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This chapter concerns the allowability of amendments under Art. 123(2) and (3) EPC, as well as corrections of errors in the parts of a patent application or of a patent relating to the disclosure (the description, claims and drawings) under R. 139 EPC. Other aspects related to amendments are dealt with elsewhere; see for example chapters II.D.3.1.2 in the context of Art. 87(1) EPC; II.F. "Divisional applications", in particular II.F.2.2. "Amendments to divisional applications"; III.I.3.1. "Party's responsibility to define subject-matter by filing appropriate requests"; III.L. "Correction of errors in decisions"; IV.B.1.1., 2.6., 3.3., 3.4., 3.6., 3.7., 5. for the admissibility of amendments during the "Examination procedure"; IV.C.5. "Amendments in opposition proceedings"; V.A.4. "New submissions on appeal – case law on RPBA 2020" and V.A.5 "New submissions on appeal – case law on RPBA 2007".

1. Article 123(2) EPC – added subject-matter

1.1. General principles

According to Art. 123(2) EPC the European patent application or the European patent may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed. The revision of the EPC has introduced a purely editorial change to the wording of Art. 123(2) EPC.

The concept of "content of the application as filed" relates to the parts of the European patent application which determine the disclosure of the invention, namely the description, the claims and the drawings (G 3/89, OJ 1993, 117, and G 11/91, OJ 1993, 125). See in this chapter at II.E.1.2. "Content of the application as filed: Parts of the application which determine the disclosure of the invention" below.

The **underlying idea** of Art. 123(2) EPC is that an applicant should not be allowed to improve his position by adding subject-matter not disclosed in the application as filed, which would give him an **unwarranted advantage** and could be damaging to the legal