

give evidence shall be given unless they agree to a shorter period. The summons shall contain:

- (a) an extract from the decision mentioned in paragraph 1, indicating in particular the date, time and place of the investigation ordered and stating the facts regarding which parties, witnesses and experts are to be heard;
- (b) the names of the parties to the proceedings and particulars of the rights which the witnesses or experts may invoke under the provisions of Rule 74, paragraphs 2 to 4;
- (c) an indication that the party, witness or expert may request to be heard by the competent court of his country of residence and a requirement that he inform the European Patent Office within a time limit to be fixed by the Office whether he is prepared to appear before it.

(3) Before a party, witness or expert may be heard, he shall be informed that the European Patent Office may request the competent court in the country of residence of the person concerned to re-examine his evidence on oath or in an equally binding form.

(4) The parties may attend an investigation and may put relevant questions to the testifying parties, witnesses and experts.

Rule 73

Commissioning of experts

(1) The European Patent Office shall decide in what form the report made by an expert whom it appoints shall be submitted.

(2) The terms of reference of the expert shall include:

- (a) a precise description of his task;
- (b) the time limit laid down for the submission of the expert report;
- (c) the names of the parties to the proceedings;
- (d) particulars of the rights which he may invoke under the provisions of Rule 74, paragraph 2 to 4.

måned, medmindre de pågældende er indforstået med en kortere frist. Indkaldelsen skal indeholde:

- a) et uddrag af den i stk. 1 nævnte afgørelse, som specielt skal angive dag, klokkeslet og sted for den foranstaltede bevisførelse samt de forhold, angående hvilke parterne, vidnerne og de sagkyndige skal afhøres;
- b) navnene på parterne i sagen og oplysning om de rettigheder, der tilkommer vidnerne og de sagkyndige i henhold til regel 74, stk. 2-4;
- c) en angivelse af, at parten, vidnet eller den sagkyndige kan anmode om at blive afhørt ved den kompetente ret i den stat, i hvilken han har bopæl, og en opfordring til inden for en af Den europæiske Patentmyndighed fastsat frist at meddele, om vedkommende er parat til at give møde for myndigheden.

3) Før afhøringen af en part, et vidne eller en sagkyndig underrettes den pågældende om, at Den europæiske Patentmyndighed kan anmode den kompetente ret i den stat, i hvilken den pågældende har bopæl, om at foretage fornyet afhøring under ed eller i lignende bindende form.

4) Parterne kan overvære bevisførelsen og stille relevante spørgsmål til de afhørte parter, vidner og sagkyndige.

Regel 73

Kommissorier til sagkyndige

1) Den europæiske Patentmyndighed bestemmer, i hvilken form en af myndigheden udpeget sagkyndig skal afgive rapport.

2) Den sagkyndiges kommissorium skal indeholde:

- a) en nøje beskrivelse af opgaven;
- b) den til afgivelse af rapporten fastsatte frist;
- c) navnene på parterne i sagen;
- d) oplysning om de rettigheder, der tilkommer ham i henhold til regel 74, stk. 2-4.