

ANLAGE 3

Leit- und Orientierungssätze¹ der
im Amtsblatt veröffentlichten
Entscheidungen des Jahres 2020

ANNEX 3

Headnotes/catchwords¹ to 2020
decisions which have been
published in the Official Journal

ANNEXE 3

Sommaires/exergues¹ des
décisions de l'année 2020
publiées dans le Journal officiel

Case Number: G 3/19, OJ EPO 2020, A119

Date of opinion: 14 May 2020

Headnote:

Taking into account developments after decisions G 2/12 and G 2/13 of the Enlarged Board of Appeal, the exception to patentability of essentially biological processes for the production of plants or animals in Article 53(b) EPC has a negative effect on the allowability of product claims and product-by-process claims directed to plants, plant material or animals, if the claimed product is exclusively obtained by means of an essentially biological process or if the claimed process features define an essentially biological process.

This negative effect does not apply to European patents granted before 1 July 2017 and European patent applications which were filed before that date and are still pending.

¹ Diese Leit- und Orientierungssätze erscheinen in der Anlage 3 nur in der Verfahrenssprache.

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

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