

How to ensure SUFFICIENCY OF DISCLOSURE in EPO Patent Applications

1 December 2014, Conf. No H12-3114



Important new seminar

How to ensure SUFFICIENCY OF DISCLOSURE in EPO Patent Applications

Application to Register

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To Register

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Registration Information

Dates

1 December 2014
Start: 09.30 – Finish: 17.00

Registration & Coffee

1 December 2014 09.00

Venue and Accommodation

The Rembrandt Hotel, 11 Thurloe Place,
London SW7 2RS
Hotel Tel: +44(0)20 7589 8100
Hotel Fax:+44(0)20 7225 3476
Email: reservations_rembrandt@sarova.co.uk
Subject to availability, a limited number of bedrooms have been reserved at the hotel at a special rate.

All bookings should be made directly with the hotel or online at www.sarova.com/rembrandt, quoting promo code 'manforum'

Directions

Opposite V&A Museum. Nearest underground station: South Kensington.
www.sarova-rembrandthotel.com/location-local-attractions

Fee

£598 + VAT if applicable. The fee includes course documentation as well as mid-session refreshments and lunch. Invoice and confirmation will be forwarded to you.

Conference No. H12-3114

Discounted Rates

Available on application for personnel from non-profit making organisations and registered charities.

Group discount available on request

Cancellation Policy:

Over 14 days prior to the Seminar: Cancellation fee of £75. 7/14 days prior to the Seminar: 50% of the fee. Fewer than 7 days or if no notification received: Registrant liable to pay FULL seminar fee.

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Management Forum reserves the right to cancel/alter the programme, the speakers, the date or venue. If an event is cancelled Management Forum is not responsible for airfare, hotel or other costs incurred by registered delegates.

For Promotional Opportunities email: robert@management-forum.co.uk

5.5 CPD HOURS

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In this seminar you will learn to:

- Art 83
 - The silent killer?
 - How to avoid pitfalls and losses
- Theoretical aspects
- Exercises

Speakers:

Kaisa Suominen

European Patent Attorney, Forbrev Oy, Finland

Daniel X. Thomas

Former Director in DG1, European Patent Office, Munich

Register online at www.management-forum.co.uk
or by phone on +44 (0)1483 730071, fax 730008

1 December 2014
The Rembrandt Hotel, London

MANAGEMENT FORUM LTD, 98-100 Maybury Road, Woking, Surrey GU21 5JL, UK

Tel: +44 (0)1483 730071 Fax: +44 (0)1483 730008

Website: www.management-forum.co.uk

SEMINAR DESCRIPTION

This seminar will highlight the issues which must be taken into account to avoid an objection under Art 83, either during prosecution of the application, or the life of the patent.

What good is it to have developed an invention with the potential to be a technical and commercial success, if the application for the patent is refused, or the corresponding patent revoked, just because some essential features have been forgotten?

By the end of the seminar participants will understand the pitfalls with respect to insufficiency, and will be able to avoid them when drafting their applications.

Contrary to widespread belief, Art 83EPC is not a topic which is only of interest in chemistry or biotechnology. All technical areas encounter problems of insufficiency, and it is best to be aware of the problem. The notion of essential features under Art 83 EPC will be amply illustrated.

WHO WILL BENEFIT FROM ATTENDING

- Trainee patent attorneys
- Patent attorneys in private practice
- Corporate patent attorneys and lawyers
- US Patent Attorneys working in Europe
- Consultants and managers

DOCUMENTATION

Participants will receive a course material folder containing comprehensive documentation provided by the seminar leader, which will be a valuable source of reference for the future.

ATTENDANCE LIMITED – EARLY REGISTRATION RECOMMENDED

Reserve your place at the course by registering online now at

www.management-forum.co.uk
or by fax +44 (0)1483 730008

Any questions? e-mail

josephine.leak@management-forum.co.uk

SEMINAR LEADER

Kaisa Suominen holds an MSc in material engineering. After graduation she worked for a large Finnish private practice group for over 15 years, including being the managing director of a subsidiary for five years. Her work included all aspects of intellectual property, from advising clients to drafting and prosecution, as well as invalidations. She is now a part-time patent engineer at two Finnish companies, and focuses on training at her own company, Forbrev Oy. Ms Suominen is also active in tutoring for both the epi and the CEIPI (Centre International de la Propriété Industrielle of the Université de Strasbourg), lecturing in Finnish, English and French. The main aspects of the training are the EPC, including the European Qualifying Examination for European Patent Representatives, as well as pre-drafting and drafting.

Daniel X Thomas is an electronics engineer by training. He started his career in the patent field as search examiner at the former Institut International des Brevets in The Hague in 1971. After incorporation of the IIB into the EPO in 1978, he was search examiner in EPO's DG1. Mr. Thomas joined EPO's DG2 in 1979 as substantive examiner. He became Director of DG2 in 1989 and headed directorates in various fields of electronics, physics and mechanics. He retired from the EPO in 2013. Mr. Thomas is Professor at the Centre International de la Propriété Industrielle (CEIPI) of the Université de Strasbourg, acting for its International and French Sections. There he is particularly involved with the preparation of candidates for the European Qualifying Examination for European Patent Representatives. In addition to lecturing and related matters, he also leads workshops on Oral Proceedings before the EPO.

ACCREDITATION

This course merits **5.5 CPD hours**, and may be relevant training under the **IPReg CPD self-accreditation scheme**.

INTRODUCTION

The monopoly embodied in a patent is only granted if the person skilled in the art is enabled to reproduce the teaching of the invention: The concept of sufficiency of disclosure for an application for a patent under Art 83 EPC is crucial in European patent law. If an application or a patent cannot be enabled by the person skilled in the art, then the application will have to be refused or the patent revoked, as it is strictly prohibited, under Art 123(2)EPC, to amend it without adding subject-matter. It is therefore vital to learn how to avoid these pitfalls when drafting an application.

It is also important to be aware of the significant body of well-established case law developed by the Boards of Appeal of the EPO, which over time has rarely shown leniency on this issue. In opposition, there are some very important rules to remember when raising insufficiency of disclosure as grounds of opposition [Art 100, b) EPC]. In addition, beside genuine reasons to oppose on the ground of insufficient disclosure, Art 83 EPC is often misused in opposition, as being nothing more than a hidden clarity objection [Art 84 EPC], which is not a ground of opposition. The seminar will provide full information about these situations, and show participants how to avoid them.

Programme

- ▶ **The person skilled in the art**
- ▶ **Enabling disclosure**
 - Essential features
- ▶ **Fundamental insufficiency**
- ▶ **In cases of doubt about insufficiency**
- ▶ **Consequences of a lack of sufficiency at search stage**
- ▶ **Sufficiency vs. Clarity**
- ▶ **Substantiation of lack of sufficiency in opposition**
 - Hidden clarity objection
- ▶ **Sufficiency vs. added subject-matter**
- ▶ **Disclaimers and sufficiency**
 - Under G1/03 - undisclosed disclaimers
 - Under G2/10 - disclaiming an embodiment
- ▶ **Applications relating to biological material**
 - Nucleotides and amino sequences
 - Biological material as such
 - Euro-PCT applications
- ▶ **General case law on sufficiency**
 - Sufficiency not given
 - Sufficiency given
- ▶ **Case law on sufficiency in biotechnology**
- ▶ **Exercises on sufficiency**

A Certificate of Attendance for Professional Development will be given to each participant who completes the seminar