

D. Priority

1.	Introduction	450
2.	Applications giving rise to a right of priority	451
2.1.	Application filed in or for a state which is party to the Paris Convention or a member of the WTO	451
2.2.	Right of priority of the applicant or his successor in title	451
2.2.1	General	451
2.2.2	Applicable law – proof of transfer	452
2.2.3	Plurality of applicants for the first application	455
2.3.	National deposit of industrial design	457
2.4.	Exhibition priority	457
2.5.	Postdating of the previous application	458
2.6.	Multiple exercise of the right of priority for one contracting state	458
3.	Identity of invention	459
3.1.	Disclosure in the previous application of the invention claimed in the subsequent application	459
3.1.1	G 2/98 – interpretation of "the same invention"	459
3.1.2	G 2/98 and the concept of disclosure – interpretation in the same way as for Art. 123(2) EPC	459
3.1.3	Disclosure in the previous application as a whole	460
3.1.4	Reference to common general knowledge	461
3.1.5	Explicit or implicit disclosure of the features of the invention in the priority document	462
a)	Example cases – features of the invention all disclosed in the priority document	462
b)	Example cases – features of the invention not all disclosed in the priority document	463
3.1.6	Enabling disclosure in the priority document	464
3.1.7	Error margins and definitions of limits	465
3.1.8	Selection from generic disclosure	466
3.1.9	Inventions relating to nucleotide and amino acid sequences	467
3.2.	Claiming in the subsequent application the invention disclosed in the previous application	468
4.	First application in respect of the invention	470
4.1.	Identity of invention	470
4.2.	Identity of applicant and joint applicants approach	472
5.	Partial and multiple priorities	474
5.1.	Publications during the priority interval – effect on elements of the European patent application not entitled to priority	474
5.2.	Different priorities for different parts of a European patent application	475
5.3.	Multiple priorities or partial priority for one claim	475
5.3.1	Development of the case law after G 2/98 in respect of generically formulated "OR" claims	477
5.3.2	Referral case G 1/15 ("Partial priority")	478
5.3.3	Application of G 1/15 in the jurisprudence of the boards	480