EQE Supplement to the 2026 Edition of Visser's Annotated European Patent Convention

Introduction

This supplement is primarily for EQE 2027 candidates and reflects updates and newly published information since the revision date of the 2026 print edition, i.e., between 01.04.2026 and 31.10.2026. The supplement also deals with any errors in the 2026 print edition that have come to light.

The online edition of Visser available on the Kluwer IP Law website - www.kluweriplaw.com - is regularly updated and includes full commentary on these updates as well as amendments in view of recent Technical Board of Appeal decisions and new information from the EPO website.

A supplement for EQE candidates will be made available in December.

The next print edition of Visser will be published in Spring 2027 and will include commentary on the 2027 edition of the Guidelines for Examination in the EPO.

Updates

On page 192, Art.79, delete Moldova from the table of validation states in Art.79(2):2.2.

On page 251, Art.94, in Art.94(1):4.1, replace OJ 2025 A69 with OJ 2026 A44 in the first and second paragraphs, OJ 2025 A69 §2 with OJ 2026 A44 §1 in the last paragraph.

On page 252, Art.94, in Art.94(1):4.1 replace OJ 2025 A69 with OJ 2026 A44 in the first and last paragraph, OJ 2025 A69 §2,4 with OJ 2026 A44 §4 in the second paragraph.

On page 252, Art.94, in Art.94(1):4.2, update the reference of the PPH agreement between the EPO and the Chinese patent office to read "OJ 2025 A32". This new agreement applies as of 01.08.2026.

On page 258, Art.94, in Art.94(3):6, replace OJ 2026 A23 with OJ 2026 A46 in the last paragraph.

On page 447, Art.169, add at the end of note Art.169:1.2 the following:

> The EPC entered into force for Moldova on 01.06.2026, and can thus be designated as a contracting state in applications with a filing date of 01.06.2026 or later. However, as Moldova was a validation state before acceding the EPC, an EP patent can be validated in Moldova even if it was filed earlier (as long as it was filed on or after 01.11.2015), provided the validation fee for Moldova was paid in due time (see Art.79(2):2).

On page 450, Art.169, in Art.169:6, delete Moldova from the table, and add below the table "Note that Moldova was a validation state from 01.11.2015 (OJ 2015 A85) until 31.05.2026, when it became a contracting state.".

On page 467, R.2, in R.2(1):7, in the fourth paragraph, add "transitional conformance variant" as another option; update the norm to be ISO/IEC 29500:2016; replace OJ 2026 A23 with OJ 2026 A46; and remove the "note the year of the norm".

On page 636, R.70, in R.70(1):1, last paragraph, replace OJ 2025 A69 with OJ 2026 A44.

On page 746, R.127, add a new note R.127(1):2:

2 Electronic notification under the PCT

Applicants using the EPO as receiving Office, International Searching Authority or International Preliminary Examining Authority have the option of receiving notifications electronically once the record copy of the international application has been transmitted to the International Bureau. This does not apply, however, in proceedings in which the EPO is drawing up a supplementary international search report (R.45bis PCT). Communications from the EPO are made available to the applicant using the International Bureau's ePCT system and, in parallel, the applicant's EPO Mailbox (if activated). A document is deemed to be delivered on the date it bears and is considered to have reached its destination when it is retrievable from the ePCT system. If the electronic option is selected, no paper copy is sent. (Dec. Pres. OJ 2026 A28 and Not. EPO OJ 2026 A29)

On page 760, R.134, in R.134(1):2, second paragraph of the page, add for EPO closure days "for 2027 see OJ 2026 A30".

On page 766, R.134, in R.134(5):1, in the paragraph after the list, add "Likewise, applicants, parties and representatives affected by earthquakes in the Kumamoto prefecture of Japan on 28.07.2026, in Columbia on 10.08.2026 and in Panama on 09.10.2026 were able to invoke R.134(5) where necessary (OJ 2026 A38, A39 and A52).".

On page 818, R.152, the law text of R.152(11) changed as of 01.06.2026, and now reads:

R.152(11) The authorisation of an association of representatives shall be deemed to be an authorisation of any representative who is registered as a member of this association with the European Patent Office.

On page 831, R.159, in R.159:3.3, replace OJ 2025 A69 with OJ 2026 A44.

On page 849, R.161, in R.161(1):3, last paragraph, replace OJ 2025 A69 with OJ 2026 A44.

On page 850, R.161, in R.161(2):2, last but one paragraph, replace OJ 2025 A69 §2 with OJ 2026 A44 §1, twice.

On page 888, Rfees2, in Rfees2(1):17, replace OJ 2025 A54 with OJ 2026 A35 in the second paragraph.

Corrections

On page 565, R.49, delete last paragraph of R.49(2):1.2 (docx-filing no longer a pilot since 01.04.2026).

On page 584, R.53, last but one paragraph of the note R.53(1):2, correct as follows: "An electronic priority document of this kind can be filed using Online Filing 2.0 or the EPO Contingency Upload Service (Dec. Pres. OJ 2026 A19, Art.1 and Art.4)."

On page 825, R.157, last paragraph of the note R.157(1):1, the correct reference for the filing means the EPO as rO accepts is Dec. Pres. OJ 2025 A52.

On page 879, Rfees2, at the beginning of the law text of Rfees2(1), the "shall be" has been replaced by "are".

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