

admitted", customers (in particular dealers in building materials and clients who were interested in purchasing light building boards) were given the opportunity of seeing the press although no form of demonstration or explanation was given. An obligation to secrecy was not imposed as, according to witnesses, the company did not consider such visitors as a possible source of competition. These visitors were not genuine specialists, i.e. they did not manufacture such boards or presses, but were not entirely laymen either. In view of the simple construction of the press, the essential features of the invention concerned were bound to be evident to anyone observing it. There was therefore a possibility that these customers, and in particular the dealers in building materials, would recognise these essential features of the press and, as they were not bound to secrecy, they would be free to communicate this information to others.

6.2.5 Example of the inaccessibility of a process

The subject of the patent concerns a process for the manufacture of a product. As proof that this process had been made available to the public by use, a similar already known product was asserted to have been produced by the process claimed. However, it could not be clearly ascertained, even after an exhaustive examination, by which process it had been produced.

6.3 Prior art made available by means of oral description

If the prior art was made available to the public by an oral description before the relevant date (i.e. the date of filing of the application or, if applicable, the date of the earliest validly claimed priority) but a document which reproduces the oral description was only published on or after that relevant date, the ISR and the IPER draw attention to this non-written disclosure in the manner provided for in Rule 70.9 (Rules 33.1(b) and 64.2).

6.4 Internet disclosures

As a matter of principle, disclosures on the internet form part of the prior art. Information disclosed on the internet or in online databases is considered to be publicly available as of the date the information was publicly posted. Internet websites often contain highly relevant technical information. Certain information may even be available only on the internet from such websites. This includes, for example, online manuals and tutorials for software products (such as video games) or other products with a short life cycle.

As regards establishing the publication date and the standard and burden of proof, in particular with technical journals or "print equivalent" publications, the principles as laid down in the Guidelines for Examination in the EPO (GL/EPO G-IV, 7.5.1-7.5.6) apply *mutatis mutandis*.

6.5 Standards and standard preparatory documents

The principles as laid down in the Guidelines for Examination in the EPO (GL/EPO G-IV, 7.6) apply *mutatis mutandis*.

7. Cross-references between prior-art documents

If a document (the "primary" document) refers explicitly to another document (the "secondary" document) as providing more detailed

Rule 33.1(b),
Rule 64.2, Rule 70.9
GL/ISPE 11.22

GL/ISPE 11.13-
11.20