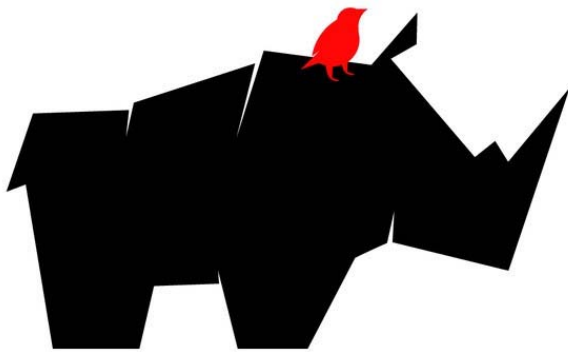




**DELTA**PATENTS

&

TaylorWessing



**BRAINPORT**  
**TECHLAW**

**COURSE**

**“SUBSTANTIVE PATENT LAW  
UNDER THE EPC”**

# DELTAPATENTS WELCOMES YOU

## Why DeltaPatents?

DeltaPatents is a **patent attorney firm** based in the Netherlands with a passion for quality. We provide the highest quality advice and service to companies at various stages of growth from start-up to Fortune 500. Our patent specialists have a deep technological knowledge and extensive industrial experience. Through our education activities, we stay ahead in terms of law changes, case law and procedural requirements.

We are proud to be a leading training organization for the **European Qualifying Examination (EQE)**. Our renowned courses can be followed throughout Europe. We offer a complete range of courses and high quality training material for the EQE. The knowledge and experience gained during more than 15 years of EQE training provides a solid basis for our comprehensive range of training courses in different areas.

We offer **Continuing Education of Patent Attorneys** (e.g. patent law update course, a Unitary Patent course, and various IP master classes) across Europe.

For **R&D** (R&D managers, researchers, developers, inventors, entrepreneurs, IP management, IP coordinators and tech-transfer officers) and **IP lawyers**, we provide targeted IP tutorials and several workshops.

In 2006 we started **training IP support staff**, culminating in a full training program preparing for the official Dutch Formalities Officers exam. The training modules are now offered throughout Europe.

Our training focuses on giving insight and understanding, and ensuring that the acquired knowledge can be practically applied. Unique for DeltaPatents is that we thoroughly train and guide our tutors. For our tutors, training is a profession, mastered by teamwork and frequent involvement in courses. We take feedback of attendants seriously and act on it. For us, quality and customer satisfaction are essential.

Our **blogs** keep you up-to-date on the EQE, European case law, Patent procedures, Unitary Patent and Dutch IP News.



*“It was a pleasure to study with such a skilled and nice instructor”*



# COURSE

# SUBSTANTIVE PATENT

# LAW UNDER THE EPC

## Course concept

During five interactive workshops, we give an overview of the parts of the Substantive Patent Law of the European Patent Convention (EPC) which are most relevant for court proceedings in the Netherlands. The workshop is particularly useful for (trainee) IP lawyers who wish to have a thorough insight in how the EPC works.

Before going into the EPC, the first workshop gives an overview of the different (types of) patenting systems, the legal structure, the main substantive requirements, the main procedural steps, and ownership issues.

In the next three workshops, the system is explained by discussing the leading case law, starting from the articles and rules of the EPC. It will be shown where the system seems to be stable and where it still is moving. This will be illustrated with examples from the Guidelines for examination in the EPO. A few cases will be integrated in the course.

The following topics are covered:

## 1. Introduction patenting systems, ownership

- Different patent systems
  - The main treaties, laws, and regulations
  - Relationship between PCT, EPC and national patenting systems
  - Differences between registration based patenting systems, examination based patenting systems, and utility models

- Main procedural steps
- Ownership:
  - relationship inventor - applicant
  - one versus multiple applicants
  - when is a transfer/assignment required; which system determines the requirements, including form and timing
  - implications for priority and divisional applications
- Main substantive requirements

## 2. State of the art, novelty

- Technical comparisons to be made
- Admissibility of the state of the art Art.54(2)
  - Date, priority
  - Available to the public
  - Burden of proof
  - Confidentiality
  - Skills and number of people
  - Awareness, internet disclosure
  - Overview of different types of disclosure
- Special state of the art
  - Prior rights - Art.54(3)
  - Non-prejudicial disclosures – Art.55
- Use of too late documents
- Novelty
  - The law
  - Principle
  - Enabling disclosure
  - Species-Genus
  - Single list, novelty by selection
  - Selection from multiple lists
  - Numerical ranges, selections
  - Second non-medical use
  - Disclaimers



### 3. Inventive step, problem-solution approach

- Definition, person skilled in the art
- Combining teachings
- Problem-solution approach
  - Basic form – single missing technical feature
  - Combining  $\rightarrow$  = 3 embodiments, partial problems, synergy
  - Dealing with negative statements, teachings away
  - Non-technical contribution
  - Workshop modification, routine work
  - Using common general knowledge
- (Bio-)chemical inventions and the problem-solution approach
- A defence against an inventive step attack using the problem solution approach

### 4. Claim interpretation, enablement, support

- Role of the claims/description, unclear claims
- Independent/dependent claims
- Ways to define a claim – category, feature
- Claim features
  - Structural, functional, parameter
- Claim categories
- Established ‘category-related’ claim interpretation
  - Non-medical product defined by use/function: ‘For/Use’
  - Medicine/process defined by use/purpose
  - Non-medical process defined by use/purpose
  - Product defined by manufacturing: Product-by-process
  - Product defined by reference to another product
- Claim interpretation at feature level
  - Optional features
  - Comprising, consisting
  - About, approximately, substantially
  - Undefined relative terms
- Interpretation of unclear/broad claims
- Role of the description in claim interpretation
- The disclosure, enablement – Art.83
- Support of claims in the description [Art.84]
  - Support of broad claim
  - Essential features
  - Art.84 vs. Art.83 vs. Art.56

### 5. Enforcement of patents

- The Enforcement Directive
- Preliminary proceedings, proceedings on the merits and accelerated proceedings on the merits
- Seizure of evidence, disclosure and confidentiality
- Seizure of infringing goods
- Ex parte injunction and cross border injunctions
- Damages and surrendering of profits
- Compensation of procedural costs

#### Documentation

A copy of all overhead sheets and cases used during the course will be provided for the personal use of the participants.

#### Certificate

A certificate is provided after attending the workshop.

#### Course location, dates and hours

The workshops are held at the office of DeltaPatents, Fellenoord 370, Eindhoven from 12.30-17.15 hrs on the following dates:

- Tuesday, 1 October 2019:  
Introduction patenting systems, ownership
- Tuesday, 22 October 2019:  
State of the art, novelty
- Tuesday, 5 November 2019:  
Inventive step, problem solution approach
- Tuesday, 26 November 2019:  
Claim interpretation, enablement, support
- Wednesday, 4 December 2019:  
Enforcement of patents

#### Program:

12.30 hrs	Arrival and registration of participants
13.00 hrs	Start first part of the course
15.00 hrs	Coffee / tea break
15.15 hrs	Start second part of the course
17.15 hrs	End of course + drink

#### Course language

The course material is in English. The course will be given in English unless all attendees are familiar with Dutch.

#### Limited number of attendees

Attendance is limited to 17 to guarantee interaction.



## Registration courses, prices

Please register by sending an email to:  
[training@deltapatents.com](mailto:training@deltapatents.com).

The registration fee for this course is:

- For members of Brainport TechLaw € 1.500 excl. VAT.
- For non-members of Brainport TechLaw € 2.000 excl. VAT

This course corresponds to 20 PO hours.

The fee includes course documentation (including free download) as well as refreshments and a certificate. You will receive an invoice as well as a confirmation.

## Tutor-presenters

- **Jelle Hoekstra** is CEO and founding partner of DeltaPatents, and an experienced tutor. He is author of the books “References to the European Patent Convention” and “Methodology for Paper C”
- **Sander van Rijnsouw** is a partner at DeltaPatents, and an experienced tutor. He is a European Patent Attorney in the field of Technical Mathematics, in particular computer security and Artificial Intelligence.
- **Wim Maas** is partner at Taylor Wessing and an experienced patent litigator in both national and international patent cases. He is also the author of several articles and commentaries on procedural law as well as of a book on the Enforcement of IP in The Netherlands (The Enforcement Directive).
- **Eelco Bergsma** is a counsel and member of the IP/IT practice group and specialises in advising on intellectual property law with a strong focus on technology and innovation. Eelco has extensive experience in patent litigation in the area of mechanical engineering, telecom and sustainable energy.

