

In T 1201/10 of 20 May 2019, the request for re-establishment of rights contained information about the appellant's financial affairs. The board held that the appellant had a legitimate personal interest that this information was not made public. This request for re-establishment was itself not relevant to the decision in the case in hand.

In T 1534/16, during written proceedings before the board, a number of documents were filed by the appellant before it withdrew its opposition, which were provisionally excluded from file inspection at the request of the appellant (patentee). The board, considering that the opponent and intervener had explicitly agreed in writing to the appellant's request and being satisfied that the documents in question did not serve the purpose of informing the public about the patent in suit, concluded that the above-mentioned documents should remain excluded from file inspection pursuant to R 144(d) EPC.

2. European Patent Register

2.1. General

Art. 127 and R 143 EPC (previously R 92 EPC 1973) govern entries in the European Patent Register. R 143 EPC gives a list of items that are to be entered in the Register, additional entries required being specified in the EPO President's decision dated 15 July 2014 concerning the information given in the European Patent Register, which was adopted under R 143(2) EPC. The Register shows the state of the proceedings and the legal status of patents rights. Entries are made in it until the end of the opposition period or of opposition proceedings, as appropriate. In J 12/16 the board held that, in view of the suspensive effect any appeal yet to be filed would have, entries potentially interfering with the outcome of the then resulting appeal proceedings should not be made in the Register while the period for appeal (here, against a decision refusing requests for registration of a transfer and for a stay of grant proceedings) was still pending.

According to J 5/79 (OJ 1980, 71), no entries can be made in the Register prior to publication of the European patent application (Art. 127 EPC 1973 – unchanged in that respect).

An entry in the European Patent Register recording the withdrawal of a patent application fulfils the same function as a publication in the European Patent Bulletin in that it amounts to a notification to the public (J 25/03, OJ 2006, 395; see also J 14/04 and J 12/03). The withdrawal of an application cannot be retracted once it has been published in the European Patent Register (J 2/15).

In T 194/15 the board held that the entry of a change of an opponent's name in the European Patent Register does not establish a right, it merely records it (see also T 799/97).

Under Art. 20 EPC in conjunction with the EPO President's decision dated 21 November 2013 concerning the responsibilities of the Legal Division (OJ 2013, 600), the Legal Division is usually responsible for decisions on entries and deletions in the European Patent Register (for exceptions – in cases where a request can