paragraph 2;"

8. Rule 65 shall read as follows:

"Immediately after it has been drawn up, the European search report shall be transmitted to the applicant. The European Patent Office shall make available copies of any cited documents."

9. Rule 82(2) shall read as follows:

"(2) If a party disapproves of the text communicated by the Opposition Division, examination of the opposition may be continued. Otherwise, the Opposition Division shall, on expiry of the period under paragraph 1, invite the proprietor of the patent to pay the prescribed fee and to file a translation of any amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months. Where, in oral proceedings, decisions under Article 106, paragraph 2, or Article 111, paragraph 2, have been based on documents not complying with the applicable requirements prescribed by the President of the European Patent Office under Rule 49, paragraph 2, the proprietor of the patent shall be invited to file the amended text in a form compliant with those requirements within the three-month period."

10. Rule 126(2) shall read as follows:

"(2) Where notification is effected in accordance with paragraph 1, the document shall be deemed to be delivered to the addressee on the date it bears, unless it has failed to reach the addressee. In the event of any dispute concerning the delivery of the document, it shall be incumbent on the European Patent Office to establish that the document has reached its destination and to establish the date on which the document was delivered to the addressee. If the European Patent Office establishes that the document was delivered to the addressee more than seven days after the date it bears, a period for which the deemed receipt of that document is the relevant event under Rule 131, paragraph 2, shall expire later by the number of days by which the seven days were exceeded."

11. Rule 127(2) shall read as follows:

"(2) Where notification is effected by means of electronic communication, the electronic document shall be deemed to be delivered to the addressee on the date it bears, unless it has failed to reach its destination. In the event of any dispute concerning the delivery of the electronic document, it shall be incumbent on the European Patent Office to establish that the document has reached its destination and to establish the date on which it reached its destination. If the European Patent Office establishes that the electronic document has reached its destination more than seven days after the date it bears, a period for which the deemed receipt of that document is the relevant event under Rule 131, paragraph 2, shall expire later by the number of days by which the seven days were exceeded."

12. Rule 131(2) shall read as follows:

"(2) Computation shall start on the day following the day on which the relevant event occurred, the event being either a procedural step or the expiry of another period. Where the procedural step is a notification, the relevant event shall be the deemed receipt of the document notified, unless otherwise provided."

Article 2

Rules 46, 49, 50, 57, 65 and 82 as amended by Article 1 of this decision shall enter into force on 1 February 2023.

Rules 126, 127 and 131 as amended by Article 1 of this decision shall enter into force on 1 November 2023.

Article 3

Rules 46, 49, 50, 57 and 82 as amended by Article 1 of this decision shall apply to documents filed at the European Patent Office on or after 1 February 2023.

Rules 126, 127 and 131 as amended by Article 1 of this decision shall apply to documents to be notified by the European Patent Office on or after 1 November 2023.

Done at Munich, 13 October 2022

For the Administrative Council
The Chairperson

A handwritten signature in black ink, appearing to read 'J. Kratochvíl', written in a cursive style.

Josef KRATOCHVÍL