R.82(2):3

On page 672, note "3 Typed version of amended text", first, second and fourth paragraph, replace OJ 2022, A113 with OJ 2025 A49.

R.134

On pages 748-749, the heading on the top corner of the page is erroneously R.133, while it should be R.134.

R.134(1):2

On page 749, note "2 EPO not open or unable to receive documents (R.134(1), first sentence)", third paragraph, add "for 2026, see OJ 2025 A40".

R.152(11)

On page 809, note "1 Authorisation of an association", second paragraph, replace the first two sentences with:

> Starting from 01.10.2025, legal practitioners can form and join associations on their own or together with professional representatives (Not. EPO OJ 2025 A48).

On page 809, note "2 Registration and appointment of an association", replace the first paragraph with:

> An association of representatives must be registered with the Legal Division to enable its use in appointments and authorisations. Starting from 01.10.2025, this can be done in MyEPO with same-day effect, or by using EPO Form 52304. MyEPO can also be used to administer associations, but not yet to delete them (OJ 2013 p.535 §I, Not. EPO OJ 2025 A48).

On page 809, note "2 Registration and appointment of an association", second paragraph, add Not. EPO OJ 2025 A48 in the parentheses in the end.

Rfees2(1):17

On page 881, note "17 Reduction of PCT fees", second paragraph, replace OJ 2024 A69 with OJ 2025 A54.

Corrections in the notes

Art.64(3):2.4

On page 157, Art.64(3):2.4, last paragraph, replace "items (a) to (l)" with "items (a) to (e)".

Art.134(8):1

On page 400, Art.134(8):1, delete the last paragraph. As of 01.11.2024, legal practitioners are only required to submit an authorisation when requested to do so by the EPO (OJ 2024 A75).

R.56(3):3

On page 588, R.56(3):3, second paragraph, the reference should be C-III,1.1.1 instead of B-XI,2.1.

R.134

On page 748, the text "1 R.134 Extension of periods" should be a title, not a note. On the same page, the notes 2 and 3 should be notes 1 and 2, respectively.
On pages 748-756, the heading on the top corner of the page is erroneously R.133, while it should be R.134.

Rfees9

On page 896, second and third line, the reference should be "A-X,10.1.2" instead of "A-XI,10.1.2".

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Supplement to the 2025 Edition of Visser's Annotated European Patent Convention

Introduction

This supplement is primarily for EQE 2026 candidates, taking into account information published since the revision date of the 2025 print edition, i.e., between 01.04.2025 and 31.10.2025. The supplement also deals with any errors in the 2025 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 decisions of the boards of appeal and new information from the EPO website.

The next print edition of Visser will be published in Spring 2026. This will include commentary on the 2026 edition of the Guidelines for Examination in the EPO.

Updates

Art.54(2):3.6.2

On page 96, note "3.6.2 Accessibility and analysability", first paragraph, add the following after the first sentence: "It must be read in conjunction with G1/23, which reinterpreted its meaning and found that there was no need for reproducibility for a commercially available product to be state of the art (G1/23 r.73-75). According to these decisions, the composition or internal structure of a product, whether chemical or otherwise, forms part of the state of the art when the product as such is available to the public and can be analysed by the skilled person, irrespective of whether or not particular reasons can be identified for such analysis."
Add as a new last paragraph: "G1/23 clarified that once a product has been made commercially available, it forms part of the state of the art regardless of whether it can be independently reproduced by the skilled person (r.73). The enabling nature of the disclosure is inherent in the fact that it could be purchased and physically possessed. Even if the product later disappears from the market, its prior art status is not affected, though it may then become more difficult as a practical matter to prove what was made available (r.82-87). If a commercially available product changes over time, each successive iteration becomes a separate item of prior art as it is made available (r.88). All analysable properties of the product become publicly available simply because the product was physically accessible (r.91)."

Art.69:1

On page 166, note "1 General", replace the second paragraph with "Because it is undesirable for the EPO to interpret claims differently from national courts and the UPC, the EPO must apply Art.69 in an analogous way when considering patentability and always consult the description and drawings, even if the claims are clear and unambiguous when read in isolation (G1/24 r.15-16 and hn)."

Art.84:1

On page 201, note "1 Clarity and interpretation of claims", in the last but one paragraph, replace the second sentence with "However, although the claims are the starting point for assessing the patentability of an invention under Art.52 to 57, the description and drawings must always be consulted in order to interpret those claims, even in cases where there is no ambiguity or lack of clarity (G1/24). The same applies when assessing the extent of protection afforded by the claims under Art.69."

Art.87(1):3

On page 218, note "3 A person or their successor in title", add "For example, if there is any doubt, the applicant or proprietor may execute a retroactive assignment in order to confirm that the right to claim priority was validly transferred (T98/23 r.3)."

Art.94(1):4.2

On page 252, note "4.2 Patent Prosecution Highway", for SA in the table, replace OJ 2022 A59 with OJ 2025 A39.

Art.134a(1):3

On page 404, note "3 Discipline (Art.134a(1)(c))", third paragraph, replace OJ 2024 A111 with OJ 2025 A42.

Art.169:1.1

On page 440, note "1.1 List", in the table, add LA for Montenegro.

R.2(1):4

On page 458, note "4 Paper filing", in the first and third paragraph, replace OJ 2018 A18 with OJ 2025 A35; in the fourth paragraph, replace OJ 2017 A11 with OJ 2025 A33.

R.49

On page 555, note "1.1 Decision on presentation requirements", first paragraph, replace OJ 2022, A113 Art.2 with OJ 2025 A49; in the text reproducing Art.2 of the decision, replace (1), (2) and (3) with:

(1) The documents making up the application shall be presented so as to allow electronic and direct reproduction, in particular by scanning, photography, in an unlimited number of copies. If filed on paper, all pages shall be pliable, strong, white, smooth, matt and durable paper, and be free from cracks, creases and folds. Only one side of the sheet shall be used.

(2) The documents making up the application shall be on A4 format (29.7 cm x 21 cm) (which shall be pliable, strong, white, smooth, matt and durable). Subject to paragraph 8 and Article 1, paragraph 2(h), each page shall be used with its short sides at the top and bottom (upright position).

(3) Each of the documents making up the application (request, description, claims, drawings and abstract) shall commence on a new page. If filed on paper, the pages shall be connected in such a way that they can easily be turned over, separated and joined together again.

On page 556, note "1.1 Decision on presentation requirements", in the text reproducing Art.2 of the decision, replace (5), (6), (8) and (11) with:

(5) All the sheets contained in the application shall be numbered in consecutive Arabic numerals. These shall be centred at the top of the page, but not placed in the top margin.

(6) The lines of each page of the description and of the claims shall preferably be numbered in sets of five, the numbers appearing on the left side, to the right of the margin.

(8) The request for grant of a European patent, the description, the claims and the abstract shall not contain drawings. The description, claims and abstract may contain chemical or mathematical formulae. The description and abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable. Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position. Tables or chemical or mathematical formulae presented sideways shall be placed so that the tops of the tables or formulae are at the left-hand side of the page.

(11) Each page shall be reasonably free from erasures and shall be free from alterations. Non-compliance with this rule may be authorised if the authenticity of the content is not impugned and the requirements for good reproduction are not thereby jeopardised.

On page 556, note "1.2 Presentation requirements", fifth paragraph, replace OJ 2022 A113 Art.2(7) with OJ 2025 A49 Art.2(7).

On page 557, second paragraph, replace OJ 2022 A113 Art.2(9) with OJ 2025 A49 Art.2(9); third paragraph, replace OJ 2022 A113 Art.4(2) with OJ 2025 A49 Art.4(2).

On page 557, note "2.1 Decision on presentation requirements for drawings", first paragraph, replace OJ 2022 A113 Art.1 with OJ 2025 A49 Art.1; in the text reproducing Art.1 of the decision, replace (1), (2)(a) and (2)(h) with:

(1) On pages containing drawings, the usable surface area shall not exceed 26.2 cm x 17 cm. The usable or used surface shall not be surrounded by frames. The minimum margins shall be as follows: top 2.5 cm; left side 2.5 cm; right side 1.5 cm; bottom 1 cm.

(2)(a) Drawings shall be executed without colourings in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes. When filed by means of electronic communication, drawings may also be executed in colour or in greyscale, in durable, uniformly thick and well-defined lines, strokes or areas. They must also be sufficiently rich in contrast and suitable to be clearly displayed at a resolution of 300 dpi.

(2)(h) A page of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form a single figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, preferably in an upright position, clearly separated from one another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets.

On page 558, note "2.2 Photographs", second paragraph, replace OJ 2022 A113 Art.1(2)(a) with OJ 2025 A49 Art.1(2)(a).

On page 558, note "2.3 Presentation requirements for drawings", second paragraph, replace OJ 2022 A113 Art.1(2)(d) with OJ 2025 A49 Art.1(2)(d); fifth paragraph, replace OJ 2022 A113 Art.1(2)(j) with OJ 2025 A49 Art.1(2)(j); sixth paragraph, replace OJ 2022 A113 Art.1(2)(i) and (j) with OJ 2025 A49 Art.1(2)(i) and (j) as well as OJ 2022 A113 Art.4(3) with OJ 2025 A49 Art.4(3).

On page 559, note "3 Examination of presentation requirements", first paragraph, replace OJ 2022 A113 Art.4 with OJ 2025 A49 Art.4; third paragraph (first paragraph after the text of Art.4), replace OJ 2022 A113 with OJ 2025 A49, three times.

R.35(1):1

On page 519, note "1 Filing offices", first paragraph, replace OJ 2017 A11; OJ 2018 A18, A75 with OJ 2025 A33, A35.

R.50(2):1

On page 562, note "1 Form requirement subsequent documents", replace OJ 2022, A113 Art.3 with OJ 2025 A49 Art.3.