

EIP

'Divisionals - Peering into the Mist', by Derk Visser and Matthew Blaseby

European patent law expert [Derk Visser](#) (partner) and [Matthew Blaseby](#) (senior associate) explore the consequences of decision G1/09 of the Enlarged Board of Appeal (EBoA) of the European Patent Office (EPO). Their commentary is published in the March issue of EPI Information.

G1/09 relates to the deadline for filing a divisional application after a decision of refusal has been issued. Whilst the EBoA gave a clear answer on this point, application of their reasoning to other procedural situations raises new questions for European patent procedure. For example, can a divisional application be filed in an unavailed period for requesting further processing? Can a divisional application be filed for a Euro-PCT application without paying any fees for the parent, when entering the European phase?

Using the EBoA's rationale as basis, Derk and Matthew identify new and creative possibilities for filing divisional applications in Europe. Read the full text of the article on page 32 of EPI Information [here](#).