

1.2. Determination and extension of periods under Rule 132 EPC

1.2.1 Relevant criteria when time limits are extended upon request (R. 132(2), second sentence, EPC)

According to R. 132(2), second sentence, EPC (R. 84, second sentence, EPC 1973), in special cases, a certain period may be extended upon request. This provision gives discretionary power to departments of the EPO to decide on the request (T. 954/98 of 9 December 1999, J. 12/07, J. 29/10). The Guidelines set out examples of special cases, see Guidelines E-VIII, 1.6 – March 2022 version. Only a narrow definition of acceptable grounds for further extensions of time limits beyond a total period of six months is justified (J. 12/07, J. 29/10, see also T. 79/99).

In T. 79/99 the board held that when considering requests for additional time, it would take into account not only any reasons put forward but also the number of previous extensions (if any), the views of the other party or parties (if known), the effect of delays on other appeals pending before it and the general principle that all delays are to be avoided where possible.

The application of Art. 120 EPC 1973 and R. 84 EPC 1973 to cases where the time limits had expired before the entry into force of EPC 2000 is considered in J. 12/07.

1.2.2 Applicability of Rule 132 EPC to the Rules relating to Fees

In case J. 7/07 the Receiving Section had given the appellant a period of one month to submit evidence and pay the surcharge under Art. 8(4) RFees. The appellant argued that this one-month time limit was too short and amounted to a substantial procedural violation as it was not in compliance with R. 84 EPC 1973. Though R. 84 EPC 1973 referred only to the Convention and the Implementing Regulations, the board concluded that R. 84 EPC 1973 applied to the time limit in the then Art. 8(4) RFees.

1.3. Extension of time limits ipso jure on account of public holidays or dislocation in delivery of mail (Rule 134 EPC)

1.3.1 Public holidays (Rule 134(1) EPC)

According to R. 134(1) EPC, if a period expires on a day on which one of the filing offices of the EPO is not open for receipt of documents or on which mail is not delivered there, the period shall extend to the first day thereafter on which all the filing offices are open for receipt of documents and on which mail is delivered. This also applies to periods concerning payments (J. 1/81).

1.3.2 General dislocation or interruption in delivery or transmission of mail in a Contracting State (R. 134(2) EPC)

R. 134(2) EPC provides for a time limit to be extended if it expires on a day on which there is a general dislocation in the delivery or transmission of mail in a contracting state or