

CEIPIHU Modules					
SUBSTANTIVE LAW					
Subject	Articles and Rules	Key topics	Tutor	Date	Time
I. General Introduction					
Introduction to intellectual property law		Intellectual property rights <ul style="list-style-type: none"> • Copyrights • Trademarks • Patents • Industrial designs • Trade secrets Economic growth	Paul ROSENICH, LI/CH Patentbüro Paul Rosenich AG www.rosenich.com	20.10.2011	13:00 - 19:00
The patent and other rights to protect inventions		National patents Regional patents International applications			
The history of patent		From Venetian patent ordinance to the EPC 2000			
The international patent conventions		Paris Conventions Strasbourg Convention Vienna Convention Patent Cooperation Treaty TRIPs Agreement Patent Law Treaty			
Patentability					
Patentable and non-patentable inventions; Industrial application under the EPC	Art. 52 and 57 EPC Rule 42(1)(f) EPC	Patentable inventions Definition of invention Technical character <ul style="list-style-type: none"> • Contribution approach Discoveries; aesthetic creations, presentations of information Mathematical methods Computer programs Methods of doing business <ul style="list-style-type: none"> • Exclusion of subject-matter "as such" Industrial application <ul style="list-style-type: none"> • Industry • Manufacturability 			

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II. Introduction to European Patent Law					
Introduction into the EPC		EPC as multilateral treaty Autonomous legal system for granting European patents Bundle of European patents	Paul ROSENICH, LI/CH Patentbüro Paul Rosenich AG www.rosenich.com	27.10.2011	13:00-19:00
Interpretation of the EPC	Preamble, Art. 125,150(2), 164 and 177 EPC Vienna Convention Art. 31-32	Rules for interpretation Vienna Convention Good faith			
Institutional provisions	Art. 1-13, 15-50,166,168-169, 170-176 und 178 EPC Rules 8-13 EPC Protocol on Centralisation Protocol on Privileges and Immunities Protocol on the Staff Complement	European Patent Organisation • Administrative Council • European Patent Office (EPO) Departments of the EPO Independence of the Boards of Appeal • Exclusion and objection • Partiality departmens of first instance Technical Opinion Competence Administrative Council Financial provisions Accession to the EPC Territorial effect Revision of the EPC			

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III. Introduction to European Patent Law (continuation)					
Languages and translations of applications	Art. 14,65,70 and 177 EPC Rules 3-7, 36(2) and 40(3) EPC	Official languages of the EPO Filing a European patent application and translation Language of application filed by reference Language of divisional application Language of the proceedings Filing further documents and translations Fee reduction Publications of EPO Entries in European Patent Register Languages in written and oral proceedings Language of publication of European patent application and patent Authentic text of application	Kaisha Suominen, FI Berggren Oy Ab	15.12.2011	13:00-19:00
Representation before the EPO	Art. 133-134a EPC Rules 151-154 and 130 EPC	Actors before the EPO <ul style="list-style-type: none"> • Applicant • Professional representative • Employee Compulsory representation for non-resident applicants Institute of Professional Representatives <ul style="list-style-type: none"> • Disciplinary power • Attorney Evidentiary Privilege Appointment and authorisation of representative Common representative Accompanying person in oral proceedings			

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IV. Patentability (continuation)					
State of the art	Art. 54(2),(3), 55 and 89 EPC Rule 25 EPC <i>EPC1973</i> : Art.54(4), Rules 23a and 87	State of the art Admissible prior art <ul style="list-style-type: none"> • Availability <ul style="list-style-type: none"> - Public - Secrecy • Means of disclosure-when available <ul style="list-style-type: none"> - Oral disclosure - Internet disclosure - Public prior use - Accessibility and analysability <ul style="list-style-type: none"> • Disclosure:explicit-implicit Prior rights <ul style="list-style-type: none"> • EPC 1973 • EPC 2000 Effect of priority date Non-prejudicial disclosures <ul style="list-style-type: none"> • Evident abuse • International Exhibition - Certificate of Exhibition 	David Harrison	19.01.2012	13:00 - 19:00
Novelty	Art.54(1)EPC	Single disclosure Conformance of all features Multiple embodiments Optional, use features Genus-species Selection inventions Method versus use claims Disclaimers			

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V. Patentability (continuation)					
Exceptions to patentability; medical uses	Art. 53, 54(4) and (5) EPC Rules 26-29 EPC	Exceptions to patentability <ul style="list-style-type: none"> • Ordre public and morality • Plant and animal varieties • Methods for treatment of the human or animal body <ul style="list-style-type: none"> - Treatment by surgery - Treatment by therapy - Diagnostic methods First medical use Second medical use Biological processes and products Gene sequences	Simon Roberts, GB British Telecom	02.02.2012	13.00-20:00
Inventive step	Art. 56 EPC	Person skilled in the art Common general knowledge Technical field Problem-and-solution approach Combining teachings Secondary indications Partial problem Surprising effect Non-technical feature Chemical claims Inventive step attack <ul style="list-style-type: none"> • Defence against attack 			

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VI. Patentability (continuation)					
Unity; disclosure; claims	Art. 82-84 EPC Rules 30-34 and 42-44 EPC	<p>Unity of invention</p> <ul style="list-style-type: none"> • Single general inventive concept <ul style="list-style-type: none"> • Markush grouping <p>Disclosure</p> <ul style="list-style-type: none"> • Clear and complete disclosure <ul style="list-style-type: none"> • Sufficiency of disclosure • Functional formulation <ul style="list-style-type: none"> • Repeatability <p>Claims</p> <ul style="list-style-type: none"> • Clear; concise; supported by description <ul style="list-style-type: none"> • Form of claims • Claim categories • Independent/dependent claims <ul style="list-style-type: none"> • Disclaimers • Product-by-process claims <ul style="list-style-type: none"> • Use features 	Derk Visser, NL EIP (GB)	08.03.2012	13:00-19:00

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VI. Patentability (continuation)					
Priority: Paris Convention; EPC; US and JP patent law relating to priority	Preamble, Art. 87-89 EPC Rules 52-54 EPC Paris Convention Art.1-5 quater and 11	<p>Paris Convention Priority under the EPC</p> <ul style="list-style-type: none"> • Duly Filed application • Paris Convention State and WTO member <ul style="list-style-type: none"> • Person or his successor in titel • The same invention-disclosure test <ul style="list-style-type: none"> • "First" application • Outcome of priority application • Subsequent application become a first application <p>Claiming priority</p> <ul style="list-style-type: none"> • Multiple priorities • Effective dates of claims • Disclosure in "previous application as a whole", specifics disclosure <p>Declaration of priority</p> <ul style="list-style-type: none"> • Addition of priority claim • Correction of priority claim <p>Priority documents</p> <ul style="list-style-type: none"> • Filing of priority document • Trnaslation of priority document <p>Re-establishment of rights in the priority period</p> <p>Multiple priorities</p> <p>Effect of priority date</p> <p>Correction/addition of priority claim</p> <p>US applications</p> <ul style="list-style-type: none"> • First-to-invent • Hilmer doctrine <ul style="list-style-type: none"> • Provisional • Continuation/continuation-in-part <ul style="list-style-type: none"> • Grace period <p>JP applications</p> <ul style="list-style-type: none"> • Grace period 	Francis Leyder, BE Total Petrochemicals Research Feluy	05.04.2012	13:00-19:00

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VII. Right to the European Patent					
Right to file, entitlement to the patent	Art. 58-60 EPC	Inventor and applicant <ul style="list-style-type: none"> • Multiple applicants First-to-file principle <ul style="list-style-type: none"> • Double patenting 	Paul ROSENICH, LI/CH Patentbüro Paul Rosenich AG www.rosenich.com	26.04.2012	13:00-19:00
Entitlement disputes	Art. 61 EPC Rules 14-18 and 78 EPC Protocol on Recognition	Entitlement proceedings <ul style="list-style-type: none"> • Recognition of entitlements decisions <ul style="list-style-type: none"> - Only for applicants - Final decision • Suspension of proceedings <ul style="list-style-type: none"> • Actions after decision of national court <ul style="list-style-type: none"> - Prosecute application as his own - File new application - Request refusal 			
Designation of the inventor	Art. 62 and 81 EPC Rules 19-21 EPC	Designation of the inventor <ul style="list-style-type: none"> • Rectification of designation inventor • Publication of mention inventor <ul style="list-style-type: none"> - Waiver right to be mentioned 			

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VIII. Right conferred by the European Patent and by the Application					
Rights conferred by the European Patent	Art. 2(2), 63-65,68 and 70 EPC London Agreement on the Application of Art.65 EPC Paris Convention Art.5 quater	European patent • Term of patent • Rights conferred by patent - Protection of product directly obtained by process • London Agreement - Translation of granted patent • Effect of revocation or limitation • Authentic text of patent - Narrow translation	to be nominated	07.06.2012	13:00-19:00
Protection conferred by the application	Art. 67,66 and 69(2) EPC	Provisional protection by publication application European filing equivalent to regular national filing			
Interpretation of the patent (application)	Art. 69. EPC Protocol on the interpretation of Art. 69 EPC Strasbourg Convention Art. 8(3)	Extent of protection determined by claims Equivalents			
Infringement and sanctions	Art. 2(2) and 64(3) EPC	Infringement and sanctions - National law - Scope of protection			

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IX. The European Patent and Application as Object of Property					
Transfer and constitution of rights; Assignment and licences	Art. 71-74 EPC Rules 22-24 and 85 EPC	Registering a transfer of a European patent application Assignment of patent application Licenses <ul style="list-style-type: none"> • Exclusive license • Sub-license - Law applicable 	Prof. Thierry Debled, BE Vesuvius	14.06.2012	13:00-19:00
Information from the EPO					
Information to the public	Art. 128 EPC Rules 143-147 EPC	File inspection <ul style="list-style-type: none"> • Parts not open for file inspection • Electronic file inspection 			
Register of European patents	Art. 127,14(8) and 20 EPC Rule 143 EPC	European Patent Register <ul style="list-style-type: none"> • Entries in Register • Languages • Competence Legal Division 			
Periodical publications	Art. 129 and 14(7) EPC	European Patent Bulletin Official Journal			
Exchange of information between authorities	Art. 130-132 EPC Rules 148-150 EPC	Communication between EPO and central industrial property offices and inter-governmental organisations Communications between EPO and courts or national authorities Exchange of publications between EPO and central industrial property offices			
