

B. Unity of invention

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1. Introduction

Under Art. 82 EPC, the European patent application must relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. R. 44(1) EPC (cf. R. 30 EPC 1973) gives an interpretation of the concept of unity of invention where a group of inventions is claimed. For international applications the corresponding provisions are Art. 3(4)(iii) and in particular R. 13 PCT.

As stated in T 501/91, the main purpose of Art. 82 EPC is to prevent several unrelated inventions from being dealt with in a single patent application in order to save fees. It also helps to ensure that claimed and granted intellectual property rights are correctly classified. Moreover, it is in the interests of a rational examination procedure that unrelated subject-matter is not lumped together in a single patent application, while related subject-matter should not be needlessly split up (see T 110/82, OJ 1983, 274).

Procedural aspects of the assessment of unity, including the payment of further search fees, are governed by R. 64 and 164 EPC (cf. Art. 17(3)(a), R. 40 PCT for the ISA, and Art. 34(3)(a), R. 68 PCT for the IPEA).