

# Added Matter 1

## What is added matter?

- Amendments are governed by Article 123(2) EPC.
- Added matter occurs when an amendment adds subject-matter extending beyond the content of the application as filed.
- The purpose of Article 123(2) EPC is to ensure legal certainty and fairness for third parties.

## How is added matter assessed at the EPO?

- The EPO applies the “Gold Standard” when assessing amendments.
- An amendment meets the “Gold Standard” if the amendment is within the limits of what the skilled person would derive directly and unambiguously from the application as filed, using common general knowledge and relative to the date of filing.


## Why is understanding added matter at the EPO important?

- An application which has been amended and contains added matter can be refused by the Examining Division of the EPO.
- Added matter is a ground of opposition. The granted patent could be revoked if it is found to contain added matter.

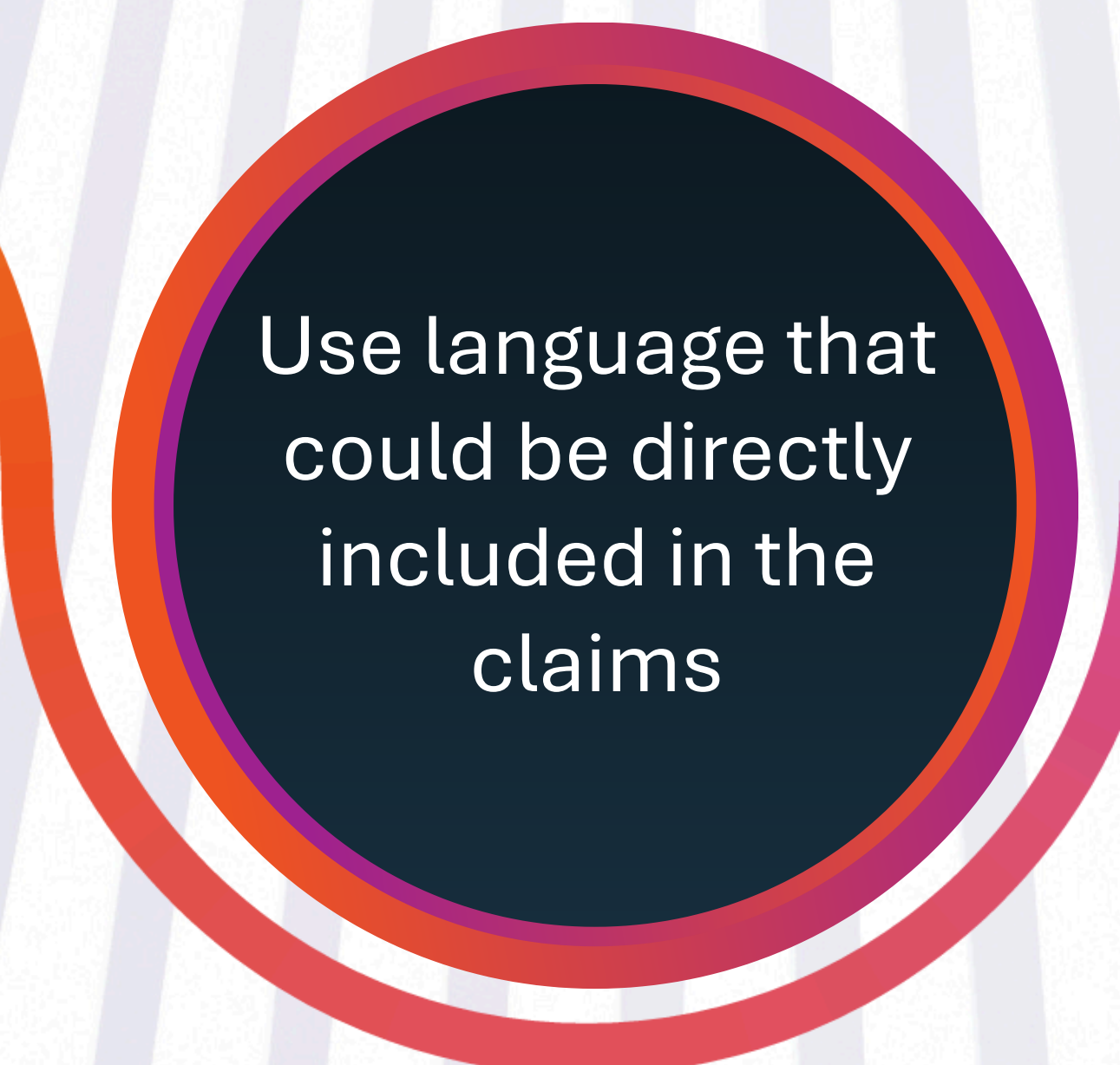
## Intermediate generalisations:

- An intermediate generalisation arises when a specific feature is extracted in isolation from an originally disclosed combination of features and is used to restrict the claimed subject-matter.
- Often, if a claim is amended to include a feature which was only disclosed in combination with other features which are not included in the claim, then the claim will be objected to on the grounds of added matter.

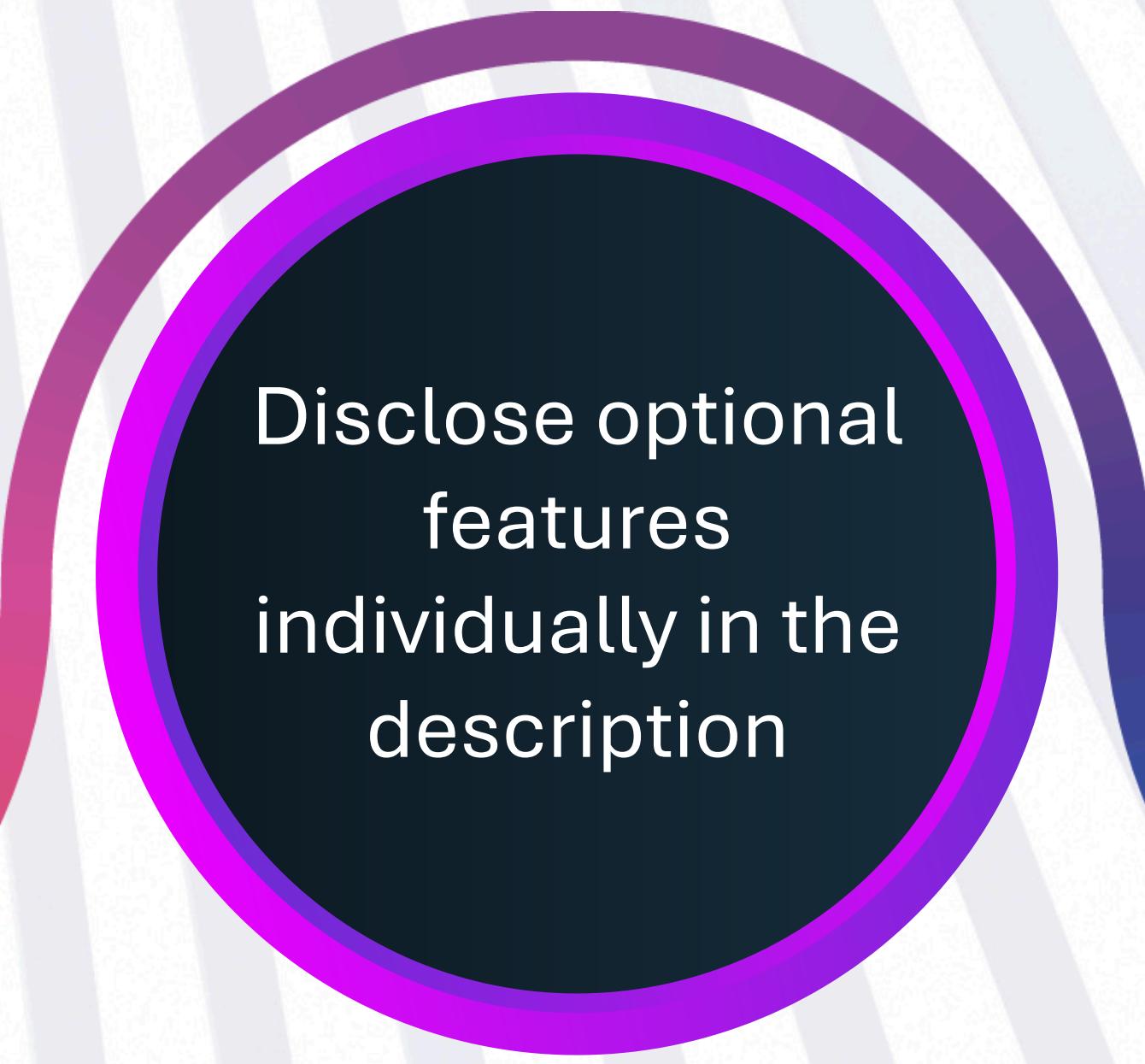
## Practical tips to navigate added matter:




Draft the application with future amendments in mind



Use language that could be directly included in the claims



Disclose optional features individually in the description



Draft the application with multiple claim dependencies