

Drawing up and filing a European patent application

II. Presentation of the invention

Drawnings

R. 32, 34, 35

Guid. A-X;

C-II, 5

94 The conditions laid down in Rules 32,34 and 35 should be observed for therepresentation of the invention in the drawings. Reference signs not mentioned in the description and claims may not appear in the drawings and vice versa. The same features when denoted by reference signs must be denoted by the same signs throughout the application.

R. 32(2)(j)

Guid. A-X, 8

95 The drawings must not contain any text, except, when absolutely indispensable, a single word or words such as "water", "steam", "open", "closed", "section on AB", and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding. Any such words must be placed in such a way that, if required, they can be replaced by their translation without interfering with any lines of the drawings.

R. 32(3)

Guid. A-X, 1

96 Flow sheets and diagrams are considered drawings.

Rule 32 - Form of the drawings

(1) On sheets containing drawings, the usable surface area shall not exceed 26.2 cm 17 cm. These sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows:

top 2.5 cm

left side 2.5 cm

right side 1.5 cm

bottom 1 cm

(2) Drawings shall be executed as follows:

(a)* Drawings shall be executed in durable, black, sufficiently dense and

dark, uniformly thick and well- defined, lines and strokes without colourings.

(b) Cross-sections shall be indicated by hatching which should not impede the clear reading of the reference signs and leading lines.

(c) *** The scale of the drawings and the distinctness of their graphical execution shall be such that reproduction, obtained electronically or photographically, with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing, it shall be represented graphically.

(d) All numbers, letters, and reference signs, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(e) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(f) Elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure.

(g) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(h)** The same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, preferably in an upright position, clearly separated from one another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets.

(i) Reference signs not mentioned in the description and claims shall not appear in the drawings, and vice versa. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs.

(j) The drawings shall not contain text matter, except, when absolutely indispensable, a single word or words such as "water", "steam", "open", "closed", "section on AB", and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding. Any such words shall be placed in such a way that, if required, they can be replaced by their translations without interfering with any lines of the drawings.

(3) Flow sheets and diagrams are considered drawings.

Ref.: Art. 78 R. 34, 36, 40

* Amended by decision of the Administrative Council of 21.12.1978 which entered into force on 01.05.1979 (OJ EPO 1979, 5, 6).

** Amended by decision of the Administrative Council of 11.12.1980 which

entered into force on 31.01.1981 (OJ EPO 1981, 3).

*** Amended by decision of the Administrative Council of 10.12.1998 which entered into force on 01.01.1999 (OJ EPO 1999, 1 ff).

Rule 34 - Prohibited matter

(1) The European patent application shall not contain:

(a) statements or other matter contrary to "ordre public" or morality;

(b) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person. Mere comparisons with the prior art shall not be considered disparaging per se;

(c) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

(2) If a European patent application contains prohibited matter within the meaning of paragraph 1(a), the European Patent Office shall omit it when publishing the application, indicating the place and number of words or drawings omitted.

(3) If a European patent application contains statements within the meaning of paragraph 1(b), the European Patent Office may omit them when publishing the application. It shall indicate the place and number of words omitted, and shall furnish, upon request, a copy of the passages omitted.

Ref.: Art. 78, 93 R. 36

Rule 35 * - General provisions governing the presentation of the application documents

(1) Translations mentioned in Article 14, paragraph 2, shall be considered to be included in the term "documents making up the European patent application".

(2) The documents making up the European patent application shall be filed in three copies. The President of the European Patent Office may, however, determine that the documents shall be filed in fewer than three copies.

(3)** The documents making up the European patent application shall be so presented as to admit of electronic as well as of direct reproduction, in particular by scanning, photography, electrostatic processes, photo offset and micro filming, in an unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be

used.

(4) The documents making up the European patent application shall be on A 4 paper (29.7 cm 21 cm) which shall be pliable, strong, white, smooth, matt and durable. Subject to the provisions of Rule 32, paragraph 2(h), and paragraph 11 of this Rule, each sheet shall be used with its short sides at the top and bottom (upright position).

(5) Each of the documents making up the European patent application (request, description, claims, drawings and abstract) shall commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(6) Subject to Rule 32, paragraph 1, the minimum margins shall be as follows:

top: 2 cm

left side: 2.5 cm

right side: 2 cm

bottom: 2 cm \$TXT The recommended maximum for the margins quoted above is as follows:

top: 4 cm

left side: 4 cm

right side: 3 cm

bottom: 3 cm

(7) The margins of the documents making up the European patent application, when submitted, must be completely blank.

(8) All the sheets contained in the European patent application shall be numbered in consecutive arabic numerals. These shall be placed at the top of the sheet, in the middle, but not in the top margin.

(9) The lines of each sheet of the description and of the claims shall preferably be numbered in sets of five, the numbers appearing on the left side, to the right of the margin.

(10) The request for the grant of a European patent, the description, the claims and the abstract shall be typed or printed. Only graphic symbols and characters and chemical or mathematical formulae may, if necessary, be written by hand or drawn. The typing shall be 1 1/2 spaced. All text matter shall be in characters, the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible colour.

(11) The request for the grant of a European patent, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae. The description and the abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable. Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position thereon; sheets on which tables or chemical or mathematical formulae are presented sideways shall be so presented that the tops of the tables or formulae are at the left side of the sheet.

(12) Physical values shall be expressed in the units recognised in international practice, wherever appropriate in terms of the metric system

using SI units. Any data not meeting this requirement must also be expressed in the units recognised in international practice. For mathematical formulae the symbols in general use shall be employed. For chemical formulae the symbols, atomic weights and molecular formulae in general use shall be employed. In general, use should be made of the technical terms, signs and symbols generally accepted in the field in question.

(13) The terminology and the signs shall be consistent throughout the European patent application.

(14) Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings and interlineations. Non-compliance with this rule may be authorised if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

Ref.: Art. 78, 84, 85 R. 36, 40

* Amended by decisions of the Administrative Council of 21.12.1978 which entered into force on 01.05.1979 (OJ EPO 1979, 5, 6), of 11.12.1980 which entered into force on 31.01.1981 (OJ EPO 1981, 3, 4), of 08.12.1988 which entered into force on 01.04.1989 (OJ EPO 1989, 1) and of 13.12.1994 which entered into force on 01.06.1995 (OJ EPO 1995, 9 et seq.).

** Amended by decision of the Administrative Council of 10.12.1998 which entered into force on 01.01.1999 (OJ EPO 1999, 1 ff).