

4.5. Right to a decision under Rule 112(2) EPC

The right to a decision after notification of loss of rights is a substantial procedural right which cannot be ignored by the EPO. A party who applies for a decision under R. 112(2) EPC is entitled to receive one. If the correctness of a notification of loss of rights under R. 112(1) EPC is challenged, the EPO has a duty to reply within a **reasonable period of time** having regard to the subject-matter of the communication (see J 29/86, OJ 1988, 84; and J 34/92).

5. Notification of decision under Rule 111(1) EPC

Under R. 111(1) EPC, a decision delivered during oral proceedings must be put in writing and notified to the parties. The date of notification is relevant with regard to the filing of an appeal (Art. 108 EPC and R. 111 EPC). The legal fiction of deemed notification set out in R. 126(2) EPC applies whereby the letter is deemed to be delivered on the tenth day following its handover to the postal service provider.