

**ANLAGE 3**

Leit- und Orientierungssätze<sup>1</sup> der veröffentlichten (bzw. zur Veröffentlichung vorgesehenen) Entscheidungen des Jahres 2017

**ANNEX 3**

Headnotes/catchwords<sup>1</sup> to 2017 decisions which have been (or will be) published

**ANNEXE 3**

Sommaires/exergues<sup>1</sup> des décisions de l'année 2017 publiées (ou dont la publication est prévue)

**Case Number:** G 1/16 (Disclaimer III)  
**Date:** 18 December 2017  
**Patent proprietor/Appellant:** The Trustees of Princeton University  
The University of Southern California  
**Opponent/Respondent:** Merck Patent GmbH  
BASF SE

**Headnote:**

For the purpose of considering whether a claim amended by the introduction of an undisclosed disclaimer is allowable under Article 123(2) EPC, the disclaimer must fulfil one of the criteria set out in point 2.1 of the order of decision G 1/03.

The introduction of such a disclaimer may not provide a technical contribution to the subject-matter disclosed in the application as filed. In particular, it may not be or become relevant for the assessment of inventive step or for the question of sufficiency of disclosure. The disclaimer may not remove more than necessary either to restore novelty or to disclaim subject-matter excluded from patentability for non-technical reasons.

<sup>1</sup> Diese Leit- und Orientierungssätze erscheinen in der Anlage 3 nur in der Verfahrenssprache.

<sup>1</sup> These headnotes/catchwords are published in Annex 3 in the language of the proceedings only.

<sup>1</sup> Ces sommaires/exergues ne sont publiés à l'Annexe 3 que dans la langue de la procédure.