

**DECISION OF THE ADMINISTRATIVE COUNCIL
OF 27 JUNE 2012
AMENDING RULE 53 OF THE IMPLEMENTING REGULATIONS
TO THE EUROPEAN PATENT CONVENTION**

(CA/D 7/12)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (hereinafter referred to as "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

1. Rule 53 of the Implementing Regulations to the EPC shall be amended as follows:

Paragraph 3 shall read as follows:

"(3) Where the previous application is not in an official language of the European Patent Office and the validity of the priority claim is relevant to the determination of the patentability of the invention concerned, the European Patent Office shall invite the applicant for or proprietor of the European patent to file a **translation of that** application into one of the official languages within a period to be specified. Alternatively, a declaration may be submitted that the European patent application is a complete translation of the previous application. Paragraph 2 shall apply mutatis mutandis. If a requested translation of a previous application is not filed in due time, the right of priority for the European patent application or for the European patent with respect to that application shall be lost. The applicant for or proprietor of the European patent shall be informed accordingly."

ARTICLE 2

(1) This decision shall enter into force on 1 April 2013.

(2) Rule 53 EPC, as amended by Article 1 of this decision, shall apply to European and Euro-PCT applications as well as to European patents in respect of which an invitation

under Rule 53(3) EPC has not yet been issued by the date of entry into force of the amended provision.

Munich, 27 June 2012

For the Administrative Council
The Chairman

Jesper KONGSTAD