

EG0002.99 - 003678367

Decision of the Enlarged Board of Appeal dated 12 July 2000

G 2/99

(Translation)*

Composition of the Board:

Chairman: P. Messerli
Members: R. Teschemacher
G. Davies
J.-C. Saisset
C. Andries
W. Moser
P. van den Berg

Patent proprietor/Appellant: Dewert Antriebs- und Systemtechnik GmbH & Co. KG

Headword: Six-month period/DEWERT

Article: 54(2) and (3), 55(1)(a), 56, 89 and 112(1)(a) EPC

Rule: 23 EPC

Article: 17(2) RPBA

Article: 2 and 4 Paris Convention

Article: 4 SPC

Article: 6 ECHR

Keyword: "Admissibility of referral - significance of the point of law in the appeal proceedings (yes)" - "Calculation of the six-month period under Article 55 EPC - relevant date - date of actual filing of the application"

Headnote:

For the calculation of the six-month period referred to in Article 55(1) EPC, the relevant date is the date of the actual filing of the European patent application; the date of priority is not to be taken account of in calculating this period.

*Cases G 3/98 and G 2/99 were consolidated. The language of proceedings in G 3/98 was English. The language of proceedings in G 2/99 was German. The text of both decision is otherwise identical. The text of decision G 2/99 will therefore not be published.