

Kursplan CEIPI 2022

Substantive Law			
	Subject	Articles and Rules	Key Topics
A	General Introduction		
A1 1h 05.01.2022 J. von Oppen	Introduction to intellectual property law		• Intellectual property rights – Copyrights – Trademarks – Patents – Industrial designs – Trade secrets • Economic growth
A2 0,5h 05.01.2022 J. von Oppen	The patent and other rights to protect inventions		• National patents • Regional patents • International applications
A3 1h 05.01.2022 J. von Oppen	The history of patent law		• from Venetian patent ordinance to the unitary patent in the EU
A4 1h 05.01.2022 J. von Oppen	The international patent conventions		• Paris Convention • Strasbourg Convention • Vienna Convention • Patent Cooperation Treaty • TRIPs Agreement • Patent Law Treaty

Uhrzeit 16:30 – 19:30

Ort: EPA, Gitschiner Str. 103, 10696 Berlin, Raum 1111

B	Introduction to European Patent Law		
B1 1h 19.01.2022 B. Mouton (EPA)	Introduction EPC <i>(in English)</i>		• EPC as multilateral treaty • Autonomous legal system for granting European patents • Bundle of European patents
B2 2h 19.01.2022 B. Mouton (EPA)	Interpretation of the EPC <i>(in English)</i>	Preamble, Art. 125, 150(2), 164, 177 EPC Vienna Convention Art.31–32	• Rules for interpretation • Vienna Convention • Good faith
B3 3h 09.02.2022 B. Mouton (EPA)	Institutional provisions	Art. 1–13, 15–50, 166, 169, 170–176, 178 EPC Rules 8–13 EPC Protocol on Centralisation Protocol on Privileges and Immunities Protocol on the Staff Complement	• European Patent Organisation - Administrative Council ➤ Select Committee - European Patent Office (EPO) • Department of the EPO • Independence of the Boards of Appeal - Exclusion and objection - Partiality departments of first instance • Technical Opinion • Competence Administrative Council • Financial provisions • Accession to the EPC - Transitional Provisions
B4 3h 23.02.2022 B. Obst	Languages and translations	Art. 14, 65, 70, 177 EPC Rules 3-7, 36(2), 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 or patent • Languages of the Convention

B5 3h 09.03.2022 M. Di Stasio	Representation before the EPO	Art. 133-134a EPC Rules 151-154, 130 EPC Regulation on the European qualifying examination for professional representatives, Art. 11	• Actors before the EPO - Applicant - Professional representative - Employee • Compulsory representation for non-resident applicants • Institute of professional representatives - Disciplinary power - Attorney Evidentiary Privilege • Appointment and authorisation of representative • Common representative • Accompanying persons in oral proceedings • Conditions for registration and enrolment for the EQE
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C	Patentability		
C1 3h 23.03.2022 J. Clevorn (EPA)	Patentable and non-patentable inventions; Industrial application	Art. 52, 57 EPC Rule 42(1)(f) EPC	• Patentable inventions • Definition of invention • Technical character - Contribution approach • Discoveries; aesthetic creations; presentations of information • Mathematical methods • Computer programs • Methods of doing business - Exclusion of subject-matter “as such” • Industrial application - Industry - Manufacturability
C2 4h 3h 06.04.2022 R. Emig 1h 27.04.2022 M. Di Stasio	State of the art	Art. 54(2), (3), 55, 89 EPC Rule 25 EPC	• State of the art • Admissible prior art - Availability ➢ Public ➢ Secrecy - Means of disclosure – when available ➢ Oral disclosure ➢ Internet disclosure ➢ Public prior use ➢ Accessibility and analysability - Disclosure: explicit – implicit prior rights • Effect of priority date • Non-prejudicial disclosures - Evident abuse - International exhibition ➢ Certificate of exhibition
C3 2h 27.04.2022 M. Di Stasio	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

C4 3h 11.05.2022 G. Flohr	Exceptions to patentability medical uses	Art. 53, 54(4), (5) EPC Rules 26-29 EPC	• Exceptions to patentability - Order public and morality - Plant and animal varieties - Methods for treatment of the human or animal body ➤ Treatment by surgery ➤ Treatment by therapy ➤ Diagnostic methods • First medical use • Second medical use • Biological processes and products • Gene sequences
C5 6h 3h 25.05.2022 J. von Oppen	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 - Defence against attack
3h 08.06.2022 M. Di Stasio			
C6 6h 3h 22.06.2022 J. Clevorn (EPA)	Unity; disclosure; claims	Art. 82-84 EPC Rules 30-34, 42-44 EPC	• Unity of invention - Special technical features - Markush grouping • Disclosure - Clear and complete disclosure - Sufficiency of disclosure - Functional formulation - Repeatability • Claims - Clear; concise; supported by description - Form of claims - Claim categories - Independent/dependent claims - Disclaimers - Product-by-process claims - Use features
3h 29.06.2022 E. Virnik (EPA)			

C7 6h 3h 24.08.2022 R. Emig	Priority: Paris Convention; EPC; Aspects of US and JP patent law	Preamble, Art. 87–89 EPC Rules 52-54 EPC Paris Convention Art.4	• Paris Convention • Priority under the EPC - Duly filed application - Paris Convention State and WTO member - Person or his successor in title - Transfer of priority right - “First” application - Outcome of priority application - Subsequent application becomes a first application • Claiming priority - Multiple priorities - Effective dates of claims - Disclosure in “previous application as a whole”, specific disclosure Declaration of priority - Addition and correction of priority claim Priority document - Filing of priority document - Translation of priority document Re-establishment of rights in the priority period • Effect of priority date
3h 07.09.2022 R. Emig			• US applications - Provisional - Continuation / continuation-in-part - Grace period • JP applications - Grace period

D	Right to the European Patent		
D1 1h 05.10.2022 M. Galander	Right to file, entitlement to the patent	Art. 58–60 EPC	• Inventor and applicant - Multiple applicants • First-to-file principle - Double patenting
D2 1,5h 05.10.2022 M. Galander	Entitlement disputes	Art. 61 EPC Rules 14-18, 78 EPC Protocol on Recognition	• Entitlement proceedings - Recognition of entitlement decisions ➤ Only for applicants ➤ Final decision - Stay of proceedings - Actions after decision of national court ➤ Prosecute application as his own ➤ File new application ➤ Request refusal
D3 0,5h 05.10.2022 M. Galander	Designation of the inventor	Art. 62, 81 EPC Rules 19-21 EPC	• Designation of the inventor - Rectification of designation inventor - Publication of mention inventor - Publication of mention inventor ➤ Waiver right to be mentioned

E	Rights conferred by the European Patent and by the Application		
E1 1h 19.10.2022 P. Erk	Rights conferred by the European Patent	Art. 2(2), 63–65, 68, 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 - Effect of revocation or limitation - Authentic text of patent ➤ Narrow translation
E2 1h 19.10.2022 P. Erk	Protection conferred by the application	Art. 67, 66, 69(2), 70 EPC	• Provisional protection by publication application • European filing equivalent to regular national filing
E3 0,5h 19.10.2022 P. Erk	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
E4 0,5h 19.10.2022 P. Erk	Infringement and sanctions	Art. 2(2), 64(3) EPC	• Infringement and sanctions - National law - Scope of protection

F	The European Patent and Application as Object of Property		
<u>E</u> 3h 09.11.2022 K. Klein	Transfer and constitution of rights; Assignment and licences	Art. 71–74 EPC Rules 22-24, 85 EPC	• Registering a transfer of a European patent application • Assignment of patent application • Licenses - Exclusive license - Sub-license • Law applicable

G	Information from the EPO		
<u>G1</u> 1h 23.11.2022 H. Dumlich	Information to the public	Art. 128 EPC Rules 143 – 147 EPC	• File inspection - Parts not open for file inspection - Electronic file inspection
<u>G2</u> 1h 23.11.2022 H. Dumlich	Register of European patents	Art. 127, 14(8), 20 EPC Rule 143 EPC	• European Patent Register - Entries in Register - Languages - Competence Legal Division
<u>G3</u> 0.5h 23.11.2022 H. Dumlich	Periodical publications	Art. 129, 14(7) EPC	• European Patent Bulletin • Official Journal
<u>G4</u> 0.5h 23.11.2022 H. Dumlich	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 • Communication between EPO and courts or national authorities • Exchange of publications between EPO and central industrial property offices

Sonderveranstaltung 14.09.2022 E. Virnik (EPA)	Prüfungsvorbereitung - Teil A		
Sonderveranstaltung 21.09.2022 M. Di Stasio	Prüfungsvorbereitung – Teil B		