



FÉDÉRATION INTERNATIONALE DES CONSEILS EN PROPRIÉTÉ INDUSTRIELLE
COMMISSION D'ÉTUDE ET DE TRAVAIL (CET)

CET WORKING DOCUMENT

SUBJECT:	EPC: Deferred Examination	DATE:	4 December 2009
PURPOSE:	Information	REFERENCE:	EXCO/AR10/CET/1405
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		MEETING DATE:	10 – 14 January 2010
		DISTRIBUTION:	All attendees

Executive Summary

EPO's patent law group intends to plan new measures "for reducing backlog". One of these measures is to think about deferred examination (sic!!) (see enclosed papers CA/51/09 and CA/PL/9/09)

Within CET 4 we have come to the clear conclusion that these steps are not recommendable for the EPO and that such deferred examination should not be introduced at the EPO. In contrast, the possibility for third parties to request for accelerated examination was supported. This could also be applicable for opposition/appeal cases (again: free for parties; a minor fee for third parties).

Also enclosed is a document which was submitted to the Austrian Patent Office in preparation of the discussion of the EPO patent law group.

- annexes: 1 CA/51/09
"Proposal of the DK, DE, NL delegations on deferred examination of European patent applications"
- 2 CA/PL/9/09
"As a reaction to CA/51/09 further analysis of some possible options for deferred examination as well as their potential impact"
- 3 Submission of the Austrian Chamber of Patent Attorneys regarding CA/PL/9/09 to the APO of 17 July 2009

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