

H. Interpretation of the EPC

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On the interpretation of provisions of the EPC, the EPC itself provides relatively little guidance. There is the Protocol on the Interpretation of Art. 69 EPC of 5 October 1973 as revised by the Act revising the EPC of 29 November 2000. This deals with the extent of protection under Art. 69 EPC. Otherwise, the EPC contains only regulations like the hierarchy of legal provisions (Art. 150(2) and 164(2) EPC) and the equal authenticity of the EPC in its three official language versions (Art. 177 EPC). Art. 125 EPC is not concerned with the interpretation of the EPC but serves merely as a "fill-in" in case of missing procedural provisions. The EPC itself thus contains no general rules for its interpretation, and one must look outside the terms of the Convention itself for such rules (G 2/12, G 2/13, OJ 2016, A27 and A28).

As an international treaty, the EPC has to be interpreted in accordance with the rules of interpretation developed in the so-called "law of nations" or public international law. To the traditional kind of international treaty which regulates legal relations between States had to be added the treaty which directly creates and defines rights and duties for individuals and corporate bodies (G 5/83, OJ 1985, 64; G 2/12, G 2/13).