

Regarding C. 8728

Regarding examination guidelines/manuals and summary of case law concerning topics suggested in paragraph 8 of document SCP/24/3

According to a ruling of the Supreme Administrative Court in Sweden, the practice of EPO should be considered Swedish practice as long as that practice is compatible with Swedish law (RÅ 1990 ref. 84). In another ruling of the same court (RÅ 1998 ref. 55) that concerns inventive step, states that PRV (the Swedish Patent and Registration Office) should use the Problem/Solution Approach when assessing inventive step. These ruling have resulted in that the Swedish Guidelines for inventive step closely follows the Guidelines and case law of the EPO. For some of the suggested topics in the Spanish proposal, such as the Markush claims, PRV has no specific Swedish Guidelines, nor have there been any recent rulings in the Swedish courts. In such cases PRV follow the case law and the Guidelines of the EPO directly.