



## **Our Seminar on European Patent Law - The Lectures**

Delivered by Kador & Partner attorneys, the lectures will be further enhanced by insights from distinguished guest speakers.

Initially, an overview of the European patent system will be presented, covering key procedural steps leading to application granting and available post-grant procedures. Subsequently, the following topics will be examined in greater depth.

### Novelty

The lecture will commence with an exploration of the established principles governing the assessment of novelty in the European Patent Office (EPO). Drawing upon existing case law, the session will also cover the specific novelty requirements concerning selection inventions, medical and non-medical use claims, product-by-process claims, and disclaimers. Additionally, the discussion will encompass the availability of information to the public for the purpose of assessing novelty, as well as considerations related to public prior use.

### Inventive step

This session will provide a comprehensive explanation of the well-established "problem-solution approach" used to assess inventive step in the EPO, employing the perspective of the skilled person. Through comprehensive examples, attendees will gain a thorough understanding of this approach. Additionally, the discussion will cover the definitions of "person skilled in the art" and "state of the art," and how these definitions are applied in assessing inventive step. Special focus will be dedicated to examining partial problems, selection inventions, parameter optimizations, and new uses.

### Clarity/Disclosure of the invention

The requirements of Art. 83 EPC concerning sufficiency of disclosure and of Art. 84 EPC concerning the clarity of the claims will be analyzed and explained. The extent of disclosure necessary under the EPC, in particular with reference to the examples illustrating an invention, as well as the extent of generalization allowed will be outlined. The principles for drafting claims in conformity to the clarity requirements will be discussed.

## Amendments

The session will explore the allowability of amendments to the application and claims, considering the EPO's increasingly stringent approach to the requirements of Art. 123(2) EPC. We will provide insights into the most recent relevant decisions from the Boards of Appeal, offering clarity on this matter. Additionally, we will address the question of the requisite basis in the original application for these amendments.

## Opposition and Appeal Procedures

The lecture will provide a comprehensive summary of background information and recent developments in the practice of opposition and appeal before the EPO. Leveraging case law and the speakers' extensive experience, we will present strategies for both defending and attacking a European patent in these third-party proceedings. Additionally, we will discuss the admissibility of evidence and amendments and plan to attend oral proceedings in an appeal case with our participants, offering valuable insights into the practical conduct of these proceedings.

## European Unitary Patent and Unified Patent Court

The session will outline the fundamental principles of the recently established European Unitary patent system and its core components, including the Unitary Patent (officially known as the "European Patent with unitary effect") and the Unified Patent Court. We will conduct a comparative analysis with traditional ways of protection in Europe and will discuss initial experiences with the new system, including its reception and the emerging case law on infringement and invalidation.

## Litigation and infringement Proceedings

We will provide an overview of the various patent infringement litigation systems in Europe, highlighting their differences. A more in-depth discussion will focus on the patent infringement litigation procedure in Germany. The lecture will encompass the principles of the doctrine of equivalence, preliminary injunctions, calculation of damages, cost considerations, settlements, and litigation strategies. We will also compare these aspects with the corresponding procedures at the Unified Patent Court.

## European Trade Marks

A comprehensive overview of EU trademarks and the registration process will be provided in this session, highlighting the advantages of EU trademark registration. Additionally, recent significant decisions from the OHIM Boards of Appeal, the General Court, and the Court of Justice of the European Union will be discussed.