

G 1/24 decision of the Enlarged Board of Appeal of the EPO

The Enlarged Board of Appeal (EBoA) of the European Patent Office (EPO) issued, on June 18, 2025, the important and highly anticipated decision G 1/24, which clarifies **how patent claims should be interpreted when evaluating their patentability**.

Main conclusion of decision G 1/24

The conclusions of the Enlarged Board of Appeal establish, from now on, two fundamental principles for evaluating the patentability of claims:

1. Claims are the starting point and the basis for assessing the patentability of an invention under Articles 52 to 57 of the European Patent Convention (EPC).

2. The description and drawings shall always be consulted to interpret the claims when assessing patentability, not only if the person skilled in the art finds a claim to be unclear or ambiguous when read in isolation.

Interpretation of Article 69 EPC

The Enlarged Board of Appeal recognizes that Article 69 of the EPC and its Protocol on the Interpretation are formally directed to infringement cases judged in national courts and in the Unified Patent Court (UPC).

However, although Article 69 does not formally constitute the legal basis for interpreting claims during examination of patentability, **decision G 1/24 establishes that its principles should be applied consistently both in the examination phase and in possible subsequent litigation**.

Therefore, the decision seeks to harmonize the EPO's practice with the jurisprudence of national courts and the UPC, which, in practice, means that the interpretative principles of Article 69 EPC will be applied uniformly throughout the entire life cycle of a European patent, from its initial examination before grant to its possible defense in courts, thus providing greater coherence and legal certainty for all users of the European patent system.

Who is affected by this decision?

The importance of this decision affects all **European patent applicants, patent holders, intellectual property professionals, and authorities** responsible for applying patent law in Europe, with a significant impact on patent drafting, examination, and litigation being foreseeable.

Specifically, patent applicants will now need to pay greater attention to the **consistency between claims and description**, especially to definitions and explanations provided in the description, as they will always be taken into account when interpreting the claims.

Comprehensive patent consulting

For any questions about how this decision may affect your patents or pending applications, please do not hesitate to contact our **European Patent Attorneys**.

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