EQE 2023 reference (2a):

EPC, part 1

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States
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(status 31.10.2022 for EQE 2023)

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Note: the Guidelines are in a separate document “EQE 2023 reference (2b): EPC, part 2”.

Status: 31 October 2022 (for EQE 2023)

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- More under "Applying for a patent"

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- Read more

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14.10.2022

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Convention on the Grant of European Patents (European Patent Convention)

of 5 October 1973
as revised by the Act revising Article 63 EPC of 17 December 1991
and the Act revising the EPC of 29 November 2000[1]

Footnotes and cross-references are added for the convenience of the reader; they do not form part of the official text.

[1] The new text of the Convention adopted by the Administrative Council of the European Patent Organisation by decision of 28 June 2001 (see OJ EPO 2001, Special edition No. 4, p. 55) has become an integral part of the Revision Act of 29 November 2000 under Article 3(2), second sentence, of that Act.

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PREAMBLE

The Contracting States,

DESIRING to strengthen co-operation between the States of Europe in respect of the protection of inventions,

DESIRING that such protection may be obtained in those States by a single procedure for the grant of patents and by the establishment of certain standard rules governing patents so granted,

DESIRING, for this purpose, to conclude a Convention which establishes a European Patent Organisation and which constitutes a special agreement within the meaning of Article 19 of the Convention for the Protection of Industrial Property, signed in Paris on 20 March 1883 and last revised on 14 July 1967, and a regional patent treaty within the meaning of Article 45, paragraph 1, of the Patent Cooperation Treaty of 19 June 1970,

HAVE AGREED on the following provisions:

PART I
GENERAL AND INSTITUTIONAL PROVISIONS

Chapter I
General provisions

Article 1
European law for the grant of patents

A system of law, common to the Contracting States, [2] for the grant of patents for invention is established by this Convention.

Article 2
European patent

Art. 63-65, 68, 69, 70, 99-105c, 142
R. 75, 85, 89, 90-96

(1) Patents granted under this Convention shall be called European patents.

(2) The European patent shall, in each of the Contracting States for which it is granted, have the effect of and be subject to the same conditions as a national patent granted by that State, unless this Convention provides otherwise.

Article 3
Territorial effect

Art. 79, 149
R. 39

The grant of a European patent may be requested for one or more of the Contracting States.

Article 4[3]
European Patent Organisation

Art. 4a, 10-36
R. 9-13

(1) A European Patent Organisation, hereinafter referred to as the Organisation, is established by this Convention. It shall have administrative and financial autonomy.

(2) The organs of the Organisation shall be:

(a) the European Patent Office;

(b) the Administrative Council.

(3) The task of the Organisation shall be to grant European patents. This shall be carried out by the European Patent Office supervised by the Administrative Council.

[2] There are currently 38 Contracting States: AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR.

[3] See decisions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88, G 1/04 (Annex I).

Article 4a[4] *Art. 4*
Conference of ministers of the Contracting States

A conference of ministers of the Contracting States responsible for patent matters shall meet at least every five years to discuss issues pertaining to the Organisation and to the European patent system.

Chapter II
The European Patent Organisation

Article 5[5]
Legal status

(1) The Organisation shall have legal personality.

(2) In each of the Contracting States, the Organisation shall enjoy the most extensive legal capacity accorded to legal persons under the national law of that State; it may in particular acquire or dispose of movable and immovable property and may be a party to legal proceedings.

(3) The President of the European Patent Office shall represent the Organisation.

Article 6[6]
Headquarters

(1) The Organisation shall have its headquarters in Munich.

(2) The European Patent Office shall be located in Munich. It shall have a branch at The Hague.

Article 7[7] *Art. 35*
Sub-offices of the European Patent Office

By decision of the Administrative Council, sub-offices of the European Patent Office may be created, if need be, for the purpose of information and liaison, in the Contracting States and with intergovernmental organisations in the field of industrial property, subject to the approval of the Contracting State or organisation concerned.

Article 8
Privileges and immunities

The Protocol on Privileges and Immunities annexed to this Convention shall define the conditions under which the Organisation, the members of the Administrative Council, the employees of the European Patent Office, and such other persons specified in that Protocol as take part in the work of the Organisation, shall enjoy, in each Contracting State, the privileges and immunities necessary for the performance of their duties.

[4] Inserted by the Act revising the European Patent Convention of 29.11.2000.

[5] See decisions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88 (Annex I).

[6] See decisions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88 (Annex I).

[7] See decisions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88 (Annex I).

Article 9
Liability

(1) The contractual liability of the Organisation shall be governed by the law applicable to the contract in question.

(2) The non-contractual liability of the Organisation in respect of any damage caused by it or by the employees of the European Patent Office in the performance of their duties shall be governed by the law of the Federal Republic of Germany. Where the damage is caused by the branch at The Hague or a sub-office or employees attached thereto, the law of the Contracting State in which such branch or sub-office is located shall apply.

(3) The personal liability of the employees of the European Patent Office towards the Organisation shall be governed by their Service Regulations or conditions of employment.

(4) The courts with jurisdiction to settle disputes under paragraphs 1 and 2 shall be:

(a) for disputes under paragraph 1, the courts of the Federal Republic of Germany, unless the contract concluded between the parties designates a court of another State;

(b) for disputes under paragraph 2, the courts of the Federal Republic of Germany, or of the State in which the branch or sub-office is located.

Chapter III
The European Patent Office

Article 10[8] *R. 9, 11*
Management

(1) The European Patent Office shall be managed by the President, who shall be responsible for its activities to the Administrative Council.

(2) To this end, the President shall have in particular the following functions and powers:

(a) he shall take all necessary steps to ensure the functioning of the European Patent Office, including the adoption of internal administrative instructions and information to the public;

(b) unless this Convention provides otherwise, he shall prescribe which acts are to be performed at the European Patent Office in Munich and its branch at The Hague respectively;

(c) he may submit to the Administrative Council any proposal for amending this Convention, for general regulations, or for decisions which come within the competence of the Administrative Council;

[8] See decisions/opinions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88, G 1/02 (Annex I).

(d) he shall prepare and implement the budget and any amending or supplementary budget;

(e) he shall submit a management report to the Administrative Council each year;

(f) he shall exercise supervisory authority over the staff;

(g) subject to Article 11, he shall appoint the employees and decide on their promotion;

(h) he shall exercise disciplinary authority over the employees other than those referred to in Article 11, and may propose disciplinary action to the Administrative Council with regard to employees referred to in Article 11, paragraphs 2 and 3;

(i) he may delegate his functions and powers.

(3)[9] The President shall be assisted by a number of Vice-Presidents. If the President is absent or indisposed, one of the Vice-Presidents shall take his place in accordance with the procedure laid down by the Administrative Council.

Article 11[10] *Art. 21, 22, 35*
Appointment of senior employees

(1) The President of the European Patent Office shall be appointed by the Administrative Council.

(2) The Vice-Presidents shall be appointed by the Administrative Council after the President of the European Patent Office has been consulted.

(3) The members, including the Chairmen, of the Boards of Appeal and of the Enlarged Board of Appeal shall be appointed by the Administrative Council on a proposal from the President of the European Patent Office. They may be re-appointed by the Administrative Council after the President of the European Patent Office has been consulted.

(4) The Administrative Council shall exercise disciplinary authority over the employees referred to in paragraphs 1 to 3.

(5) The Administrative Council, after consulting the President of the European Patent Office, may also appoint as members of the Enlarged Board of Appeal legally qualified members of the national courts or quasi-judicial authorities of the Contracting States, who may continue their judicial activities at the national level. They shall be appointed for a term of three years and may be re-appointed.

[9] See decision of the Administrative Council of 06.07.1978 on substitution for the President of the EPO (OJ EPO 1978, 326).

[10] Amended by the Act revising the European Patent Convention of 29.11.2000.

Article 12
Duties of office

Employees of the European Patent Office shall be bound, even after the termination of their employment, neither to disclose nor to make use of information which by its nature is a professional secret.

Article 13
Disputes between the Organisation and the employees of the European Patent Office

(1) Employees and former employees of the European Patent Office or their successors in title may apply to the Administrative Tribunal of the International Labour Organization in the case of disputes with the European Patent Organisation, in accordance with the Statute of the Tribunal and within the limits and subject to the conditions laid down in the Service Regulations for permanent employees or the Pension Scheme Regulations or arising from the conditions of employment of other employees.

(2) An appeal shall only be admissible if the person concerned has exhausted such other means of appeal as are available to him under the Service Regulations, the Pension Scheme Regulations or the conditions of employment.

Article 14[11, 12]
Languages of the European Patent Office, European patent applications and other documents

Art. 70, 80, 90, 92, 93, 97, 98, 103, 127, 129
R. 3-7, 36, 40, 49, 61, 68, 112

(1) The official languages of the European Patent Office shall be English, French and German.

(2) A European patent application shall be filed in one of the official languages or, if filed in any other language, translated into one of the official languages in accordance with the Implementing Regulations. Throughout the proceedings before the European Patent Office, such translation may be brought into conformity with the application as filed. If a required translation is not filed in due time, the application shall be deemed to be withdrawn.

(3) The official language of the European Patent Office in which the European patent application is filed or into which it is translated shall be used as the language of the proceedings in all proceedings before the European Patent Office, unless the Implementing Regulations provide otherwise.

(4) Natural or legal persons having their residence or principal place of business within a Contracting State having a language other than English, French or German as an official language, and nationals of that State who are resident abroad, may file documents which have to be filed within a time limit in an official language of that State. They shall, however, file a translation in an official language of the European Patent Office in

[11] Amended by the Act revising the European Patent Convention of 29.11.2000.

[12] See decisions of the Enlarged Board of Appeal G 6/91, G 2/95, G 4/08 (Annex I).

accordance with the Implementing Regulations. If any document, other than those documents making up the European patent application, is not filed in the prescribed language, or if any required translation is not filed in due time, the document shall be deemed not to have been filed.

(5) European patent applications shall be published in the language of the proceedings.

(6) Specifications of European patents shall be published in the language of the proceedings and shall include a translation of the claims in the other two official languages of the European Patent Office.

(7) The following shall be published in the three official languages of the European Patent Office:

(a) the European Patent Bulletin;

(b) the Official Journal of the European Patent Office.

(8) Entries in the European Patent Register shall be made in the three official languages of the European Patent Office. In cases of doubt, the entry in the language of the proceedings shall be authentic.

Article 15[13]
Departments entrusted with the procedure

Art. 16-22, 143
R. 8-13

To carry out the procedures laid down in this Convention, the following shall be set up within the European Patent Office:

(a) a Receiving Section;

(b) Search Divisions;

(c) Examining Divisions;

(d) Opposition Divisions;

(e) a Legal Division;

(f) Boards of Appeal;

(g) an Enlarged Board of Appeal.

Article 16[14]
Receiving Section

Art. 15
R. 10, 11

The Receiving Section shall be responsible for the examination on filing and the examination as to formal requirements of European patent applications.

[13] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

[14] Amended by the Act revising the European Patent Convention of 29.11.2000.

Article 17[15]
Search Divisions

Art. 15, 92
R. 11, 61-65

The Search Divisions shall be responsible for drawing up European search reports.

Article 18[16]
Examining Divisions

Art. 15, 33, 94, 97
R. 10, 11, 70, 159

(1) The Examining Divisions shall be responsible for the examination of European patent applications.

(2)[17]An Examining Division shall consist of three technically qualified examiners. However, before a decision is taken on a European patent application, its examination shall, as a general rule, be entrusted to one member of the Examining Division. Oral proceedings shall be before the Examining Division itself. If the Examining Division considers that the nature of the decision so requires, it shall be enlarged by the addition of a legally qualified examiner. In the event of parity of votes, the vote of the Chairman of the Examining Division shall be decisive.

Article 19[18]
Opposition Divisions

Art. 99
R. 11, 75-89

(1) The Opposition Divisions shall be responsible for the examination of oppositions against any European patent.

(2) An Opposition Division shall consist of three technically qualified examiners, at least two of whom shall not have taken part in the proceedings for grant of the patent to which the opposition relates. An examiner who has taken part in the proceedings for the grant of the European patent may not be the Chairman. Before a decision is taken on the opposition, the Opposition Division may entrust the examination of the opposition to one of its members. Oral proceedings shall be before the Opposition Division itself. If the Opposition Division considers that the nature of the decision so requires, it shall be enlarged by the addition of a legally qualified examiner who shall not have taken part in the proceedings for grant of the patent. In the event of parity of votes, the vote of the Chairman of the Opposition Division shall be decisive.

Article 20[19]
Legal Division

Art. 15, 127, 134, 134a
R. 11

(1) The Legal Division shall be responsible for decisions in respect of entries in the Register of European Patents and in respect of registration on, and deletion from, the list of professional representatives.

[15] Amended by the Act revising the European Patent Convention of 29.11.2000.

[16] Amended by the Act revising the European Patent Convention of 29.11.2000.

[17] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

[18] See decision/opinion of the Enlarged Board of Appeal G 5/91, G 1/02 (Annex I).

[19] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

(2) Decisions of the Legal Division shall be taken by one legally qualified member.

Article 21[20, 21]
Boards of Appeal

Art. 11, 15, 106
R. 12a, 12b, 12c, 12d, 97, 98

(1) The Boards of Appeal shall be responsible for the examination of appeals from decisions of the Receiving Section, the Examining Divisions and Opposition Divisions, and the Legal Division.

(2) For appeals from decisions of the Receiving Section or the Legal Division, a Board of Appeal shall consist of three legally qualified members.

(3) For appeals from a decision of an Examining Division, a Board of Appeal shall consist of:

(a) two technically qualified members and one legally qualified member, when the decision concerns the refusal of a European patent application or the grant, limitation or revocation of a European patent, and was taken by an Examining Division consisting of less than four members;

(b) three technically and two legally qualified members, when the decision was taken by an Examining Division consisting of four members, or when the Board of Appeal considers that the nature of the appeal so requires;

(c) three legally qualified members in all other cases.

(4) For appeals from a decision of an Opposition Division, a Board of Appeal shall consist of:

(a) two technically qualified members and one legally qualified member, when the decision was taken by an Opposition Division consisting of three members;

(b) three technically and two legally qualified members, when the decision was taken by an Opposition Division consisting of four members, or when the Board of Appeal considers that the nature of the appeal so requires.

Article 22[22]
Enlarged Board of Appeal

Art. 11, 15, 112, 112a
R. 12a, 12b, 12c, 12d, 13, 109

(1) The Enlarged Board of Appeal shall be responsible for:

(a) deciding on points of law referred to it by Boards of Appeal under Article 112;

(b) giving opinions on points of law referred to it by the President of the European Patent Office under Article 112;

[20] Amended by the Act revising the European Patent Convention of 29.11.2000.

[21] See decisions/opinions of the Enlarged Board of Appeal G 2/90, G 8/95, G 1/02, G 3/03, G 1/11 (Annex I).

[22] Amended by the Act revising the European Patent Convention of 29.11.2000.

(c) deciding on petitions for review of decisions of the Boards of Appeal under Article 112a.

(2) In proceedings under paragraph 1(a) and (b), the Enlarged Board of Appeal shall consist of five legally and two technically qualified members. In proceedings under paragraph 1(c), the Enlarged Board of Appeal shall consist of three or five members as laid down in the Implementing Regulations. In all proceedings, a legally qualified member shall be the Chairman.

Article 23[23]
Independence of the members of the Boards

Art. 11
R. 12a, 12b, 12c, 12d, 13

(1) The members of the Enlarged Board of Appeal and of the Boards of Appeal shall be appointed for a term of five years and may not be removed from office during this term, except if there are serious grounds for such removal and if the Administrative Council, on a proposal from the Enlarged Board of Appeal, takes a decision to this effect. Notwithstanding sentence 1, the term of office of members of the Boards shall end if they resign or are retired in accordance with the Service Regulations for permanent employees of the European Patent Office.

(2) The members of the Boards may not be members of the Receiving Section, Examining Divisions, Opposition Divisions or Legal Division.

(3)[24]In their decisions the members of the Boards shall not be bound by any instructions and shall comply only with the provisions of this Convention.

(4)[25]The Rules of Procedure of the Boards of Appeal and the Enlarged Board of Appeal shall be adopted in accordance with the Implementing Regulations. They shall be subject to the approval of the Administrative Council.

Article 24[26]
Exclusion and objection

R. 144

(1) Members of the Boards of Appeal or of the Enlarged Board of Appeal may not take part in a case in which they have any personal interest, or if they have previously been involved as representatives of one of the parties, or if they participated in the decision under appeal.

(2) If, for one of the reasons mentioned in paragraph 1, or for any other reason, a member of a Board of Appeal or of the Enlarged Board of Appeal

[23] Amended by the Act revising the European Patent Convention of 29.11.2000.

[24] See decision of the Enlarged Board of Appeal G 2/06 (Annex I).

[25] See the Rules of Procedure of the Boards of Appeal, last amendments approved by decisions of the Administrative Council CA/D 5/19 of 26.06.2019 (OJ EPO 2019, A63) and CA/D 3/21 of 23.03.2021 (OJ EPO 2021, A19) and the Rules of Procedure of the Enlarged Board of Appeal, last amendments approved by decision of the Administrative Council CA/D 3/15 of 25.03.2015 (OJ EPO 2015, A35).
See decision of the Enlarged Board of Appeal G 6/95 (Annex I).

[26] See decisions of the Enlarged Board of Appeal G 5/91, G 1/05, G 2/08 of 15.06.2009, G 3/08 of 16.10.2009 (Annex I).

considers that he should not take part in any appeal, he shall inform the Board accordingly.

(3) Members of a Board of Appeal or of the Enlarged Board of Appeal may be objected to by any party for one of the reasons mentioned in paragraph 1, or if suspected of partiality. An objection shall not be admissible if, while being aware of a reason for objection, the party has taken a procedural step. An objection may not be based upon the nationality of members.

(4) The Boards of Appeal and the Enlarged Board of Appeal shall decide as to the action to be taken in the cases specified in paragraphs 2 and 3, without the participation of the member concerned. For the purposes of taking this decision the member objected to shall be replaced by his alternate.

Article 25
Technical opinion

At the request of the competent national court hearing an infringement or revocation action, the European Patent Office shall be obliged, on payment of an appropriate fee, [27] to give a technical opinion concerning the European patent which is the subject of the action. The Examining Division shall be responsible for issuing such opinions.

Chapter IV
The Administrative Council

Article 26
Membership

(1) The Administrative Council shall be composed of the Representatives and the alternate Representatives of the Contracting States. Each Contracting State shall be entitled to appoint one Representative and one alternate Representative to the Administrative Council.

(2) The members of the Administrative Council may, in accordance with the Rules of Procedure of the Administrative Council, be assisted by advisers or experts.

Article 27
Chairmanship

(1) The Administrative Council shall elect a Chairman and a Deputy Chairman from among the Representatives and alternate Representatives of the Contracting States. The Deputy Chairman shall ex officio replace the Chairman if he is prevented from carrying out his duties.

(2) The terms of office of the Chairman and the Deputy Chairman shall be three years. They may be re-elected.

[27] See Article 2(1), item 20, of the Rules relating to Fees.

Article 28[28]
Board

(1) When there are at least eight Contracting States, the Administrative Council may set up a Board composed of five of its members.

(2) The Chairman and the Deputy Chairman of the Administrative Council shall be members of the Board ex officio; the other three members shall be elected by the Administrative Council.

(3) The term of office of the members elected by the Administrative Council shall be three years. They may not be re-elected.

(4) The Board shall perform the duties assigned to it by the Administrative Council in accordance with the Rules of Procedure.

Article 29
Meetings

(1) Meetings of the Administrative Council shall be convened by its Chairman.

(2) The President of the European Patent Office shall take part in the deliberations of the Administrative Council.

(3) The Administrative Council shall hold an ordinary meeting once each year. In addition, it shall meet on the initiative of its Chairman or at the request of one-third of the Contracting States.

(4) The deliberations of the Administrative Council shall be based on an agenda, and shall be held in accordance with its Rules of Procedure.

(5) The provisional agenda shall contain any question whose inclusion is requested by any Contracting State in accordance with the Rules of Procedure.

Article 30
Attendance of observers

(1) The World Intellectual Property Organization shall be represented at the meetings of the Administrative Council, in accordance with an agreement between the Organisation and the World Intellectual Property Organization.

(2) Other intergovernmental organisations entrusted with carrying out international procedures in the field of patents, with which the Organisation has concluded an agreement, shall be represented at the meetings of the Administrative Council, in accordance with such agreement.

(3) Any other intergovernmental and international non-governmental organisations carrying out an activity of interest to the Organisation may be

[28] See decisions of the Administrative Council of 05.06.2003 setting up a Board of the Administrative Council (OJ EPO 2003, 333) and of 30.10.2003 concerning the operation of the Board of the Administrative Council (OJ EPO 2003, 579).

invited by the Administrative Council to be represented at its meetings during any discussion of matters of mutual interest.

Article 31
Languages of the Administrative Council

(1) The languages used in the deliberations of the Administrative Council shall be English, French and German.

(2) Documents submitted to the Administrative Council, and the minutes of its deliberations, shall be drawn up in the three languages specified in paragraph 1.

Article 32
Staff, premises and equipment

The European Patent Office shall place at the disposal of the Administrative Council, and of any committee established by it, such staff, premises and equipment as may be necessary for the performance of their duties.

Article 33[29, 30]
Competence of the Administrative Council in certain cases

Art. 35
R. 9, 12c, 122

(1) The Administrative Council shall be competent to amend:

(a) the time limits laid down in this Convention;

(b) Parts II to VIII and Part X of this Convention, to bring them into line with an international treaty relating to patents or European Community legislation relating to patents;

(c) the Implementing Regulations.

(2) The Administrative Council shall be competent, in conformity with this Convention, to adopt or amend:

(a) the Financial Regulations;

(b) the Service Regulations for permanent employees and the conditions of employment of other employees of the European Patent Office, the salary scales of the said permanent and other employees, and also the nature of any supplementary benefits and the rules for granting them;

(c) the Pension Scheme Regulations and any appropriate increases in existing pensions to correspond to increases in salaries;

(d) the Rules relating to Fees;

(e) its Rules of Procedure.

(3) Notwithstanding Article 18, paragraph 2, the Administrative Council shall be competent to decide, in the light of experience, that in certain cate-

[29] Amended by the Act revising the European Patent Convention of 29.11.2000.

[30] See decisions/opinions of the Enlarged Board of Appeal G 5/88, G 7/88, G 8/88, G 6/95, G 1/02 (Annex I).

gories of cases Examining Divisions shall consist of one technically qualified examiner only. Such decision may be rescinded.

(4) The Administrative Council shall be competent to authorise the President of the European Patent Office to negotiate and, subject to its approval, to conclude agreements on behalf of the European Patent Organisation with States, with intergovernmental organisations and with documentation centres set up on the basis of agreements with such organisations.

(5) The Administrative Council may not take a decision under paragraph 1(b):

- concerning an international treaty, before its entry into force;

- concerning European Community legislation, before its entry into force or, where that legislation lays down a period for its implementation, before the expiry of that period.

Article 34
Voting rights

(1) The right to vote in the Administrative Council shall be restricted to the Contracting States.

(2) Each Contracting State shall have one vote, except where Article 36 applies.

Article 35[31]
Voting rules

(1) The Administrative Council shall take its decisions, other than those referred to in paragraphs 2 and 3, by a simple majority of the Contracting States represented and voting.

(2) A majority of three-quarters of the votes of the Contracting States represented and voting shall be required for the decisions which the Administrative Council is empowered to take under Article 7, Article 11, paragraph 1, Article 33, paragraphs 1(a) and (c), and 2 to 4, Article 39, paragraph 1, Article 40, paragraphs 2 and 4, Article 46, Article 134a, Article 149a, paragraph 2, Article 152, Article 153, paragraph 7, Article 166 and Article 172.

(3) Unanimity of the Contracting States voting shall be required for the decisions which the Administrative Council is empowered to take under Article 33, paragraph 1(b). The Administrative Council shall take such decisions only if all the Contracting States are represented. A decision taken on the basis of Article 33, paragraph 1(b), shall not take effect if a Contracting State declares, within twelve months of the date of the decision, that it does not wish to be bound by that decision.

(4) Abstentions shall not be considered as votes.

[31] Amended by the Act revising the European Patent Convention of 29.11.2000.

Article 36
Weighting of votes

(1) In respect of the adoption or amendment of the Rules relating to Fees and, if the financial contribution to be made by the Contracting States would thereby be increased, the adoption of the budget of the Organisation and of any amending or supplementary budget, any Contracting State may require, following a first ballot in which each Contracting State shall have one vote, and whatever the result of this ballot, that a second ballot be taken immediately, in which votes shall be given to the States in accordance with paragraph 2. The decision shall be determined by the result of this second ballot.

(2) The number of votes that each Contracting State shall have in the second ballot shall be calculated as follows:

(a) the percentage obtained for each Contracting State in respect of the scale for the special financial contributions, pursuant to Article 40, paragraphs 3 and 4, shall be multiplied by the number of Contracting States and divided by five;

(b) the number of votes thus given shall be rounded upwards to the next whole number;

(c) five additional votes shall be added to this number;

(d) nevertheless, no Contracting State shall have more than 30 votes.

Chapter V
Financial provisions

Article 37[32] *Art. 47, 50*
Budgetary funding

The budget of the Organisation shall be financed:

(a) by the Organisation's own resources;

(b) by payments made by the Contracting States in respect of renewal fees for European patents levied in these States;

(c) where necessary, by special financial contributions made by the Contracting States;

(d) where appropriate, by the revenue provided for in Article 146;

(e) where appropriate, and for tangible assets only, by third-party borrowings secured on land or buildings;

(f) where appropriate, by third-party funding for specific projects.

[32] Amended by the Act revising the European Patent Convention of 29.11.2000.

Article 38[33]
The Organisation's own resources

Art. 40

The Organisation's own resources shall comprise:

(a) all income from fees and other sources and also the reserves of the Organisation;

(b) the resources of the Pension Reserve Fund, which shall be treated as a special class of asset of the Organisation, designed to support the Organisation's pension scheme by providing the appropriate reserves.

Article 39
Payments by the Contracting States in respect of renewal fees for European patents

Art. 35, 40, 41, 47, 50, 141, 146, 147, 176

(1)[34]Each Contracting State shall pay to the Organisation in respect of each renewal fee received for a European patent in that State an amount equal to a proportion of that fee, to be fixed by the Administrative Council; the proportion shall not exceed 75% and shall be the same for all Contracting States. However, if the said proportion corresponds to an amount which is less than a uniform minimum amount fixed by the Administrative Council, the Contracting State shall pay that minimum to the Organisation.

(2) Each Contracting State shall communicate to the Organisation such information as the Administrative Council considers to be necessary to determine the amount of these payments.

(3) The due dates for these payments shall be determined by the Administrative Council.

(4) If a payment is not remitted fully by the due date, the Contracting State shall pay interest from the due date on the amount remaining unpaid.

Article 40
Level of fees and payments – Special financial contributions

Art. 35, 36, 47, 50, 146, 170, 176

(1) The amounts of the fees referred to in Article 38 and the proportion referred to in Article 39 shall be fixed at such a level as to ensure that the revenue in respect thereof is sufficient for the budget of the Organisation to be balanced.

(2) However, if the Organisation is unable to balance its budget under the conditions laid down in paragraph 1, the Contracting States shall remit to the Organisation special financial contributions, the amount of which shall be determined by the Administrative Council for the accounting period in question.

(3) These special financial contributions shall be determined in respect of any Contracting State on the basis of the number of patent applications

[33] Amended by the Act revising the European Patent Convention of 29.11.2000.

[34] See decision of the Administrative Council of 08.06.1984 on the proportion of renewal fees for European patents to be remitted to the EPO (OJ EPO 1984, 296).

filed in the last year but one prior to that of entry into force of this Convention, and calculated in the following manner:

(a) one half in proportion to the number of patent applications filed in that Contracting State;

(b) one half in proportion to the second highest number of patent applications filed in the other Contracting States by natural or legal persons having their residence or principal place of business in that Contracting State.

However, the amounts to be contributed by States in which the number of patent applications filed exceeds 25 000 shall then be taken as a whole and a new scale drawn up in proportion to the total number of patent applications filed in these States.

(4) Where the scale position of any Contracting State cannot be established in accordance with paragraph 3, the Administrative Council shall, with the consent of that State, decide its scale position.

(5) Article 39, paragraphs 3 and 4, shall apply mutatis mutandis to the special financial contributions.

(6) The special financial contributions shall be repaid with interest at a rate which shall be the same for all Contracting States. Repayments shall be made in so far as it is possible to provide for this purpose in the budget; the amount thus provided shall be distributed among the Contracting States in accordance with the scale referred to in paragraphs 3 and 4.

(7) The special financial contributions remitted in any accounting period shall be repaid in full before any such contributions or parts thereof remitted in any subsequent accounting period are repaid.

Article 41 *Art. 50, 146*
Advances

(1) At the request of the President of the European Patent Office, the Contracting States shall grant advances to the Organisation, on account of their payments and contributions, within the limit of the amount fixed by the Administrative Council. The amount of such advances shall be determined in proportion to the amounts due from the Contracting States for the accounting period in question.

(2) Article 39, paragraphs 3 and 4, shall apply mutatis mutandis to the advances.

Article 42[35]
Budget

(1) The budget of the Organisation shall be balanced. It shall be drawn up in accordance with the generally accepted accounting principles laid down in the Financial Regulations. If necessary, there may be amending or supplementary budgets.

[35] Amended by the Act revising the European Patent Convention of 29.11.2000.

(2) The budget shall be drawn up in the unit of account fixed in the Financial Regulations.

Article 43
Authorisation for expenditure

(1) The expenditure entered in the budget shall be authorised for the duration of one accounting period, unless the Financial Regulations provide otherwise.

(2) In accordance with the Financial Regulations, any appropriations, other than those relating to staff costs, which are unexpended at the end of the accounting period may be carried forward, but not beyond the end of the following accounting period.

(3) Appropriations shall be set out under different headings according to type and purpose of the expenditure and subdivided, as far as necessary, in accordance with the Financial Regulations.

Article 44
Appropriations for unforeseeable expenditure

(1) The budget of the Organisation may contain appropriations for unforeseeable expenditure.

(2) The employment of these appropriations by the Organisation shall be subject to the prior approval of the Administrative Council.

Article 45
Accounting period

The accounting period shall commence on 1 January and end on 31 December.

Article 46 *Art. 35*
Preparation and adoption of the budget

(1) The President of the European Patent Office shall submit the draft budget to the Administrative Council no later than the date prescribed in the Financial Regulations.

(2) The budget and any amending or supplementary budget shall be adopted by the Administrative Council.

Article 47 *Art. 146*
Provisional budget

(1) If, at the beginning of the accounting period, the budget has not been adopted by the Administrative Council, expenditures may be effected on a monthly basis per heading or other division of the budget, in accordance with the Financial Regulations, up to one-twelfth of the budget appropriations for the preceding accounting period, provided that the appropriations thus made available to the President of the European Patent Office shall not exceed one-twelfth of those provided for in the draft budget.

(2) The Administrative Council may, subject to the observance of the other provisions laid down in paragraph 1, authorise expenditure in excess of one-twelfth of the appropriations.

(3) The payments referred to in Article 37(b) shall continue to be made, on a provisional basis, under the conditions determined under Article 39 for the year preceding that to which the draft budget relates.

(4) The Contracting States shall pay each month, on a provisional basis and in accordance with the scale referred to in Article 40, paragraphs 3 and 4, any special financial contributions necessary to ensure implementation of paragraphs 1 and 2. Article 39, paragraph 4, shall apply mutatis mutandis to these contributions.

Article 48
Budget implementation

(1) The President of the European Patent Office shall implement the budget and any amending or supplementary budget on his own responsibility and within the limits of the allocated appropriations.

(2) Within the budget, the President of the European Patent Office may, in accordance with the Financial Regulations, transfer funds between the various headings or sub-headings.

Article 49
Auditing of accounts

(1) The income and expenditure account and a balance sheet of the Organisation shall be examined by auditors whose independence is beyond doubt, appointed by the Administrative Council for a period of five years, which shall be renewable or extensible.

(2) The audit shall be based on vouchers and shall take place, if necessary, in situ. The audit shall ascertain whether all income has been received and all expenditure effected in a lawful and proper manner and whether the financial management is sound. The auditors shall draw up a report containing a signed audit opinion after the end of each accounting period.

(3) The President of the European Patent Office shall annually submit to the Administrative Council the accounts of the preceding accounting period in respect of the budget and the balance sheet showing the assets and liabilities of the Organisation together with the report of the auditors.

(4) The Administrative Council shall approve the annual accounts together with the report of the auditors and shall discharge the President of the European Patent Office in respect of the implementation of the budget.

Article 50[36]
Financial Regulations

The Financial Regulations shall lay down in particular:

(a) the arrangements relating to the establishment and implementation of the budget and for the rendering and auditing of accounts;

(b) the method and procedure whereby the payments and contributions provided for in Article 37 and the advances provided for in Article 41 are to be made available to the Organisation by the Contracting States;

(c) the rules concerning the responsibilities of authorising and accounting officers and the arrangements for their supervision;

(d) the rates of interest provided for in Articles 39, 40 and 47;

(e) the method of calculating the contributions payable by virtue of Article 146;

(f) the composition of and duties to be assigned to a Budget and Finance Committee which should be set up by the Administrative Council;

(g) the generally accepted accounting principles on which the budget and the annual financial statements shall be based.

Article 51[37]
Fees

(1) The European Patent Office may levy fees for any official task or procedure carried out under this Convention.

(2) Time limits for the payment of fees other than those fixed by this Convention shall be laid down in the Implementing Regulations.

(3) Where the Implementing Regulations provide that a fee shall be paid, they shall also lay down the legal consequences of failure to pay such fee in due time.

(4) The Rules relating to Fees shall determine in particular the amounts of the fees and the ways in which they are to be paid.

[36] Amended by the Act revising the European Patent Convention of 29.11.2000.

[37] Amended by the Act revising the European Patent Convention of 29.11.2000.

PART II
SUBSTANTIVE PATENT LAW

Chapter I
Patentability

Article 52[38, 39]
Patentable inventions

Art. 54, 56, 57, 100, 138
R. 26, 27, 29

(1) European patents shall be granted for any inventions, in all fields of technology, provided that they are new, involve an inventive step and are susceptible of industrial application.

(2) The following in particular shall not be regarded as inventions within the meaning of paragraph 1:

(a) discoveries, scientific theories and mathematical methods;

(b) aesthetic creations;

(c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers;

(d) presentations of information.

(3) Paragraph 2 shall exclude the patentability of the subject-matter or activities referred to therein only to the extent to which a European patent application or European patent relates to such subject-matter or activities as such.

Article 53[40, 41]
Exceptions to patentability

Art. 54, 100, 138
R. 28, 29

European patents shall not be granted in respect of:

(a) inventions the commercial exploitation of which would be contrary to "ordre public" or morality; such exploitation shall not be deemed to be so contrary merely because it is prohibited by law or regulation in some or all of the Contracting States;

(b) plant or animal varieties or essentially biological processes for the production of plants or animals; this provision shall not apply to microbiological processes or the products thereof;

(c) methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body; this provision shall not apply to products, in particular substances or compositions, for use in any of these methods.

[38] Amended by the Act revising the European Patent Convention of 29.11.2000.

[39] See decisions of the Enlarged Board of Appeal G 1/98, G 1/03, G 2/03, G 3/08, G 1/16 (Annex I).

[40] Amended by the Act revising the European Patent Convention of 29.11.2000.

[41] See decisions/opinion of the Enlarged Board of Appeal G 3/95, G 1/98, G 1/03, G 2/03, G 1/04, G 2/06, G 1/07, G 2/07, G 1/08, G 2/08, G 1/16, G 3/19 (Annex I).

Article 54[42, 43]
Novelty

Art. 53, 55, 56, 80, 85, 89, 100, 138, 153
R. 40, 42, 61, 138, 165

(1) An invention shall be considered to be new if it does not form part of the state of the art.

(2) The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the European patent application.

(3) Additionally, the content of European patent applications as filed, the dates of filing of which are prior to the date referred to in paragraph 2 and which were published on or after that date, shall be considered as comprised in the state of the art.

(4) Paragraphs 2 and 3 shall not exclude the patentability of any substance or composition, comprised in the state of the art, for use in a method referred to in Article 53(c), provided that its use for any such method is not comprised in the state of the art.

(5)[44]Paragraphs 2 and 3 shall also not exclude the patentability of any substance or composition referred to in paragraph 4 for any specific use in a method referred to in Article 53(c), provided that such use is not comprised in the state of the art.

Article 55
Non-prejudicial disclosures

Art. 100, 138
R. 25, 159

(1) For the application of Article 54, a disclosure of the invention shall not be taken into consideration if it occurred no earlier than six months preceding the filing of the European patent application and if it was due to, or in consequence of:

(a)[45]an evident abuse in relation to the applicant or his legal predecessor, or

(b) the fact that the applicant or his legal predecessor has displayed the invention at an official, or officially recognised, international exhibition falling within the terms of the Convention on international exhibitions signed at Paris on 22 November 1928 and last revised on 30 November 1972.

(2) In the case of paragraph 1(b), paragraph 1 shall apply only if the applicant states, when filing the European patent application, that the invention has been so displayed and files a supporting certificate within the time limit and under the conditions laid down in the Implementing Regulations.

[42] Amended by the Act revising the European Patent Convention of 29.11.2000.

[43] See decisions/opinions of the Enlarged Board of Appeal G 2/88, G 6/88, G 1/92, G 3/93, G 1/98, G 2/98, G 3/98, G 2/99, G 1/03, G 2/03, G 2/08, G 1/16 (Annex I).

[44] See notice from the EPO of 20.09.2010 (OJ EPO 2010, 514).

[45] See decisions of the Enlarged Board of Appeal G 3/98, G 2/99 (Annex I).

Article 56[46]
Inventive step

Art. 52, 100, 138
R. 30, 42, 61

An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. If the state of the art also includes documents within the meaning of Article 54, paragraph 3, these documents shall not be considered in deciding whether there has been an inventive step.

Article 57[47]
Industrial application

Art. 52, 100, 138
R. 29, 30, 42

An invention shall be considered as susceptible of industrial application if it can be made or used in any kind of industry, including agriculture.

Chapter II
Persons entitled to apply for and obtain a European patent – Mention of the inventor

Article 58[48]
Entitlement to file a European patent application

A European patent application may be filed by any natural or legal person, or any body equivalent to a legal person by virtue of the law governing it.

Article 59
Multiple applicants

Art. 118
R. 41, 72, 151

A European patent application may also be filed either by joint applicants or by two or more applicants designating different Contracting States.

Article 60[49, 50]
Right to a European patent

Art. 61, 80, 89, 138
R. 40

(1) The right to a European patent shall belong to the inventor or his successor in title. If the inventor is an employee, the right to a European patent shall be determined in accordance with the law of the State in which the employee is mainly employed; if the State in which the employee is mainly employed cannot be determined, the law to be applied shall be that of the State in which the employer has the place of business to which the employee is attached.

(2) If two or more persons have made an invention independently of each other, the right to a European patent therefor shall belong to the person whose European patent application has the earliest date of filing, provided that this first application has been published.

[46] See decisions/opinions of the Enlarged Board of Appeal G 2/98, G 3/98, G 2/99, G 1/03, G 2/03, G 1/16 (Annex I).

[47] See decisions of the Enlarged Board of Appeal G 1/03, G 2/03, G 1/04, G 1/16 (Annex I).

[48] See decisions of the Enlarged Board of Appeal G 3/99, G 2/04 (Annex I).

[49] Amended by the Act revising the European Patent Convention of 29.11.2000.

[50] See decisions/opinions of the Enlarged Board of Appeal G 3/92, G 2/98, G 1/03, G 2/03 (Annex I).

(3) In proceedings before the European Patent Office, the applicant shall be deemed to be entitled to exercise the right to a European patent.

Article 61[51, 52]
European patent applications filed by non-entitled persons

Art. 100, 128, 138
R. 6, 14-18, 45, 51, 60, 78, 136, 143, 147

(1) If by a final decision it is adjudged that a person other than the applicant is entitled to the grant of the European patent, that person may, in accordance with the Implementing Regulations:

(a) prosecute the European patent application as his own application in place of the applicant;

(b) file a new European patent application in respect of the same invention; or

(c) request that the European patent application be refused.

(2) Article 76, paragraph 1, shall apply mutatis mutandis to a new European patent application filed under paragraph 1(b).

Article 62
Right of the inventor to be mentioned

Art. 81
R. 19-21, 60, 143

The inventor shall have the right, vis-à-vis the applicant for or proprietor of a European patent, to be mentioned as such before the European Patent Office.

Chapter III
Effects of the European patent and the European patent application

Article 63[53]
Term of the European patent

Art. 2

(1) The term of the European patent shall be 20 years from the date of filing of the application.

(2) Nothing in the preceding paragraph shall limit the right of a Contracting State to extend the term of a European patent, or to grant corresponding protection which follows immediately on expiry of the term of the patent, under the same conditions as those applying to national patents:

(a) in order to take account of a state of war or similar emergency conditions affecting that State;

(b) if the subject-matter of the European patent is a product or a process for manufacturing a product or a use of a product which has to undergo an administrative authorisation procedure required by law before it can be put on the market in that State.

[51] Amended by the Act revising the European Patent Convention of 29.11.2000.

[52] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

[53] Amended by the Act revising Article 63 EPC of 17.12.1991, which entered into force on 04.07.1997 (OJ EPO 1992, 1 ff).

(3) Paragraph 2 shall apply mutatis mutandis to European patents granted jointly for a group of Contracting States in accordance with Article 142.

(4) A Contracting State which makes provision for extension of the term or corresponding protection under paragraph 2(b) may, in accordance with an agreement concluded with the Organisation, entrust to the European Patent Office tasks associated with implementation of the relevant provisions.

Article 64[54] *Art. 2, 67, 68, 97*
Rights conferred by a European patent

(1) A European patent shall, subject to the provisions of paragraph 2, confer on its proprietor from the date on which the mention of its grant is published in the European Patent Bulletin, in each Contracting State in respect of which it is granted, the same rights as would be conferred by a national patent granted in that State.

(2) If the subject-matter of the European patent is a process, the protection conferred by the patent shall extend to the products directly obtained by such process.

(3) Any infringement of a European patent shall be dealt with by national law.

Article 65[55, 56] *Art. 2, 70*
Translation of the European patent *R. 71, 82*

(1) Any Contracting State may, if the European patent as granted, amended or limited by the European Patent Office is not drawn up in one of its official languages, prescribe that the proprietor of the patent shall supply to its central industrial property office a translation of the patent as granted, amended or limited in one of its official languages at his option or, where that State has prescribed the use of one specific official language, in that language. The period for supplying the translation shall end three months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin, unless the State concerned prescribes a longer period.

(2) Any Contracting State which has adopted provisions pursuant to paragraph 1 may prescribe that the proprietor of the patent must pay all or part of the costs of publication of such translation within a period laid down by that State.

(3) Any Contracting State may prescribe that in the event of failure to observe the provisions adopted in accordance with paragraphs 1 and 2, the European patent shall be deemed to be void ab initio in that State.

[54] See decisions of the Enlarged Board of Appeal G 2/88, G 1/98 (Annex I).

[55] Amended by the Act revising the European Patent Convention of 29.11.2000.

[56] See the Agreement of 17.10.2000 on the application of Article 65 EPC (London Agreement, OJ EPO 2001, 549), which entered into force on 01.05.2008 (OJ EPO 2008, 123) and which currently has 22 contracting states: AL, BE, CH, DE, DK, FI, FR, GB, HR, HU, IE, IS, LI, LT, LU, LV, MC, MK, NL, NO, SE, SI (see *www.epo.org/law-practice/legal-texts/london-agreement.html*).

Article 66[57]
Equivalence of European filing with national filing

Art. 80, 87, 88, 135, 137, 140
R. 40, 155

A European patent application which has been accorded a date of filing shall, in the designated Contracting States, be equivalent to a regular national filing, where appropriate with the priority claimed for the European patent application.

Article 67[58, 59]
Rights conferred by a European patent application after publication

Art. 68, 70, 93, 153
R. 68

(1) A European patent application shall, from the date of its publication, provisionally confer upon the applicant the protection provided for by Article 64, in the Contracting States designated in the application.

(2) Any Contracting State may prescribe that a European patent application shall not confer such protection as is conferred by Article 64. However, the protection attached to the publication of the European patent application may not be less than that which the laws of the State concerned attach to the compulsory publication of unexamined national patent applications. In any event, each State shall ensure at least that, from the date of publication of a European patent application, the applicant can claim compensation reasonable in the circumstances from any person who has used the invention in that State in circumstances where that person would be liable under national law for infringement of a national patent.

(3) Any Contracting State which does not have as an official language the language of the proceedings may prescribe that provisional protection in accordance with paragraphs 1 and 2 above shall not be effective until such time as a translation of the claims in one of its official languages at the option of the applicant or, where that State has prescribed the use of one specific official language, in that language:

(a) has been made available to the public in the manner prescribed by national law, or

(b) has been communicated to the person using the invention in the said State.

(4) The European patent application shall be deemed never to have had the effects set out in paragraphs 1 and 2 when it has been withdrawn, deemed to be withdrawn or finally refused. The same shall apply in respect of the effects of the European patent application in a Contracting State the designation of which is withdrawn or deemed to be withdrawn.

[57] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[58] Amended by the Act revising the European Patent Convention of 29.11.2000.

[59] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

Article 68[60] *Art. 2, 101, 105b*
Effect of revocation or limitation of the European patent

The European patent application and the resulting European patent shall be deemed not to have had, from the outset, the effects specified in Articles 64 and 67, to the extent that the patent has been revoked or limited in opposition, limitation or revocation proceedings.

Article 69[61, 62] *Art. 2, 164*
Extent of protection

(1) The extent of the protection conferred by a European patent or a European patent application shall be determined by the claims. Nevertheless, the description and drawings shall be used to interpret the claims.

(2) For the period up to grant of the European patent, the extent of the protection conferred by the European patent application shall be determined by the claims contained in the application as published. However, the European patent as granted or as amended in opposition, limitation or revocation proceedings shall determine retroactively the protection conferred by the application, in so far as such protection is not thereby extended.

Article 70[63, 64] *Art. 2*
Authentic text of a European patent application or European patent *R. 7*

(1) The text of a European patent application or a European patent in the language of the proceedings shall be the authentic text in any proceedings before the European Patent Office and in any Contracting State.

(2) If, however, the European patent application has been filed in a language which is not an official language of the European Patent Office, that text shall be the application as filed within the meaning of this Convention.

(3) Any Contracting State may provide that a translation into one of its official languages, as prescribed by it according to this Convention, shall in that State be regarded as authentic, except for revocation proceedings, in the event of the European patent application or European patent in the language of the translation conferring protection which is narrower than that conferred by it in the language of the proceedings.

(4) Any Contracting State which adopts a provision under paragraph 3:

(a) shall allow the applicant for or proprietor of the patent to file a corrected translation of the European patent application or European patent. Such

[60] Amended by the Act revising the European Patent Convention of 29.11.2000.

[61] Amended by the Act revising the European Patent Convention of 29.11.2000.

The Protocol on the Interpretation of Article 69 EPC is an integral part of the Convention pursuant to Article 164, paragraph 1.

[62] See decisions of the Enlarged Board of Appeal G 2/88, G 6/88 (Annex I).

[63] Amended by the Act revising the European Patent Convention of 29.11.2000.

[64] See decision of the Enlarged Board of Appeal G 1/10 (Annex I).

corrected translation shall not have any legal effect until any conditions established by the Contracting State under Article 65, paragraph 2, or Article 67, paragraph 3, have been complied with;

(b) may prescribe that any person who, in that State, in good faith has used or has made effective and serious preparations for using an invention the use of which would not constitute infringement of the application or patent in the original translation, may, after the corrected translation takes effect, continue such use in the course of his business or for the needs thereof without payment.

Chapter IV
The European patent application as an object of property

Article 71
Transfer and constitution of rights

R. 22, 23, 85

A European patent application may be transferred or give rise to rights for one or more of the designated Contracting States.

Article 72
Assignment

R. 22, 85

An assignment of a European patent application shall be made in writing and shall require the signature of the parties to the contract.

Article 73
Contractual licensing

R. 23, 24

A European patent application may be licensed in whole or in part for the whole or part of the territories of the designated Contracting States.

Article 74
Law applicable

Art. 148

Unless this Convention provides otherwise, the European patent application as an object of property shall, in each designated Contracting State and with effect for such State, be subject to the law applicable in that State to national patent applications.

PART III
THE EUROPEAN PATENT APPLICATION

Chapter I
Filing and requirements of the European patent application

Article 75[65]
Filing of a European patent application

Art. 76, 120, 130, 153
R. 35, 41, 133, 134, 147

(1) A European patent application may be filed:

(a)[66]with the European Patent Office, or

(b)[67]if the law of a Contracting State so permits, and subject to Article 76, paragraph 1, with the central industrial property office or other competent authority of that State. Any application filed in this way shall have the same effect as if it had been filed on the same date with the European Patent Office.

(2) Paragraph 1 shall not preclude the application of legislative or regulatory provisions which, in any Contracting State:

(a) govern inventions which, owing to the nature of their subject-matter, may not be communicated abroad without the prior authorisation of the competent authorities of that State, or

(b) prescribe that any application is to be filed initially with a national authority, or make direct filing with another authority subject to prior authorisation.

Article 76[68, 69]
European divisional applications

Art. 61, 75, 100, 128, 138
R. 4, 6, 16, 36, 38, 41, 45, 51, 57, 60, 135, 143, 147

(1) A European divisional application shall be filed directly with the European Patent Office in accordance with the Implementing Regulations. It may be filed only in respect of subject-matter which does not extend beyond the content of the earlier application as filed; in so far as this requirement is complied with, the divisional application shall be deemed to have been filed on the date of filing of the earlier application and shall enjoy any right of priority.

[65] Amended by the Act revising the European Patent Convention of 29.11.2000.

[66] See decision of the President of the EPO of 03.01.2017 designating the EPO's filing offices (OJ EPO 2017, A11), notice from the EPO of 14.02.2018 concerning the availability of the EPO filing offices (OJ EPO 2018, A18) and notice from the EPO of 16.03.2018 concerning the closing of the mailroom at its headquarters in Munich (OJ EPO 2018, A27).

[67] See notice from the EPO of 30.01.2018 concerning changes to the filing options available in Belgium for European patent applications and international applications (OJ EPO 2018, A17) and notice from the EPO of 20.11.2019 concerning changes to the filing options available in San Marino for European patent applications and international applications (OJ EPO 2019, A96).

[68] Amended by the Act revising the European Patent Convention of 29.11.2000.

[69] See opinion/decision of the Enlarged Board of Appeal G 4/98, G 1/05, G 1/06 (Annex I).

(2) All the Contracting States designated in the earlier application at the time of filing of a European divisional application shall be deemed to be designated in the divisional application.

Article 77[70]
Forwarding of European patent applications

Art. 135, 137
R. 35, 37, 45, 112, 134, 155

(1) The central industrial property office of a Contracting State shall forward to the European Patent Office any European patent application filed with it or any other competent authority in that State, in accordance with the Implementing Regulations.

(2) A European patent application the subject of which has been made secret shall not be forwarded to the European Patent Office.

(3) A European patent application not forwarded to the European Patent Office in due time shall be deemed to be withdrawn.

Article 78[71]
Requirements of a European patent application

Art. 79, 80, 83-85, 90, 121
R. 6, 17, 31-33, 36, 38-50, 135, 139

(1) A European patent application shall contain:

(a) a request for the grant of a European patent;

(b) a description of the invention;

(c) one or more claims;

(d) any drawings referred to in the description or the claims;

(e) an abstract,

and satisfy the requirements laid down in the Implementing Regulations.

(2)[72]A European patent application shall be subject to the payment of the filing fee and the search fee. If the filing fee or the search fee is not paid in due time, the application shall be deemed to be withdrawn.

Article 79[73]
Designation of Contracting States

Art. 3, 66, 80, 121, 149
R. 15-17, 36, 39, 40, 41, 70, 71, 72, 112, 135, 139, 143, 159, 160

(1) All the Contracting States party to this Convention at the time of filing of the European patent application shall be deemed to be designated in the request for grant of a European patent.

(2)[74]The designation of a Contracting State may be subject to the payment of a designation fee.

[70] Amended by the Act revising the European Patent Convention of 29.11.2000.

[71] Amended by the Act revising the European Patent Convention of 29.11.2000.

[72] See notice from the EPO (OJ EPO 2016, A20).

[73] Amended by the Act revising the European Patent Convention of 29.11.2000.

[74] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

(3) The designation of a Contracting State may be withdrawn at any time up to the grant of the European patent.

Article 80[75, 76]
Date of filing

Art. 54, 60, 66, 78, 79, 83, 84, 90, 92
R. 19, 30, 38, 39, 40-42, 49, 55, 56, 60, 143

The date of filing of a European patent application shall be the date on which the requirements laid down in the Implementing Regulations are fulfilled.

Article 81
Designation of the inventor

Art. 62, 90
R. 19-21, 41, 60, 143, 144, 163

The European patent application shall designate the inventor. If the applicant is not the inventor or is not the sole inventor, the designation shall contain a statement indicating the origin of the right to the European patent.

Article 82[77]
Unity of invention

R. 43, 44, 64, 164

The European patent application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

Article 83[78]
Disclosure of the invention

Art. 78, 80, 100, 138
R. 31-34, 40, 42

The European patent application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

Article 84[79]
Claims

Art. 78, 80
R. 40, 43, 45, 49, 57, 62a, 63, 162

The claims shall define the matter for which protection is sought. They shall be clear and concise and be supported by the description.

Article 85
Abstract

Art. 78
R. 47, 49, 66, 68

The abstract shall serve the purpose of technical information only; it may not be taken into account for any other purpose, in particular for interpreting the scope of the protection sought or applying Article 54, paragraph 3.

[75] Amended by the Act revising the European Patent Convention of 29.11.2000.

[76] See decision/opinion of the Enlarged Board of Appeal G 2/95, G 4/98 (Annex I).

[77] See decision/opinion of the Enlarged Board of Appeal G 1/91, G 2/92, G 1/11 (Annex I).

[78] See decision/opinion of the Enlarged Board of Appeal G 2/93, G 2/98 (Annex I).

[79] See decisions/opinions of the Enlarged Board of Appeal G 2/98, G 1/03, G 2/03, G 1/04, G 2/10, G 3/14, G 1/16 (Annex I).

Article 86[80]
Renewal fees for the European patent application

Art. 122, 141
R. 14, 51, 71, 112, 135, 136, 142, 159

(1) Renewal fees for the European patent application shall be paid to the European Patent Office in accordance with the Implementing Regulations. These fees shall be due in respect of the third year and each subsequent year, calculated from the date of filing of the application. If a renewal fee is not paid in due time, the application shall be deemed to be withdrawn.

(2) The obligation to pay renewal fees shall terminate with the payment of the renewal fee due in respect of the year in which the mention of the grant of the European patent is published in the European Patent Bulletin.

Chapter II
Priority

Article 87[81, 82]
Priority right

Art. 66, 122
R. 52, 57-59, 136

(1) Any person who has duly filed, in or for

(a) any State party to the Paris Convention for the Protection of Industrial Property or

(b) any Member of the World Trade Organization,

an application for a patent, a utility model or a utility certificate, or his successor in title, shall enjoy, for the purpose of filing a European patent application in respect of the same invention, a right of priority during a period of twelve months from the date of filing of the first application.

(2) Every filing that is equivalent to a regular national filing under the national law of the State where it was made or under bilateral or multilateral agreements, including this Convention, shall be recognised as giving rise to a right of priority.

(3) A regular national filing shall mean any filing that is sufficient to establish the date on which the application was filed, whatever the outcome of the application may be.

(4) A subsequent application in respect of the same subject-matter as a previous first application and filed in or for the same State shall be considered as the first application for the purposes of determining priority, provided that, at the date of filing the subsequent application, the previous application has been withdrawn, abandoned or refused, without being open to public inspection and without leaving any rights outstanding, and has not served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

[80] Amended by the Act revising the European Patent Convention of 29.11.2000.

[81] Amended by the Act revising the European Patent Convention of 29.11.2000.

[82] See decisions/opinions of the Enlarged Board of Appeal G 3/93, G 2/95, G 2/98, G 1/03, G 2/03, G 1/16 (Annex I).

(5) If the first filing has been made with an industrial property authority which is not subject to the Paris Convention for the Protection of Industrial Property or the Agreement Establishing the World Trade Organization, paragraphs 1 to 4 shall apply if that authority, according to a communication issued by the President of the European Patent Office, recognises that a first filing made with the European Patent Office gives rise to a right of priority under conditions and with effects equivalent to those laid down in the Paris Convention.

Article 88[83, 84]
Claiming priority

Art. 66, 79, 90, 93
R. 5, 6, 41, 52, 53, 57-60, 68, 139, 163

(1)[85]An applicant desiring to take advantage of the priority of a previous application shall file a declaration of priority and any other document required, in accordance with the Implementing Regulations.

(2) Multiple priorities may be claimed in respect of a European patent application, notwithstanding the fact that they originated in different countries. Where appropriate, multiple priorities may be claimed for any one claim. Where multiple priorities are claimed, time limits which run from the date of priority shall run from the earliest date of priority.

(3) If one or more priorities are claimed in respect of a European patent application, the right of priority shall cover only those elements of the European patent application which are included in the application or applications whose priority is claimed.

(4) If certain elements of the invention for which priority is claimed do not appear among the claims formulated in the previous application, priority may nonetheless be granted, provided that the documents of the previous application as a whole specifically disclose such elements.

Article 89[86]
Effect of priority right

The right of priority shall have the effect that the date of priority shall count as the date of filing of the European patent application for the purposes of Article 54, paragraphs 2 and 3, and Article 60, paragraph 2.

[83] Amended by the Act revising the European Patent Convention of 29.11.2000.

[84] See decision/opinion of the Enlarged Board of Appeal G 3/93, G 2/98 (Annex I).

[85] See decision of the President of the EPO of 12.07.2007 concerning the filing of priority documents for European divisional applications and for new European patent applications under Article 61(1)(b) EPC (Special edition No. 3, OJ EPO 2007, B.2) and decision of the President of the EPO of 09.08.2012 on the filing of priority documents (OJ EPO 2012, 492).

[86] See decisions/opinions of the Enlarged Board of Appeal G 3/93, G 2/98, G 3/98, G 2/99 (Annex I).

PART IV
PROCEDURE UP TO GRANT

Article 90[87, 88]
Examination on filing and examination as to formal requirements

Art. 16, 78, 80, 88, 92
R. 6, 10, 38, 40, 45, 53, 55-60, 111-113, 137, 139, 140, 142, 152, 153

(1) The European Patent Office shall examine, in accordance with the Implementing Regulations, whether the application satisfies the requirements for the accordance of a date of filing.

(2) If a date of filing cannot be accorded following the examination under paragraph 1, the application shall not be dealt with as a European patent application.

(3) If the European patent application has been accorded a date of filing, the European Patent Office shall examine, in accordance with the Implementing Regulations, whether the requirements in Articles 14, 78 and 81, and, where applicable, Article 88, paragraph 1, and Article 133, paragraph 2, as well as any other requirement laid down in the Implementing Regulations, have been satisfied.

(4) Where the European Patent Office in carrying out the examination under paragraphs 1 or 3 notes that there are deficiencies which may be corrected, it shall give the applicant an opportunity to correct them.

(5) If any deficiency noted in the examination under paragraph 3 is not corrected, the European patent application shall be refused unless a different legal consequence is provided for by this Convention. Where the deficiency concerns the right of priority, this right shall be lost for the application.

Article 91[89]

(deleted)

Article 92[90, 91]
Drawing up of the European search report

Art. 17, 80, 153
R. 30, 61-66, 70, 70a, 137

The European Patent Office shall, in accordance with the Implementing Regulations, draw up and publish a European search report in respect of the European patent application on the basis of the claims, with due regard to the description and any drawings.

[87] Amended by the Act revising the European Patent Convention of 29.11.2000.

[88] See opinions of the Enlarged Board of Appeal G 4/98, G 1/02 (Annex I).

[89] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[90] Amended by the Act revising the European Patent Convention of 29.11.2000.

[91] See notice from the EPO concerning the programme for accelerated prosecution of European patent applications "PACE" (OJ EPO 2015, A93) and notice from the EPO concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

Article 93[92, 93]
Publication of the European patent application

Art. 14, 16, 54, 67, 69, 88, 92, 98, 115, 127, 128, 153
R. 10, 14, 20, 36, 47, 48, 52, 53, 66-69, 70-70b, 114, 143

(1) The European Patent Office shall publish the European patent application as soon as possible

(a) after the expiry of a period of eighteen months from the date of filing or, if priority has been claimed, from the date of priority, or

(b) at the request of the applicant, before the expiry of that period.

(2) The European patent application shall be published at the same time as the specification of the European patent when the decision to grant the patent becomes effective before the expiry of the period referred to in paragraph 1(a).

Article 94[94, 95]
Examination of the European patent application

Art. 18, 121, 124, 129, 150
R. 6, 10, 69, 70, 70b, 71, 112-114, 135-138, 141, 142, 159

(1) The European Patent Office shall, in accordance with the Implementing Regulations, examine on request whether the European patent application and the invention to which it relates meet the requirements of this Convention. The request shall not be deemed to be filed until the examination fee has been paid.[96]

(2) If no request for examination has been made in due time, the application shall be deemed to be withdrawn.

(3) If the examination reveals that the application or the invention to which it relates does not meet the requirements of this Convention, the Examining Division shall invite the applicant, as often as necessary, to file his observations and, subject to Article 123, paragraph 1, to amend the application.

(4) If the applicant fails to reply in due time to any communication from the Examining Division, the application shall be deemed to be withdrawn.

[92] Amended by the Act revising the European Patent Convention of 29.11.2000.

[93] See decision of the President of the EPO (Special edition No. 3, OJ EPO 2007, D.3). See opinion of the Enlarged Board of Appeal G 2/98 (Annex I).

[94] Amended by the Act revising the European Patent Convention of 29.11.2000.

[95] See notice from the EPO concerning the programme for accelerated prosecution of European patent applications "PACE" (OJ EPO 2015, A93) and notice from the EPO concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[96] See notice from the EPO (OJ EPO 2016, A20).

Article 95[97]

(deleted)

Article 96[98]

(deleted)

Article 97[99, 100]
Grant or refusal

Art. 14, 64, 65, 113, 129, 141
R. 71, 72, 111-114, 138, 140

(1) If the Examining Division is of the opinion that the European patent application and the invention to which it relates meet the requirements of this Convention, it shall decide to grant a European patent, provided that the conditions laid down in the Implementing Regulations are fulfilled.

(2) If the Examining Division is of the opinion that the European patent application or the invention to which it relates does not meet the requirements of this Convention, it shall refuse the application unless this Convention provides for a different legal consequence.

(3) The decision to grant a European patent shall take effect on the date on which the mention of the grant is published in the European Patent Bulletin.

Article 98[101]
Publication of the specification of the European patent

Art. 14, 93
R. 20, 21, 52, 53, 73, 74, 138

The European Patent Office shall publish the specification of the European patent as soon as possible after the mention of the grant of the European patent has been published in the European Patent Bulletin.

[97] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[98] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[99] Amended by the Act revising the European Patent Convention of 29.11.2000.

[100] See decisions of the Enlarged Board of Appeal G 10/93, G 1/10 (Annex I).

[101] Amended by the Act revising the European Patent Convention of 29.11.2000.

PART V
OPPOSITION AND LIMITATION PROCEDURE[102]

Article 99[103, 104]
Opposition

Art. 105
R. 3, 6, 14, 73, 76-78, 84-86, 89, 112, 142, 143

(1) Within nine months of the publication of the mention of the grant of the European patent in the European Patent Bulletin, any person may give notice to the European Patent Office of opposition to that patent, in accordance with the Implementing Regulations. Notice of opposition shall not be deemed to have been filed until the opposition fee has been paid.

(2) The opposition shall apply to the European patent in all the Contracting States in which that patent has effect.

(3) Opponents shall be parties to the opposition proceedings as well as the proprietor of the patent.

(4) Where a person provides evidence that in a Contracting State, following a final decision, he has been entered in the patent register of such State instead of the previous proprietor, such person shall, at his request, replace the previous proprietor in respect of such State. Notwithstanding Article 118, the previous proprietor and the person making the request shall not be regarded as joint proprietors unless both so request.

Article 100[105]
Grounds for opposition

Art. 76, 83, 101, 123
R. 76, 80

Opposition may only be filed on the grounds that:

(a) the subject-matter of the European patent is not patentable under Articles 52 to 57;

(b) the European patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;

(c) the subject-matter of the European patent extends beyond the content of the application as filed, or, if the patent was granted on a divisional application or on a new application filed under Article 61, beyond the content of the earlier application as filed.

[102] Title amended by the Act revising the European Patent Convention of 29.11.2000.

[103] Amended by the Act revising the European Patent Convention of 29.11.2000.

[104] See decisions/opinions of the Enlarged Board of Appeal G 4/88, G 5/88, G 7/88, G 8/88, G 10/91, G 9/93, G 1/95, G 7/95, G 3/97, G 4/97, G 3/99, G 1/02, G 2/04, G 3/04, G 1/13 (Annex I).

[105] See decisions/opinions of the Enlarged Board of Appeal G 3/89, G 10/91, G 11/91, G 1/95, G 2/95, G 7/95, G 1/99, G 3/04 (Annex I).

Article 101[106, 107]
Examination of the opposition – Revocation or maintenance of the European patent

Art. 65, 68, 103
R. 18, 77-86, 111, 113, 138, 140, 143

(1) If the opposition is admissible, the Opposition Division shall examine, in accordance with the Implementing Regulations, whether at least one ground for opposition under Article 100 prejudices the maintenance of the European patent. During this examination, the Opposition Division shall invite the parties, as often as necessary, to file observations on communications from another party or issued by itself.

(2) If the Opposition Division is of the opinion that at least one ground for opposition prejudices the maintenance of the European patent, it shall revoke the patent. Otherwise, it shall reject the opposition.

(3)[108] If the Opposition Division is of the opinion that, taking into consideration the amendments made by the proprietor of the European patent during the opposition proceedings, the patent and the invention to which it relates

(a) meet the requirements of this Convention, it shall decide to maintain the patent as amended, provided that the conditions laid down in the Implementing Regulations are fulfilled;

(b) do not meet the requirements of this Convention, it shall revoke the patent.

Article 102[109]

(deleted)

Article 103[110]
Publication of a new specification of the European patent

Art. 14
R. 20, 21, 87

If the European patent is maintained as amended under Article 101, paragraph 3(a), the European Patent Office shall publish a new specification of the European patent as soon as possible after the mention of the opposition decision has been published in the European Patent Bulletin.

Article 104[111, 112]
Costs

Art. 106
R. 11, 88, 97, 111, 140

(1) Each party to the opposition proceedings shall bear the costs it has incurred, unless the Opposition Division, for reasons of equity, orders, in

[106] Amended by the Act revising the European Patent Convention of 29.11.2000.

[107] See decisions/opinions of the Enlarged Board of Appeal G 1/88, G 1/90, G 1/91, G 9/91, G 10/91, G 9/92, G 4/93, G 1/99, G 1/02 (Annex I).

[108] See decision of the Enlarged Board of Appeal G 3/14 (Annex I).

[109] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[110] Amended by the Act revising the European Patent Convention of 29.11.2000.

[111] Amended by the Act revising the European Patent Convention of 29.11.2000.

[112] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

accordance with the Implementing Regulations, a different apportionment of costs.

(2) The procedure for fixing costs shall be laid down in the Implementing Regulations.

(3) Any final decision of the European Patent Office fixing the amount of costs shall be dealt with, for the purpose of enforcement in the Contracting States, in the same way as a final decision given by a civil court of the State in which enforcement is to take place. Verification of such decision shall be limited to its authenticity.

Article 105[113, 114]
Intervention of the assumed infringer

Art. 99
R. 3, 76-86, 89, 112, 114

(1) Any third party may, in accordance with the Implementing Regulations, intervene in opposition proceedings after the opposition period has expired, if the third party proves that

(a) proceedings for infringement of the same patent have been instituted against him, or

(b) following a request of the proprietor of the patent to cease alleged infringement, the third party has instituted proceedings for a ruling that he is not infringing the patent.

(2) An admissible intervention shall be treated as an opposition.

Article 105a[115]
Request for limitation or revocation

Art. 14, 64, 68, 98, 99, 123
R. 6, 90, 92, 93, 138, 143

(1) At the request of the proprietor, the European patent may be revoked or be limited by an amendment of the claims. The request shall be filed with the European Patent Office in accordance with the Implementing Regulations. It shall not be deemed to have been filed until the limitation or revocation fee has been paid.

(2) The request may not be filed while opposition proceedings in respect of the European patent are pending.

Article 105b[116]
Limitation or revocation of the European patent

Art. 14, 84, 123
R. 6, 91, 94, 95, 138, 111, 140

(1) The European Patent Office shall examine whether the requirements laid down in the Implementing Regulations for limiting or revoking the European patent have been met.

(2) If the European Patent Office considers that the request for limitation or revocation of the European patent meets these requirements, it shall

[113] Amended by the Act revising the European Patent Convention of 29.11.2000.

[114] See decisions of the Enlarged Board of Appeal G 4/91, G 1/94, G 2/04, G 3/04, G 1/05 (Annex I).

[115] Inserted by the Act revising the European Patent Convention of 29.11.2000.

[116] Inserted by the Act revising the European Patent Convention of 29.11.2000.

decide to limit or revoke the European patent in accordance with the Implementing Regulations. Otherwise, it shall reject the request.

(3) The decision to limit or revoke the European patent shall apply to the European patent in all the Contracting States in respect of which it has been granted. It shall take effect on the date on which the mention of the decision is published in the European Patent Bulletin.

Article 105c[117]
Publication of the amended specification of the European patent

Art. 14
R. 20, 21, 96, 138, 143

If the European patent is limited under Article 105b, paragraph 2, the European Patent Office shall publish the amended specification of the European patent as soon as possible after the mention of the limitation has been published in the European Patent Bulletin.

[117] Inserted by the Act revising the European Patent Convention of 29.11.2000.

PART VI
APPEALS PROCEDURE

Article 106[118, 119]
Decisions subject to appeal

Art. 104, 112a
R. 88, 97, 98, 101, 111, 142

(1) An appeal shall lie from decisions of the Receiving Section, Examining Divisions, Opposition Divisions and the Legal Division. It shall have suspensive effect.

(2) A decision which does not terminate proceedings as regards one of the parties can only be appealed together with the final decision, unless the decision allows a separate appeal.

(3) The right to file an appeal against decisions relating to the apportionment or fixing of costs in opposition proceedings may be restricted in the Implementing Regulations.

Article 107[120]
Persons entitled to appeal and to be parties to appeal proceedings

R. 101, 111

Any party to proceedings adversely affected by a decision may appeal. Any other parties to the proceedings shall be parties to the appeal proceedings as of right.

Article 108[121, 122]
Time limit and form

R. 3, 6, 99, 101, 103, 111

Notice of appeal shall be filed, in accordance with the Implementing Regulations, at the European Patent Office within two months of notification of the decision. Notice of appeal shall not be deemed to have been filed until the fee for appeal has been paid. Within four months of notification of the decision, a statement setting out the grounds of appeal shall be filed in accordance with the Implementing Regulations.

Article 109[123]
Interlocutory revision

R. 103

(1) If the department whose decision is contested considers the appeal to be admissible and well founded, it shall rectify its decision. This shall not apply where the appellant is opposed by another party to the proceedings.

[118] Amended by the Act revising the European Patent Convention of 29.11.2000.

[119] See decisions/opinions of the Enlarged Board of Appeal G 1/90, G 1/99, G 1/02, G 3/03 (Annex I).

[120] See decisions of the Enlarged Board of Appeal G 1/88, G 2/91, G 4/91, G 9/92, G 1/99, G 3/99, G 3/03, G 2/04, G 3/04, G 1/12 (Annex I).

[121] Amended by the Act revising the European Patent Convention of 29.11.2000.

[122] See decisions of the Enlarged Board of Appeal G 1/86, G 2/97, G 1/99, G 3/03, G 2/04, G 3/04, G 1/12, G 1/16 (Annex I).

[123] See decision of the Enlarged Board of Appeal G 3/03 (Annex I).

(2) If the appeal is not allowed within three months of receipt of the statement of grounds, it shall be remitted to the Board of Appeal without delay, and without comment as to its merit.

Article 110[124, 125]
Examination of appeals

R. 100-102, 111-113

If the appeal is admissible, the Board of Appeal shall examine whether the appeal is allowable. The examination of the appeal shall be conducted in accordance with the Implementing Regulations.

Article 111[126]
Decision in respect of appeals

Art. 112a
R. 100-103, 111, 140

(1) Following the examination as to the allowability of the appeal, the Board of Appeal shall decide on the appeal. The Board of Appeal may either exercise any power within the competence of the department which was responsible for the decision appealed or remit the case to that department for further prosecution.

(2) If the Board of Appeal remits the case for further prosecution to the department whose decision was appealed, that department shall be bound by the ratio decidendi of the Board of Appeal, in so far as the facts are the same. If the decision under appeal was taken by the Receiving Section, the Examining Division shall also be bound by the ratio decidendi of the Board of Appeal.

Article 112[127]
Decision or opinion of the Enlarged Board of Appeal

Art. 22
R. 111, 140

(1) In order to ensure uniform application of the law, or if a point of law of fundamental importance arises:

(a) the Board of Appeal shall, during proceedings on a case and either of its own motion or following a request from a party to the appeal, refer any question to the Enlarged Board of Appeal if it considers that a decision is required for the above purposes. If the Board of Appeal rejects the request, it shall give the reasons in its final decision;

(b) the President of the European Patent Office may refer a point of law to the Enlarged Board of Appeal where two Boards of Appeal have given different decisions on that question.

(2) In the cases referred to in paragraph 1(a) the parties to the appeal proceedings shall be parties to the proceedings before the Enlarged Board of Appeal.

[124] Amended by the Act revising the European Patent Convention of 29.11.2000.

[125] See decisions/opinions of the Enlarged Board of Appeal G 9/91, G 10/91, G 10/93, G 3/99 (Annex I).

[126] See decisions of the Enlarged Board of Appeal G 9/92, G 10/93, G 3/03 (Annex I).

[127] See decisions/opinions of the Enlarged Board of Appeal G 1/86, G 2/88, G 4/88, G 5/88, G 6/88, G 7/88, G 8/88, G 1/90, G 1/92, G 3/95, G 6/95, G 2/97, G 2/98, G 3/98, G 4/98, G 1/99, G 2/99, G 3/99, G 1/02, G 1/03, G 2/03, G 3/03, G 1/04, G 2/04, G 3/04, G 1/05, G 2/06, G 3/08, G 1/12, G 1/14, G 3/14, G 1/15, G 1/16, G 1/18, G 2/19, G 3/19 (Annex I).

(3) The decision of the Enlarged Board of Appeal referred to in paragraph 1(a) shall be binding on the Board of Appeal in respect of the appeal in question.

Article 112a[128]
Petition for review by the Enlarged Board of Appeal

Art. 22, 106, 111
R. 104-111, 140

(1) Any party to appeal proceedings adversely affected by the decision of the Board of Appeal may file a petition for review of the decision by the Enlarged Board of Appeal.

(2) The petition may only be filed on the grounds that:

(a) a member of the Board of Appeal took part in the decision in breach of Article 24, paragraph 1, or despite being excluded pursuant to a decision under Article 24, paragraph 4;

(b) the Board of Appeal included a person not appointed as a member of the Boards of Appeal;

(c) a fundamental violation of Article 113 occurred;

(d) any other fundamental procedural defect defined in the Implementing Regulations occurred in the appeal proceedings; or

(e) a criminal act established under the conditions laid down in the Implementing Regulations may have had an impact on the decision.

(3) The petition for review shall not have suspensive effect.

(4) The petition for review shall be filed in a reasoned statement, in accordance with the Implementing Regulations. If based on paragraph 2(a) to (d), the petition shall be filed within two months of notification of the decision of the Board of Appeal. If based on paragraph 2(e), the petition shall be filed within two months of the date on which the criminal act has been established and in any event no later than five years from notification of the decision of the Board of Appeal. The petition shall not be deemed to have been filed until after the prescribed fee has been paid.

(5) The Enlarged Board of Appeal shall examine the petition for review in accordance with the Implementing Regulations. If the petition is allowable, the Enlarged Board of Appeal shall set aside the decision and shall re-open proceedings before the Boards of Appeal in accordance with the Implementing Regulations.

(6) Any person who, in a designated Contracting State, has in good faith used or made effective and serious preparations for using an invention which is the subject of a published European patent application or a European patent in the period between the decision of the Board of Appeal and publication in the European Patent Bulletin of the mention of the decision of the Enlarged Board of Appeal on the petition, may without payment continue such use in the course of his business or for the needs thereof.

[128] Inserted by the Act revising the European Patent Convention of 29.11.2000.

PART VII
COMMON PROVISIONS

Chapter I
Common provisions governing procedure

Article 113[129]
Right to be heard and basis of decisions

(1) The decisions of the European Patent Office may only be based on grounds or evidence on which the parties concerned have had an opportunity to present their comments.

(2) The European Patent Office shall examine, and decide upon, the European patent application or the European patent only in the text submitted to it, or agreed, by the applicant or the proprietor of the patent.

Article 114[130]
Examination by the European Patent Office of its own motion

R. 116

(1) In proceedings before it, the European Patent Office shall examine the facts of its own motion; it shall not be restricted in this examination to the facts, evidence and arguments provided by the parties and the relief sought.

(2) The European Patent Office may disregard facts or evidence which are not submitted in due time by the parties concerned.

Article 115[131, 132]
Observations by third parties

Art. 93
R. 114

In proceedings before the European Patent Office, following the publication of the European patent application, any third party may, in accordance with the Implementing Regulations, present observations concerning the patentability of the invention to which the application or patent relates. That person shall not be a party to the proceedings.

[129] See decisions/opinions of the Enlarged Board of Appeal G 7/91, G 8/91, G 4/92, G 2/04 (Annex I).

[130] See decisions/opinions of the Enlarged Board of Appeal G 7/91, G 8/91, G 9/91, G 10/91, G 4/92, G 9/92, G 8/93, G 10/93, G 1/95, G 7/95, G 1/99 (Annex I).

[131] Amended by the Act revising the European Patent Convention of 29.11.2000.

[132] See decision of the President of the EPO of 10.05.2011 (OJ EPO 2011, 418) and notice from the EPO of 05.07.2017 (OJ EPO 2017, A86) concerning the filing and processing of third-party observations under Article 115 EPC.

Article 116[133, 134] *R. 4, 82, 115, 116, 124*
Oral proceedings

(1) Oral proceedings shall take place either at the instance of the European Patent Office if it considers this to be expedient or at the request of any party to the proceedings. However, the European Patent Office may reject a request for further oral proceedings before the same department where the parties and the subject of the proceedings are the same.

(2) Nevertheless, oral proceedings shall take place before the Receiving Section at the request of the applicant only where the Receiving Section considers this to be expedient or where it intends to refuse the European patent application.

(3) Oral proceedings before the Receiving Section, the Examining Divisions and the Legal Division shall not be public.

(4) Oral proceedings, including delivery of the decision, shall be public, as regards the Boards of Appeal and the Enlarged Board of Appeal, after publication of the European patent application, and also before the Opposition Divisions, in so far as the department before which the proceedings are taking place does not decide otherwise in cases where admission of the public could have serious and unjustified disadvantages, in particular for a party to the proceedings.

Article 117[135, 136] *R. 4, 117-124, 150*
Means and taking of evidence

(1) In proceedings before the European Patent Office the means of giving or obtaining evidence shall include the following:

(a) hearing the parties;

(b) requests for information;

(c) production of documents;

[133] See decisions of the Enlarged Board of Appeal G 2/94, G 4/95 (Annex I).

[134] See decision of the President of the EPO and notice from the EPO of 17.12.2020 concerning oral proceedings by videoconference before examining divisions (OJ EPO 2020, A134 and A135).

See decision of the President of the EPO and notice from the EPO of 10.11.2020 concerning the modification and extension of the pilot project for oral proceedings by videoconference before opposition divisions (OJ EPO 2020, A121, A122 and A135), decision of the President of the EPO of 14.05.2021 (OJ EPO 2021, A41) and decision of the President of the EPO of 23.11.2021 (OJ EPO 2021, A93).

See decision of the President of the EPO of 09.06.2021 concerning oral proceedings by videoconference before the Receiving Section (OJ EPO 2021, A49).

See decision of the President of the EPO of 09.06.2021 concerning oral proceedings by videoconference before the Legal Division (OJ EPO 2021, A50).

See notices of the Vice-President DG 3 (Special edition No. 3 OJ EPO 2007, H.1, H.2 and H.3; OJ EPO 2014, A21).

[135] Amended by the Act revising the European Patent Convention of 29.11.2000.

[136] See decisions/opinions of the Enlarged Board of Appeal G 3/89, G 11/91, G 4/95 (Annex I).

(d) hearing witnesses;

(e) opinions by experts;

(f) inspection;

(g) sworn statements in writing.

(2) The procedure for taking such evidence shall be laid down in the Implementing Regulations.

Article 118
Unity of the European patent application or European patent

Art. 59, 99
R. 18, 78, 138

Where the applicants for or proprietors of a European patent are not the same in respect of different designated Contracting States, they shall be regarded as joint applicants or proprietors for the purposes of proceedings before the European Patent Office. The unity of the application or patent in these proceedings shall not be affected; in particular the text of the application or patent shall be uniform for all designated Contracting States, unless this Convention provides otherwise.

Article 119[137, 138]
Notification

R. 112, 125-130

Decisions, summonses, notices and communications shall be notified by the European Patent Office of its own motion in accordance with the Implementing Regulations. Notification may, where exceptional circumstances so require, be effected through the intermediary of the central industrial property offices of the Contracting States.

Article 120[139]
Time limits

R. 131-136, 160

The Implementing Regulations shall specify:

(a) the time limits which are to be observed in proceedings before the European Patent Office and are not fixed by this Convention;

(b) the manner of computation of time limits and the conditions under which time limits may be extended;

(c) the minima and maxima for time limits to be determined by the European Patent Office.

[137] Amended by the Act revising the European Patent Convention of 29.11.2000.

[138] See decision of the President of the EPO of 11.03.2015 concerning the pilot project to introduce new means of electronic communication in EPO proceedings (OJ EPO 2015, A28) and notice from the EPO of 04.09.2014 concerning the use of an address for correspondence (OJ EPO 2014, A99).

[139] Amended by the Act revising the European Patent Convention of 29.11.2000.

Article 121[140] *R. 135*
Further processing of the European patent application

(1) If an applicant fails to observe a time limit vis-à-vis the European Patent Office, he may request further processing of the European patent application.

(2) The European Patent Office shall grant the request, provided that the requirements laid down in the Implementing Regulations are met. Otherwise, it shall reject the request.

(3) If the request is granted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.

(4) Further processing shall be ruled out in respect of the time limits in Article 87, paragraph 1, Article 108 and Article 112a, paragraph 4, as well as the time limits for requesting further processing or re-establishment of rights. The Implementing Regulations may rule out further processing for other time limits.

Article 122[141, 142] *R. 136, 143*
Re-establishment of rights

(1) An applicant for or proprietor of a European patent who, in spite of all due care required by the circumstances having been taken, was unable to observe a time limit vis-à-vis the European Patent Office shall have his rights re-established upon request if the non-observance of this time limit has the direct consequence of causing the refusal of the European patent application or of a request, or the deeming of the application to have been withdrawn, or the revocation of the European patent, or the loss of any other right or means of redress.

(2) The European Patent Office shall grant the request, provided that the conditions of paragraph 1 and any other requirements laid down in the Implementing Regulations are met. Otherwise, it shall reject the request.

(3) If the request is granted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.

(4) Re-establishment of rights shall be ruled out in respect of the time limit for requesting re-establishment of rights. The Implementing Regulations may rule out re-establishment for other time limits.

(5) Any person who, in a designated Contracting State, has in good faith used or made effective and serious preparations for using an invention which is the subject of a published European patent application or a European patent in the period between the loss of rights referred to in paragraph 1 and publication in the European Patent Bulletin of the mention of re-establishment of those rights, may without payment continue such use in the course of his business or for the needs thereof.

[140] Amended by the Act revising the European Patent Convention of 29.11.2000.

[141] Amended by the Act revising the European Patent Convention of 29.11.2000.

[142] See decision of the Enlarged Board of Appeal G 1/86 (Annex I).

(6) Nothing in this Article shall limit the right of a Contracting State to grant re-establishment of rights in respect of time limits provided for in this Convention and to be observed vis-à-vis the authorities of such State.

Article 123[143, 144]
Amendments

Art. 100, 138
R. 4, 7, 18, 57, 58, 71, 78-82, 137, 138

(1) The European patent application or European patent may be amended in proceedings before the European Patent Office, in accordance with the Implementing Regulations. In any event, the applicant shall be given at least one opportunity to amend the application of his own volition.

(2) The European patent application or European patent may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed.

(3) The European patent may not be amended in such a way as to extend the protection it confers.

Article 124[145]
Information on prior art

Art. 140
R. 70b, 112, 141

(1) The European Patent Office may, in accordance with the Implementing Regulations, invite the applicant to provide information on prior art taken into consideration in national or regional patent proceedings and concerning an invention to which the European patent application relates.

(2) If the applicant fails to reply in due time to an invitation under paragraph 1, the European patent application shall be deemed to be withdrawn.

Article 125[146]
Reference to general principles

In the absence of procedural provisions in this Convention, the European Patent Office shall take into account the principles of procedural law generally recognised in the Contracting States.

Article 126[147]

(deleted)

[143] Amended by the Act revising the European Patent Convention of 29.11.2000.

[144] See decisions of the Enlarged Board of Appeal G 2/88, G 3/89, G 11/91, G 1/93, G 2/95, G 2/98, G 1/99, G 1/03, G 2/03, G 1/05, G 2/10, G 3/14, G 1/15, G 1/16 (Annex I).

[145] Amended by the Act revising the European Patent Convention of 29.11.2000.

[146] See decisions of the Enlarged Board of Appeal G 1/99, G 3/04 (Annex I).

[147] Deleted by the Act revising the European Patent Convention of 29.11.2000.

Chapter II
Information to the public or to official authorities

Article 127[148, 149]
European Patent Register

Art. 14, 20, 129
R. 21-24, 85, 143

The European Patent Office shall keep a European Patent Register, in which the particulars specified in the Implementing Regulations shall be recorded. No entry shall be made in the European Patent Register before the publication of the European patent application. The European Patent Register shall be open to public inspection.

Article 128[150]
Inspection of files

Art. 76, 93, 130, 131
R. 16, 19, 31-33, 68, 113, 144-147, 149

(1) Files relating to European patent applications which have not yet been published shall not be made available for inspection without the consent of the applicant.

(2) Any person who can prove that the applicant has invoked the rights under the European patent application against him may obtain inspection of the files before the publication of that application and without the consent of the applicant.

(3) Where a European divisional application or a new European patent application filed under Article 61, paragraph 1, is published, any person may obtain inspection of the files of the earlier application before the publication of that application and without the consent of the applicant.

(4)[151] After the publication of the European patent application, the files relating to the application and the resulting European patent may be inspected on request, subject to the restrictions laid down in the Implementing Regulations.

(5) Even before the publication of the European patent application, the European Patent Office may communicate to third parties or publish the particulars specified in the Implementing Regulations.

[148] Amended by the Act revising the European Patent Convention of 29.11.2000.

[149] See decisions of the President of the EPO concerning the information given in the European Patent Register (OJ EPO 2009, 598, 2011, 110, and 2014, A19).

[150] Amended by the Act revising the European Patent Convention of 29.11.2000.

[151] See decision of the President of the EPO of 12.07.2007 concerning documents excluded from file inspection (Special edition No. 3 OJ EPO 2007, J.3), decision of the President of the EPO of 20.02.2019 on the inspection of files (OJ EPO 2019, A16) and decision of the President of the EPO of 20.02.2019 concerning online file inspection of documents contained in the file held by the EPO as receiving Office, International Searching Authority or Authority specified for supplementary search (OJ EPO 2019, A17).

Article 129[152]
Periodical publications

Art. 14, 94, 97, 127, 153
R. 21, 31-34, 69, 143

The European Patent Office shall periodically publish:

(a) a European Patent Bulletin containing the particulars the publication of which is prescribed by this Convention, the Implementing Regulations or the President of the European Patent Office;

(b) an Official Journal containing notices and information of a general character issued by the President of the European Patent Office, as well as any other information relevant to this Convention or its implementation.

Article 130[153]
Exchange of information

R. 141, 148

(1) Unless this Convention or national laws provide otherwise, the European Patent Office and the central industrial property office of any Contracting State shall, on request, communicate to each other any useful information regarding European or national patent applications and patents and any proceedings concerning them.

(2) Paragraph 1 shall apply to the communication of information by virtue of working agreements between the European Patent Office and

(a) the central industrial property offices of other States;

(b) any intergovernmental organisation entrusted with the task of granting patents;

(c) any other organisation.

(3) Communications under paragraphs 1 and 2(a) and (b) shall not be subject to the restrictions laid down in Article 128. The Administrative Council may decide that communications under paragraph 2(c) shall not be subject to such restrictions, provided that the organisation concerned treats the information communicated as confidential until the European patent application has been published.

Article 131
Administrative and legal co-operation

Art. 117
R. 117-120, 148-150

(1) Unless this Convention or national laws provide otherwise, the European Patent Office and the courts or authorities of Contracting States shall on request give assistance to each other by communicating information or opening files for inspection. Where the European Patent Office makes files available for inspection by courts, Public Prosecutors' Offices or central industrial property offices, the inspection shall not be subject to the restrictions laid down in Article 128.

(2) At the request of the European Patent Office, the courts or other competent authorities of Contracting States shall undertake, on behalf of

[152] Amended by the Act revising the European Patent Convention of 29.11.2000.

[153] Amended by the Act revising the European Patent Convention of 29.11.2000.

the Office and within the limits of their jurisdiction, any necessary enquiries or other legal measures.

Article 132
Exchange of publications

(1) The European Patent Office and the central industrial property offices of the Contracting States shall despatch to each other on request and for their own use one or more copies of their respective publications free of charge.

(2) The European Patent Office may conclude agreements relating to the exchange or supply of publications.

Chapter III
Representation

Article 133[154, 155]
General principles of representation

Art. 90, 134, 134a, 144
R. 41, 76, 126, 130, 142, 143, 151-154

(1) Subject to paragraph 2, no person shall be compelled to be represented by a professional representative in proceedings established by this Convention.

(2) Natural or legal persons not having their residence or principal place of business in a Contracting State shall be represented by a professional representative and act through him in all proceedings established by this Convention, other than in filing a European patent application; the Implementing Regulations may permit other exceptions.

(3) Natural or legal persons having their residence or principal place of business in a Contracting State may be represented in proceedings established by this Convention by an employee, who need not be a professional representative but who shall be authorised in accordance with the Implementing Regulations. The Implementing Regulations may provide whether and under what conditions an employee of a legal person may also represent other legal persons which have their principal place of business in a Contracting State and which have economic connections with the first legal person.

(4) The Implementing Regulations may lay down special provisions concerning the common representation of parties acting in common.

[154] Amended by the Act revising the European Patent Convention of 29.11.2000.

[155] See decisions of the Enlarged Board of Appeal G 2/94, G 4/95, G 3/99 (Annex I).

Article 134[156, 157]
Representation before the European Patent Office

Art. 20, 35, 133, 134a
R. 142, 143, 152-154

(1) Representation of natural or legal persons in proceedings established by this Convention may only be undertaken by professional representatives whose names appear on a list maintained for this purpose by the European Patent Office.

(2) Any natural person who

(a) is a national of a Contracting State,

(b) has his place of business or employment in a Contracting State and

(c)[158] has passed the European qualifying examination

may be entered on the list of professional representatives.

(3) During a period of one year from the date on which the accession of a State to this Convention takes effect, entry on that list may also be requested by any natural person who

(a) is a national of a Contracting State,

(b) has his place of business or employment in the State having acceded to the Convention and

(c) is entitled to represent natural or legal persons in patent matters before the central industrial property office of that State. Where such entitlement is not conditional upon the requirement of special professional qualifications, the person shall have regularly so acted in that State for at least five years.

(4) Entry shall be effected upon request, accompanied by certificates indicating that the conditions laid down in paragraph 2 or 3 are fulfilled.

(5) Persons whose names appear on the list of professional representatives shall be entitled to act in all proceedings established by this Convention.

(6) For the purpose of acting as a professional representative, any person whose name appears on the list of professional representatives shall be entitled to establish a place of business in any Contracting State in which proceedings established by this Convention may be conducted, having regard to the Protocol on Centralisation annexed to this Convention. The authorities of such State may remove that entitlement in individual cases only in application of legal provisions adopted for the purpose of protecting

[156] Amended by the Act revising the European Patent Convention of 29.11.2000.

[157] See decision of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and notice from the EPO of 12.05.2015 concerning representation before the EPO (OJ EPO 2015, A55).
See decisions of the Enlarged Board of Appeal G 2/94, G 4/95, G 3/99, G 2/04 (Annex I).

[158] See decision of the Administrative Council CA/D 26/08 of 10.12.2008 amending the Regulation on the European qualifying examination for professional representatives before the EPO, which entered into force on 01.01.2009 (OJ EPO 2009, 9; see supplementary publication 2, OJ EPO 2019).

public security and law and order. Before such action is taken, the President of the European Patent Office shall be consulted.

(7)[159] The President of the European Patent Office may grant exemption from:

(a) the requirement of paragraphs 2(a) or 3(a) in special circumstances;

(b) the requirement of paragraph 3(c), second sentence, if the applicant furnishes proof that he has acquired the requisite qualification in another way.

(8) Representation in proceedings established by this Convention may also be undertaken, in the same way as by a professional representative, by any legal practitioner qualified in a Contracting State and having his place of business in that State, to the extent that he is entitled in that State to act as a professional representative in patent matters. Paragraph 6 shall apply mutatis mutandis.

Article 134a[160] *R. 12, 153*
Institute of Professional Representatives before the European Patent Office

(1) The Administrative Council shall be competent to adopt and amend provisions governing:

(a)[161] the Institute of Professional Representatives before the European Patent Office, hereinafter referred to as the Institute;

(b) the qualifications and training required of a person for admission to the European qualifying examination and the conduct of such examination;[162]

(c)[163] the disciplinary power exercised by the Institute or the European Patent Office in respect of professional representatives;

[159] See decision of the President of the EPO (OJ EPO 2012, 13).

[160] Inserted by the Act revising the European Patent Convention of 29.11.2000.

[161] See Regulation on the establishment of an Institute of Professional Representatives before the EPO (OJ EPO 1997, 350) and the changes of 07.06.2002 (OJ EPO 2002, 429 ff), 17.06.2004 (OJ EPO 2004, 361) and 07.12.2006 (OJ EPO 2007, 12).
See decision of the Administrative Council CA/D 31/08 of 10.12.2008 determining the members of the Institute of Professional Representatives before the European Patent Office to whom Article 15 of the Protocol on Privileges and Immunities of the European Patent Organisation applies (OJ EPO 2009, 28), which entered into force on 01.01.2009.

[162] See Regulation on the European qualifying examination for professional representatives before the EPO as of 10.12.2008 (CA/D 26/08, OJ EPO 2009, 9), implementing provisions as of 10.12.2008 and instructions concerning the qualifications required for enrolment for the European qualifying examination (all published in the supplementary publication 2, OJ EPO 2019).

[163] See Regulation on discipline for professional representatives of 21.10.1977 (OJ EPO 1978, 91 ff; re amendment see OJ EPO 2008, 14), additional rules of procedure of the three disciplinary bodies of 06.06.1980 (OJ EPO 1980, 176 ff; re amendments see OJ EPO 2007, 552 and 548) and Code of Conduct of the Institute of Professional Representatives before the EPO (OJ EPO 2003, 523 ff).

(d) the obligation of confidentiality on the professional representative and the privilege from disclosure in proceedings before the European Patent Office in respect of communications between a professional representative and his client or any other person.

(2) Any person entered on the list of professional representatives referred to in Article 134, paragraph 1, shall be a member of the Institute.

PART VIII
IMPACT ON NATIONAL LAW

Chapter I
Conversion into a national patent application

Article 135[164]
Request for conversion

Art. 137, 140
R. 37, 112, 155, 156

(1) The central industrial property office of a designated Contracting State shall, at the request of the applicant for or proprietor of a European patent, apply the procedure for the grant of a national patent in the following circumstances:

(a) where the European patent application is deemed to be withdrawn under Article 77, paragraph 3;

(b) in such other cases as are provided for by the national law, in which the European patent application is refused or withdrawn or deemed to be withdrawn, or the European patent is revoked under this Convention.

(2) In the case referred to in paragraph 1(a), the request for conversion shall be filed with the central industrial property office with which the European patent application has been filed. That office shall, subject to the provisions governing national security, transmit the request directly to the central industrial property offices of the Contracting States specified therein.

(3) In the cases referred to in paragraph 1(b), the request for conversion shall be submitted to the European Patent Office in accordance with the Implementing Regulations. It shall not be deemed to be filed until the conversion fee has been paid. The European Patent Office shall transmit the request to the central industrial property offices of the Contracting States specified therein.

(4) The effect of the European patent application referred to in Article 66 shall lapse if the request for conversion is not submitted in due time.

Article 136[165]

(deleted)

Article 137[166]
Formal requirements for conversion

Art. 140
R. 155

(1) A European patent application transmitted in accordance with Article 135, paragraph 2 or 3, shall not be subjected to formal requirements of national law which are different from or additional to those provided for in this Convention.

[164] Amended by the Act revising the European Patent Convention of 29.11.2000.

[165] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[166] Amended by the Act revising the European Patent Convention of 29.11.2000.

(2) Any central industrial property office to which the European patent application is transmitted may require that the applicant shall, within a period of not less than two months:

(a) pay the national application fee; and

(b) file a translation of the original text of the European patent application in an official language of the State in question and, where appropriate, of the text as amended during proceedings before the European Patent Office which the applicant wishes to use as the basis for the national procedure.

Chapter II
Revocation and prior rights

Article 138[167]
Revocation of European patents

Art. 76, 83, 123

(1) Subject to Article 139, a European patent may be revoked with effect for a Contracting State only on the grounds that:

(a) the subject-matter of the European patent is not patentable under Articles 52 to 57;

(b) the European patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;

(c)[168] the subject-matter of the European patent extends beyond the content of the application as filed or, if the patent was granted on a divisional application or on a new application filed under Article 61, beyond the content of the earlier application as filed;

(d) the protection conferred by the European patent has been extended; or

(e) the proprietor of the European patent is not entitled under Article 60, paragraph 1.

(2) If the grounds for revocation affect the European patent only in part, the patent shall be limited by a corresponding amendment of the claims and revoked in part.

(3) In proceedings before the competent court or authority relating to the validity of the European patent, the proprietor of the patent shall have the right to limit the patent by amending the claims. The patent as thus limited shall form the basis for the proceedings.

[167] Amended by the Act revising the European Patent Convention of 29.11.2000.

[168] See decisions/opinions of the Enlarged Board of Appeal G 3/89, G 11/91, G 2/95 (Annex I).

Article 139[169]
Prior rights and rights arising on the same date

Art. 138, 140
R. 138

(1) In any designated Contracting State a European patent application and a European patent shall have with regard to a national patent application and a national patent the same prior right effect as a national patent application and a national patent.

(2) A national patent application and a national patent in a Contracting State shall have with regard to a European patent designating that Contracting State the same prior right effect as if the European patent were a national patent.

(3) Any Contracting State may prescribe whether and on what terms an invention disclosed in both a European patent application or patent and a national application or patent having the same date of filing or, where priority is claimed, the same date of priority, may be protected simultaneously by both applications or patents.

Chapter III
Miscellaneous effects

Article 140[170]
National utility models and utility certificates

R. 112, 155, 156

Articles 66, 124, 135, 137 and 139 shall apply to utility models and utility certificates and to applications for utility models and utility certificates registered or deposited in the Contracting States whose laws make provision for such models or certificates.

Article 141[171]
Renewal fees for European patents

Art. 39, 97

(1) Renewal fees for a European patent may only be imposed for the years which follow that referred to in Article 86, paragraph 2.

(2) Any renewal fees falling due within two months of the publication in the European Patent Bulletin of the mention of the grant of the European patent shall be deemed to have been validly paid if they are paid within that period. Any additional fee provided for under national law shall not be charged.

[169] See decisions of the Enlarged Board of Appeal G 1/03, G 2/03 (Annex I).

[170] Amended by the Act revising the European Patent Convention of 29.11.2000.

[171] Amended by the Act revising the European Patent Convention of 29.11.2000.

PART IX
SPECIAL AGREEMENTS

Article 142[172] *Art. 2*
Unitary patents

(1) Any group of Contracting States, which has provided by a special agreement that a European patent granted for those States has a unitary character throughout their territories, may provide that a European patent may only be granted jointly in respect of all those States.

(2) Where any group of Contracting States has availed itself of the authorisation given in paragraph 1, the provisions of this Part shall apply.

Article 143 *Art. 15, 144-146*
Special departments of the European Patent Office

(1) The group of Contracting States may give additional tasks to the European Patent Office.

(2) Special departments common to the Contracting States in the group may be set up within the European Patent Office in order to carry out the additional tasks. The President of the European Patent Office shall direct such special departments; Article 10, paragraphs 2 and 3, shall apply mutatis mutandis.

Article 144 *Art. 133*
Representation before special departments

The group of Contracting States may lay down special provisions to govern representation of parties before the departments referred to in Article 143, paragraph 2.

Article 145
Select committee of the Administrative Council

(1) The group of Contracting States may set up a select committee of the Administrative Council for the purpose of supervising the activities of the special departments set up under Article 143, paragraph 2; the European Patent Office shall place at its disposal such staff, premises and equipment as may be necessary for the performance of its duties. The President of the European Patent Office shall be responsible for the activities of the special departments to the select committee of the Administrative Council.

(2) The composition, powers and functions of the select committee shall be determined by the group of Contracting States.

[172] The group of EU member states participating in enhanced co-operation in the area of the creation of unitary patent protection implemented that co-operation by Regulation (EU) No. 1257/2012 of the European Parliament and of the Council and Council Regulation No. 1260/2012 (OJ EPO 2013, 110, 111 and 132), thereby availing itself of the authorisation given in Article 142(1) and the provisions of Part IX of the EPC. The third component of the EU "patent package" is the Agreement on a Unified Patent Court (OJ EPO 2013, 286, 287).

Article 146
Cover for expenditure for carrying out special tasks

Art. 37, 50

Where additional tasks have been given to the European Patent Office under Article 143, the group of Contracting States shall bear the expenses incurred by the Organisation in carrying out these tasks. Where special departments have been set up in the European Patent Office to carry out these additional tasks, the group shall bear the expenditure on staff, premises and equipment chargeable in respect of these departments. Article 39, paragraphs 3 and 4, Article 41 and Article 47 shall apply mutatis mutandis.

Article 147
Payments in respect of renewal fees for unitary patents

If the group of Contracting States has fixed a common scale of renewal fees in respect of European patents, the proportion referred to in Article 39, paragraph 1, shall be calculated on the basis of the common scale; the minimum amount referred to in Article 39, paragraph 1, shall apply to the unitary patent. Article 39, paragraphs 3 and 4, shall apply mutatis mutandis.

Article 148
The European patent application as an object of property

(1) Article 74 shall apply unless the group of Contracting States has specified otherwise.

(2) The group of Contracting States may provide that a European patent application for which these Contracting States are designated may only be transferred, mortgaged or subjected to any legal means of execution in respect of all the Contracting States of the group and in accordance with the provisions of the special agreement.

Article 149[173]
Joint designation

Art. 3, 79, 153
R. 39

(1) The group of Contracting States may provide that these States may only be designated jointly, and that the designation of one or some only of such States shall be deemed to constitute the designation of all the States of the group.

(2) Where the European Patent Office acts as a designated Office under Article 153, paragraph 1, paragraph 1 shall apply if the applicant has indicated in the international application that he wishes to obtain a European patent for one or more of the designated States of the group. The same shall apply if the applicant designates in the international application one of the Contracting States in the group, whose national law provides that the designation of that State shall have the effect of the application being for a European patent.

[173] See Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection of 22.12.1978 (OJ EPO 1980, 407 ff).

Article 149a[174] *Art. 35*
Other agreements between the Contracting States

(1) Nothing in this Convention shall be construed as limiting the right of some or all of the Contracting States to conclude special agreements on any matters concerning European patent applications or European patents which under this Convention are subject to and governed by national law, such as, in particular

(a) an agreement establishing a European patent court common to the Contracting States party to it;

(b) an agreement establishing an entity common to the Contracting States party to it to deliver, at the request of national courts or quasi-judicial authorities, opinions on issues of European or harmonised national patent law;

(c)[175] an agreement under which the Contracting States party to it dispense fully or in part with translations of European patents under Article 65;

(d) an agreement under which the Contracting States party to it provide that translations of European patents as required under Article 65 may be filed with, and published by, the European Patent Office.

(2) The Administrative Council shall be competent to decide that:

(a) the members of the Boards of Appeal or the Enlarged Board of Appeal may serve on a European patent court or a common entity and take part in proceedings before that court or entity in accordance with any such agreement;

(b) the European Patent Office shall provide a common entity with such support staff, premises and equipment as may be necessary for the performance of its duties, and the expenses incurred by that entity shall be borne fully or in part by the Organisation.

[174] Inserted by the Act revising the European Patent Convention of 29.11.2000.

[175] See the Agreement of 17.10.2000 on the application of Article 65 EPC (London Agreement, OJ EPO 2001, 549), which entered into force on 01.05.2008 (OJ EPO 2008, 123) and which currently has 22 contracting states: AL, BE, CH, DE, DK, FI, FR, GB, HR, HU, IE, IS, LI, LT, LU, LV, MC, MK, NL, NO, SE, SI (see *www.epo.org/law-practice/legal-texts/london-agreement.html*).

PART X[176]
INTERNATIONAL APPLICATIONS UNDER THE PATENT COOPERATION TREATY – EURO-PCT APPLICATIONS

Article 150
Application of the Patent Cooperation Treaty

R. 157-159, 165

(1) The Patent Cooperation Treaty of 19 June 1970, hereinafter referred to as the PCT, shall be applied in accordance with the provisions of this Part.

(2)[177] International applications filed under the PCT may be the subject of proceedings before the European Patent Office. In such proceedings, the provisions of the PCT and its Regulations shall be applied, supplemented by the provisions of this Convention. In case of conflict, the provisions of the PCT or its Regulations shall prevail.

Article 151[178]
The European Patent Office as a receiving Office

Art. 35, 153
R. 157

The European Patent Office shall act as a receiving Office within the meaning of the PCT, in accordance with the Implementing Regulations. Article 75, paragraph 2, shall apply.

Article 152[179]
The European Patent Office as an International Searching Authority or International Preliminary Examining Authority

Art. 21, 35
R. 158, 161

The European Patent Office shall act as an International Searching Authority and International Preliminary Examining Authority within the meaning of the PCT, in accordance with an agreement between the Organisation and the International Bureau of the World Intellectual Property Organization, for applicants who are residents or nationals of a State party to this Convention. This agreement may provide that the European Patent Office shall also act for other applicants.

[176] Amended by the Act revising the European Patent Convention of 29.11.2000.

[177] See decision of the President of the EPO of 11.03.2015 concerning the pilot project to introduce new means of electronic communication in EPO proceedings, (OJ EPO 2015, A28) and decision of the President of the EPO of 20.02.2019 concerning online file inspection of documents contained in the file held by the EPO as receiving Office, International Searching Authority or Authority specified for supplementary search (OJ EPO 2019, A17).

[178] See notice from the EPO concerning the requirements to be observed when filing an international application with the EPO as a PCT receiving Office (OJ EPO 2014, A33) and decision of the President of the EPO of 24.10.2014 concerning the filing of international applications with the EPO acting as receiving Office using ePCT-Filing (OJ EPO 2014, A107).

[179] See agreement between the EPO and the International Bureau of WIPO under the PCT of 30.10/28.11.2017 with effect from 01.01.2018 (OJ EPO 2017, A115, last amendments see OJ EPO 2018, A24 and A35, OJ EPO 2019, A5, and OJ EPO 2020, A35 and A68).

See notice from the EPO concerning the carrying out of Supplementary International Searches under the PCT (OJ EPO 2010, 316, and 2014, A117, pt. 3).

See notice from the EPO of 08.03.2017 concerning the processing by the EPO as ISA of informal comments on earlier search results ("PCT Direct") (OJ EPO 2017, A21).

See notices from the EPO concerning the introduction of a "top-up" search in the procedure under Chapter II PCT (OJ EPO 2014, A57) and online filing of the demand under Chapter II PCT (OJ EPO 2014, A71).

Article 153[180]
The European Patent Office as designated Office or elected Office

Art. 35, 92, 93, 129
R. 65, 68, 113, 159-165

(1) The European Patent Office shall be

(a) a designated Office for any State party to this Convention in respect of which the PCT is in force, which is designated in the international application and for which the applicant wishes to obtain a European patent, and

(b) an elected Office, if the applicant has elected a State designated pursuant to letter (a).

(2) An international application for which the European Patent Office is a designated or elected Office, and which has been accorded an international date of filing, shall be equivalent to a regular European application (Euro-PCT application).

(3) The international publication of a Euro-PCT application in an official language of the European Patent Office shall take the place of the publication of the European patent application and shall be mentioned in the European Patent Bulletin.

(4) If the Euro-PCT application is published in another language, a translation into one of the official languages shall be filed with the European Patent Office, which shall publish it. Subject to Article 67, paragraph 3, the provisional protection under Article 67, paragraphs 1 and 2, shall be effective from the date of that publication.

(5) The Euro-PCT application shall be treated as a European patent application and shall be considered as comprised in the state of the art under Article 54, paragraph 3, if the conditions laid down in paragraph 3 or 4 and in the Implementing Regulations are fulfilled.

(6) The international search report drawn up in respect of a Euro-PCT application or the declaration replacing it, and their international publication, shall take the place of the European search report and the mention of its publication in the European Patent Bulletin.

[180] See decision of the Enlarged Board of Appeal G 4/08 (Annex I).

(7)[181] A supplementary European search report shall be drawn up in respect of any Euro-PCT application under paragraph 5. The Administrative Council may decide that the supplementary search report is to be dispensed with or that the search fee is to be reduced.

Article 154[182]

(deleted)

Article 155[183]

(deleted)

Article 156[184]

(deleted)

Article 157[185]

(deleted)

Article 158[186]

(deleted)

[181] See decision of the Administrative Council CA/D 11/09 of 28.10.2009 (OJ EPO 2009, 594) dispensing with the supplementary European search report in the case of an international application where the international search report or supplementary international search report was drawn up by the EPO.

See decision of the Administrative Council CA/D 8/15 of 16.12.2015 (OJ EPO 2016, A2) reducing the fee for the supplementary European search where the international search report or supplementary international search report was drawn up by the Austrian Patent Office, the Finnish Patent and Registration Office, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Nordic Patent Institute or the Visegrad Patent Institute. This decision is applicable to international applications filed up to and including 31.03.2020 where the fee for the supplementary European search is paid on or after 01.07.2016.

See decision of the Administrative Council CA/D 16/17 of 13.12. 2017 (OJ EPO 2018, A3) abrogating decision of the Administrative Council CA/D 10/05 (OJ EPO 2005, 548) concerning cases where the search fee for the supplementary European search is to be reduced.

[182] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[183] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[184] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[185] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[186] Deleted by the Act revising the European Patent Convention of 29.11.2000.

PART XI
TRANSITIONAL PROVISIONS[187]

(deleted)

[187] Articles 159, 160, 161, 162 and 163 were deleted by the Act revising the European Patent Convention of 29.11.2000.

PART XII
FINAL PROVISIONS

Article 164[188]
Implementing Regulations and Protocols

(1) The Implementing Regulations, the Protocol on Recognition, the Protocol on Privileges and Immunities, the Protocol on Centralisation, the Protocol on the Interpretation of Article 69 and the Protocol on Staff Complement shall be integral parts of this Convention.

(2)[189] In case of conflict between the provisions of this Convention and those of the Implementing Regulations, the provisions of this Convention shall prevail.

Article 165
Signature – Ratification

Art. 166, 178

(1)[190] This Convention shall be open for signature until 5 April 1974 by the States which took part in the Inter-Governmental Conference for the setting up of a European System for the Grant of Patents or were informed of the holding of that conference and offered the option of taking part therein.

(2) This Convention shall be subject to ratification; instruments of ratification shall be deposited with the Government of the Federal Republic of Germany.

Article 166
Accession

Art. 35, 178

(1) This Convention shall be open to accession by:

(a) the States referred to in Article 165, paragraph 1;

(b) any other European State at the invitation of the Administrative Council.

(2) Any State which has been a party to the Convention and has ceased to be so as a result of the application of Article 172, paragraph 4, may again become a party to the Convention by acceding to it.

(3) Instruments of accession shall be deposited with the Government of the Federal Republic of Germany.

[188] Amended by the Act revising the European Patent Convention of 29.11.2000.

[189] See decisions/opinions of the Enlarged Board of Appeal G 2/95, G 6/95, G 1/02 (Annex I).

[190] Signatory states: AT, BE, CH, DE, DK, FR, GB, GR, IE, IT, LI, LU, MC, NL, NO, SE.
Conference participants: signatory states plus ES, FI, PT, TR, YU.
Invited states: Conference participants plus CY, IS.

Article 167[191]

(deleted)

Article 168 *Art. 178*
Territorial field of application

(1) Any Contracting State may declare in its instrument of ratification or accession, or may inform the Government of the Federal Republic of Germany by written notification at any time thereafter, that this Convention shall be applicable to one or more of the territories for the external relations of which it is responsible. European patents granted for that Contracting State shall also have effect in the territories for which such a declaration has taken effect.

(2) If the declaration referred to in paragraph 1 is contained in the instrument of ratification or accession, it shall take effect on the same date as the ratification or accession; if the declaration is notified after the deposit of the instrument of ratification or accession, such notification shall take effect six months after the date of its receipt by the Government of the Federal Republic of Germany.

(3) Any Contracting State may at any time declare that the Convention shall cease to apply to some or to all of the territories in respect of which it has given notification pursuant to paragraph 1. Such declaration shall take effect one year after the date on which the Government of the Federal Republic of Germany received notification thereof.

Article 169[192] *Art. 178*
Entry into force

(1) This Convention shall enter into force three months after the deposit of the last instrument of ratification or accession by six States on whose territory the total number of patent applications filed in 1970 amounted to at least 180 000 for all the said States.

(2) Any ratification or accession after the entry into force of this Convention shall take effect on the first day of the third month after the deposit of the instrument of ratification or accession.

[191] Deleted by the Act revising the European Patent Convention of 29.11.2000.

[192] For Belgium, Germany, France, Luxembourg, the Netherlands, Switzerland and the United Kingdom: 7 October 1977; Sweden: 1 May 1978; Italy: 1 December 1978; Austria: 1 May 1979; Liechtenstein: 1 April 1980; Greece and Spain: 1 October 1986; Denmark: 1 January 1990; Monaco: 1 December 1991; Portugal: 1 January 1992; Ireland: 1 August 1992; Finland: 1 March 1996; Cyprus: 1 April 1998; Turkey: 1 November 2000; Bulgaria, Czech Republic, Estonia, Slovakia: 1 July 2002; Slovenia: 1 December 2002; Hungary: 1 January 2003; Romania: 1 March 2003; Poland: 1 March 2004; Iceland: 1 November 2004; Lithuania: 1 December 2004; Latvia: 1 July 2005; Malta: 1 March 2007; Croatia and Norway: 1 January 2008; North Macedonia: 1 January 2009; San Marino: 1 July 2009; Albania: 1 May 2010; Serbia: 1 October 2010.

Article 170
Initial contribution

(1) Any State which ratifies or accedes to this Convention after its entry into force shall pay to the Organisation an initial contribution, which shall not be refunded.

(2) The initial contribution shall be 5% of an amount calculated by applying the percentage obtained for the State in question, on the date on which ratification or accession takes effect, in accordance with the scale provided for in Article 40, paragraphs 3 and 4, to the sum of the special financial contributions due from the other Contracting States in respect of the accounting periods preceding the date referred to above.

(3) In the event that special financial contributions were not required in respect of the accounting period immediately preceding the date referred to in paragraph 2, the scale of contributions referred to in that paragraph shall be the scale that would have been applicable to the State concerned in respect of the last year for which financial contributions were required.

Article 171
Duration of the Convention

The present Convention shall be of unlimited duration.

Article 172
Revision

Art. 35, 166, 175, 176

(1) This Convention may be revised by a Conference of the Contracting States.

(2) The Conference shall be prepared and convened by the Administrative Council. The Conference shall not be validly constituted unless at least three-quarters of the Contracting States are represented at it. Adoption of the revised text shall require a majority of three-quarters of the Contracting States represented and voting at the Conference. Abstentions shall not be considered as votes.

(3) The revised text shall enter into force when it has been ratified or acceded to by the number of Contracting States specified by the Conference, and at the time specified by that Conference.

(4) Such States as have not ratified or acceded to the revised text of the Convention at the time of its entry into force shall cease to be parties to this Convention as from that time.

Article 173
Disputes between Contracting States

(1) Any dispute between Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiation shall be submitted, at the request of one of the States concerned, to the Administrative Council, which shall endeavour to bring about agreement between the States concerned.

(2) If such agreement is not reached within six months from the date when the dispute was referred to the Administrative Council, any one of the States concerned may submit the dispute to the International Court of Justice for a binding decision.

Art. 175, 176, 178

Article 174
Denunciation

Any Contracting State may at any time denounce this Convention. Denunciation shall be notified to the Government of the Federal Republic of Germany. It shall take effect one year after the date of receipt of such notification.

Article 175
Preservation of acquired rights

(1) In the event of a State ceasing to be party to this Convention in accordance with Article 172, paragraph 4, or Article 174, rights already acquired pursuant to this Convention shall not be impaired.

(2) A European patent application which is pending when a designated State ceases to be party to the Convention shall be processed by the European Patent Office, as far as that State is concerned, as if the Convention in force thereafter were applicable to that State.

(3) Paragraph 2 shall apply to European patents in respect of which, on the date mentioned in that paragraph, an opposition is pending or the opposition period has not expired.

(4) Nothing in this Article shall affect the right of any State that has ceased to be a party to this Convention to treat any European patent in accordance with the text to which it was a party.

Article 176
Financial rights and obligations of former Contracting States

(1) Any State which has ceased to be a party to this Convention in accordance with Article 172, paragraph 4, or Article 174, shall have the special financial contributions which it has paid pursuant to Article 40, paragraph 2, refunded to it by the Organisation only at the time when and under the conditions whereby the Organisation refunds special financial contributions paid by other States during the same accounting period.

(2) The State referred to in paragraph 1 shall, even after ceasing to be a party to this Convention, continue to pay the proportion pursuant to Article 39 of renewal fees in respect of European patents remaining in force in that State, at the rate current on the date on which it ceased to be a party.

Article 177
Languages of the Convention

(1) This Convention, drawn up in a single original, in the English, French and German languages, shall be deposited in the archives of the Government of the Federal Republic of Germany, the three texts being equally authentic.

(2) The texts of this Convention drawn up in official languages of Contracting States other than those specified in paragraph 1 shall, if they have been approved by the Administrative Council, be considered as official texts. In the event of disagreement on the interpretation of the various texts, the texts referred to in paragraph 1 shall be authentic.

Article 178
Transmission and notifications

Art. 165, 166, 169

(1) The Government of the Federal Republic of Germany shall draw up certified true copies of this Convention and shall transmit them to the Governments of all signatory or acceding States.

(2) The Government of the Federal Republic of Germany shall notify to the Governments of the States referred to in paragraph 1:

(a) the deposit of any instrument of ratification or accession;

(b) any declaration or notification received pursuant to Article 168;

(c) any denunciation received pursuant to Article 174 and the date on which such denunciation comes into force.

(3) The Government of the Federal Republic of Germany shall register this Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF, the Plenipotentiaries authorised thereto, having presented their Full Powers, found to be in good and due form, have signed this Convention.

Done at Munich this fifth day of October one thousand nine hundred and seventy-three

Implementing Regulations to the Convention on the Grant of European Patents

of 5 October 1973
as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and
as last amended by decision of the Administrative Council of the European Patent Organisation of 15 December 2020

as in force as from 1 April 2022

Footnotes and cross-references are added for the convenience of the reader; they do not form part of the official text.

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PART I
IMPLEMENTING REGULATIONS TO PART I OF THE CONVENTION

Chapter I
General provisions

Rule 1
Written proceedings

R. 3, 35, 49, 50, 76, 89, 92, 114

In written proceedings before the European Patent Office, the requirement to use the written form shall be satisfied if the content of the documents can be reproduced in a legible form on paper.

Rule 2[1]
Filing of and formal requirements for documents

R. 3, 31, 35, 49, 50, 92, 134

(1)[2] In proceedings before the European Patent Office, documents may be filed by delivery by hand, by postal services or by means of electronic communication. The President of the European Patent Office shall lay down the details and conditions and, where appropriate, any special formal or technical requirements for the filing of documents. In particular, he may specify that confirmation must be supplied. If such confirmation is not supplied in due time, the European patent application shall be refused; documents filed subsequently shall be deemed not to have been received.

(2) Where the Convention provides that a document must be signed, the authenticity of the document may be confirmed by handwritten signature or other appropriate means the use of which has been permitted by the President of the European Patent Office. A document authenticated by such other means shall be deemed to meet the legal requirements of signature in the same way as a document bearing a handwritten signature which has been filed in paper form.

[1] See decision of the President of the EPO of 12.07.2007 concerning the electronic signatures, data carriers and software to be used for the electronic filing of patent applications and other documents (Special edition No. 3, OJ EPO 2007, A.5) as well as decision of the President of the EPO of 13.05.2020 concerning the filing of documents during telephone consultations and during interviews and oral proceedings held by videoconference (OJ EPO 2020, A71).

See decision of the President of the EPO of 20.02.2019 concerning the filing of patent applications and other documents by facsimile (OJ EPO 2019, A18).

See decision of the President of the EPO of 03.03.2021 concerning the electronic filing of documents (OJ EPO 2021, A20) and notice from the EPO of 03.03.2021 concerning the launch of EPO's new filing service Online Filing 2.0 (OJ EPO 2021, A21).

See decision of the President of the EPO of 11.03.2015 concerning the pilot project to introduce new means of electronic communication in EPO proceedings (OJ EPO 2015, A28) and decision of the Vice-President DG5 of the EPO and notice from the EPO of 19.08 2021 concerning the user area pilot project (OJ EPO 2021, A64 and A65, A67).

[2] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.

See notices from the EPO of 30.03.2015 (OJ EPO 2015, A36), of 14.09.2020 (OJ EPO 2020, A107) and of 26.12.2020 (OJ EPO 2021, A5).

Rule 3[3]
Language in written proceedings

Art. 14, 99, 105, 105a, 108
R. 1, 77, 89, 101, 107

(1) In written proceedings before the European Patent Office, any party may use any official language of the European Patent Office. The translation referred to in Article 14, paragraph 4, may be filed in any official language of the European Patent Office.

(2) Amendments to a European patent application or European patent shall be filed in the language of the proceedings.

(3) Documentary evidence and, in particular, publications may be filed in any language. The European Patent Office may, however, require that a translation in one of its official languages be filed, within a period to be specified. If a required translation is not filed in due time, the European Patent Office may disregard the document in question.

Rule 4
Language in oral proceedings

Art. 14, 116, 117, 123
R. 120

(1) Any party to oral proceedings before the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings, if such party gives notice to the European Patent Office at least one month before the date of such oral proceedings or provides for interpretation into the language of the proceedings. Any party may use an official language of a Contracting State, if he provides for interpretation into the language of the proceedings. The European Patent Office may permit derogations from these provisions.

(2) In the course of oral proceedings, employees of the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings.

(3) Where evidence is taken, any party, witness or expert to be heard who is unable to express himself adequately in an official language of the European Patent Office or of a Contracting State may use another language. Where evidence is taken upon request of a party, parties, witnesses or experts expressing themselves in a language other than an official language of the European Patent Office shall be heard only if that party provides for interpretation into the language of the proceedings. The European Patent Office may, however, permit interpretation into one of its other official languages.

(4) If the parties and the European Patent Office agree, any language may be used.

(5) The European Patent Office shall, if necessary, provide at its own expense interpretation into the language of the proceedings, or, where appropriate, into its other official languages, unless such interpretation is the responsibility of one of the parties.

[3] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

(6) Statements by employees of the European Patent Office, parties, witnesses or experts, made in an official language of the European Patent Office, shall be entered in the minutes in that language. Statements made in any other language shall be entered in the official language into which they are translated. Amendments to a European patent application or European patent shall be entered in the minutes in the language of the proceedings.

Rule 5
Certification of translations

Art. 14, 88
R. 7

Where the translation of a document is required, the European Patent Office may require that a certificate that the translation corresponds to the original text be filed within a period to be specified. If the certificate is not filed in due time, such document shall be deemed not to have been filed, unless otherwise provided.

Rule 6[4]
Filing of translations and reduction of fees

Art. 14, 61, 78, 88, 90, 99, 105b, 108, 112a
R. 70

(1) A translation under Article 14, paragraph 2, shall be filed within two months of filing the European patent application.

(2) A translation under Article 14, paragraph 4, shall be filed within one month of filing the document. This shall also apply to requests under Article 105a. Where the document is a notice of opposition or appeal, or a statement of grounds of appeal, or a petition for review, the translation may be filed within the period for filing such a notice or statement or petition, if that period expires later.

(3)[5] Where a person referred to in Article 14, paragraph 4, files a European patent application or a request for examination in a language admitted in that provision, the filing fee or examination fee shall be reduced in accordance with the Rules relating to Fees.

(4) The reduction referred to in paragraph 3 shall be available for:

(a) small and medium-sized enterprises;

(b) natural persons; or

(c) non-profit organisations, universities or public research organisations.

(5) For the purposes of paragraph 4(a), Commission recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises as published in the Official Journal of the European Union L 124, p. 36 of 20 May 2003 shall apply.

[4] Paragraph 3 amended and paragraphs 4-7 inserted by decision of the Administrative Council CA/D 19/13 of 13.12.2013 (OJ EPO 2014, A4), which entered into force on 01.04.2014.
See notice from the EPO of 10.01.2014 (OJ EPO 2014, A23).

[5] See decision of the Enlarged Board of Appeal G 6/91 (Annex I).

(6) An applicant wishing to benefit from the fee reduction referred to in paragraph 3 shall declare himself to be an entity or a natural person within the meaning of paragraph 4. In case of reasonable doubt as to the veracity of such declaration, the Office may require evidence.

(7) In case of multiple applicants, each applicant shall be an entity or a natural person within the meaning of paragraph 4.

Rule 7
Legal authenticity of the translation of the European patent application

Art. 70, 123
R. 5

Unless evidence is provided to the contrary, the European Patent Office shall assume, for the purpose of determining whether the subject-matter of the European patent application or European patent extends beyond the content of the application as filed, that the translation filed under Article 14, paragraph 2, or Rule 40, paragraph 3, is in conformity with the original text of the application.

Chapter II
Organisation of the European Patent Office

Section 1
General matters

Rule 8
Patent classification

Art. 15
R. 11, 61

The European Patent Office shall use the classification referred to in Article 1 of the Strasbourg Agreement concerning the International Patent Classification of 24 March 1971, hereinafter referred to as the international classification.

Rule 9
Administrative structure of the European Patent Office

Art. 10, 15

(1)[6] The European Patent Office shall be divided administratively into Directorates-General, to which the departments specified in Article 15(a) to (e), and the services set up to deal with legal matters and the internal administration of the Office, shall be assigned.

(2) Each Directorate-General shall be directed by a Vice-President. The assignment of a Vice-President to a Directorate-General shall be decided by the Administrative Council, after the President of the European Patent Office has been consulted.

Rule 10
Responsibility of the Receiving Section and the Examining Division

Art. 15, 16, 18, 90, 93
R. 11, 159

(1) The Receiving Section shall be responsible for the examination on filing and the examination as to formal requirements of a European patent application up to the time when the Examining Division becomes

[6] Amended by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

responsible for the examination of the European patent application under Article 94, paragraph 1.

(2) Subject to paragraphs 3 and 4, the Examining Division shall be responsible for the examination of a European patent application under Article 94, paragraph 1, from the time when a request for examination is filed.

(3) If a request for examination is filed before the European search report has been transmitted to the applicant, the Examining Division shall, subject to paragraph 4, be responsible from the time when the European Patent Office receives the indication under Rule 70, paragraph 2.

(4) If a request for examination is filed before the European search report has been transmitted to the applicant, and if the applicant has waived the right under Rule 70, paragraph 2, the Examining Division shall be responsible from the time when the search report is transmitted to the applicant.

Rule 11[7]
Allocation of duties to the departments of first instance

Art. 10, 15-20, 104
R. 8, 10, 88

(1) Technically qualified examiners acting as members of Search, Examining or Opposition Divisions shall be assigned to Directorates. The President of the European Patent Office shall allocate duties to these Directorates by reference to the international classification.

(2)[8] The President of the European Patent Office may allocate further duties to the Receiving Section, the Search, Examining and Opposition Divisions, and the Legal Division, in addition to the responsibilities vested in them under the Convention.

(3)[9] The President of the European Patent Office may entrust to employees who are not technically or legally qualified examiners the execution of duties falling to the Search, Examining or Opposition Divisions and involving no technical or legal difficulties.

[7] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

[8] See decision of the President of the EPO (OJ EPO 2013, 600).

[9] See decisions of the President of the EPO concerning the entrustment to non-examining staff of certain duties incumbent on the examining or opposition divisions (OJ EPO 2014, A6, OJ EPO 2015, A104, and OJ EPO 2020, A80) and notice from the EPO (OJ EPO 2014, A32).

Section 2
Organisation of the Boards of Appeal and the Enlarged Board of Appeal

Rule 12[10]

(deleted)

Rule 12a[11]
Art. 15, 21, 22, 23

Organisation and management of the Boards of Appeal Unit and President of the Boards of Appeal

(1) The Boards of Appeal and the Enlarged Board of Appeal, including their registries and support services, shall be organised as a separate unit (the "Boards of Appeal Unit") and be directed by the President of the Boards of Appeal. The Chairman of the Enlarged Board of Appeal shall act as President of the Boards of Appeal. The President of the Boards of Appeal shall be appointed by the Administrative Council on a joint proposal made by the Committee established under Rule 12c, paragraph 1, and the President of the European Patent Office. If the President of the Boards of Appeal is absent or indisposed, one of the members of the Enlarged Board of Appeal shall take his place in accordance with the procedure laid down by the Administrative Council.

(2)[12] The President of the Boards of Appeal shall manage the Boards of Appeal Unit and, to this end, have the functions and powers delegated to him by the President of the European Patent Office. In exercising the delegated functions and powers, the President of the Boards of Appeal shall be responsible solely to the Administrative Council and shall be subject to its hierarchical and disciplinary authority.

(3) Without prejudice to Article 10, paragraph 2(d), and Article 46, the President of the Boards of Appeal shall prepare a substantiated budget request for the Boards of Appeal Unit. This request shall be examined and discussed with the relevant departments of the European Patent Office, and be presented by the President of the Boards of Appeal to the Committee established under Rule 12c, paragraph 1, for opinion, before being forwarded to the President of the European Patent Office for consideration for the yearly draft budget. The President of the European Patent Office shall provide the President of the Boards of Appeal with the necessary resources, as set out in the adopted budget.

(4) The President of the European Patent Office shall make the services mentioned in Rule 9, paragraph 1, available to the President of the Boards of Appeal as far as necessary and within the limits of the adopted budget.

[10] Deleted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[11] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[12] See delegation of functions and powers from the President of the EPO to the President of the Boards of Appeal (OJ EPO 2018, A63).

Rule 12b[13] *Art. 15, 21, 22, 23*

Presidium of the Boards of Appeal and business distribution scheme for the Boards of Appeal

(1)[14] The autonomous authority within the Boards of Appeal Unit (the "Presidium of the Boards of Appeal") shall consist of the President of the Boards of Appeal, who shall act as chairman, and twelve members of the Boards of Appeal, six being Chairmen and six being other members.

(2) All members of the Presidium shall be elected by the Chairmen and members of the Boards of Appeal for two working years. If the full composition of the Presidium cannot be reached, the vacancies shall be filled by designating the most senior Chairmen and members.

(3) The Presidium shall:

(a) adopt the Rules of Procedure for the election and designation of its members;

(b) adopt, without prejudice to regulations adopted in accordance with Article 10, paragraph 2(c), and Article 33, paragraph 2(b), a Code of Conduct for the members and Chairmen of the Boards of Appeal and of the Enlarged Board of Appeal, which shall be subject to the approval of the Administrative Council;

(c) advise the President of the Boards of Appeal on proposals for amendments to the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal;

(d) advise the President of the Boards of Appeal on matters concerning the functioning of the Boards of Appeal Unit in general.

(4)[15, 16] Before the beginning of each working year, the Presidium, extended to include all Chairmen, shall allocate duties to the Boards of Appeal. In the same composition, it shall decide on conflicts regarding the allocation of duties between two or more Boards of Appeal. The extended Presidium shall designate the regular and alternate members of the various Boards of Appeal. Any member of a Board of Appeal may be designated as a member of more than one Board of Appeal. These measures may, where necessary, be amended during the course of the working year in question.

(5) The Presidium may only take a decision if at least five of its members are present; these must include the President of the Boards of Appeal or his deputy, and the Chairmen of two Boards of Appeal. Where the tasks mentioned in paragraph 4 are concerned, nine members must be present,

[13] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[14] See notice concerning the composition of the Presidium of the Boards of Appeal (supplementary publication 1, OJ EPO 2020, 1).

[15] See business distribution schemes of the Boards of Appeal for the year 2020 (supplementary publication 1, OJ EPO 2020, 13 ff).

[16] See decision of the Presidium of the Boards of Appeal of 12.11.2007 concerning the transfer of functions to the Registrars of the Boards of Appeal (Supplement to OJ EPO 1/2008, 49).

including the President of the Boards of Appeal or his deputy, and the Chairmen of three Boards of Appeal. Decisions shall be taken by a majority vote; in the event of parity of votes, the Chairman or his deputy shall have the casting vote. Abstentions shall not be considered as votes.

(6) The Administrative Council may allocate duties under Article 134a, paragraph 1(c), to the Boards of Appeal.

Rule 12c[17] *Art. 15, 21, 22, 23*

Boards of Appeal Committee and procedure for adoption of the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal

(1) The Administrative Council shall set up a committee (the "Boards of Appeal Committee") to advise it and the President of the Boards of Appeal on the Boards of Appeal Unit in general and to adopt the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal. The Committee shall be composed of six members appointed by the Administrative Council, three from among the delegations of the Contracting States within the meaning of Article 26, and three from among serving or former judges of international or European courts or of national courts of the Contracting States. The President of the European Patent Office and the President of the Boards of Appeal shall have the right to attend the Committee's meetings. Further details, in particular as to the Committee's composition, alternate members, working arrangements and functions in advising the Boards of Appeal Unit, shall be determined by the Administrative Council in the decision setting up the Committee.

(2)[18] On a proposal from the President of the Boards of Appeal and after the President of the European Patent Office has been given the opportunity to comment, the Committee set up under paragraph 1 shall adopt the Rules of Procedure of the Boards of Appeal and of the Enlarged Board of Appeal.

Rule 12d[19] *Art. 15, 21, 22, 23*

Appointment and re-appointment of the members, including the Chairmen, of the Boards of Appeal and of the Enlarged Board of Appeal

(1) The Chairman of the Enlarged Board of Appeal shall, on his appointment, also be appointed as a legally qualified member of the Boards of Appeal.

[17] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[18] See Rules of Procedure of the Boards of Appeal, last amendments approved by decisions of the Administrative Council CA/D 5/19 Corr. 1 of 26.06.2019 (OJ EPO 2019, A63) and CA/D 3/21 of 23.03.2021 (OJ EPO 2021, A19) and Rules of Procedure of the Enlarged Board of Appeal, last amendments approved by decision of the Administrative Council CA/D 3/15 of 25.03.2015 (OJ EPO 2015, A35).

[19] Inserted by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

(2)[20] Upon delegation from the President of the European Patent Office, the President of the Boards of Appeal shall exercise the right to propose the members, including the Chairmen, of the Boards of Appeal and the members of the Enlarged Board of Appeal for appointment by the Administrative Council, and the right to be consulted on their re-appointment (Article 11, paragraph 3) and on the appointment and re-appointment of external legally qualified members (Article 11, paragraph 5).

(3) The President of the Boards of Appeal shall exercise the right under paragraph 2 to be consulted on re-appointments by submitting a reasoned opinion, including an evaluation of the member's or Chairman's performance, to the Administrative Council. The criteria for evaluating performance shall be set by the President of the Boards of Appeal in consultation with the Committee established under Rule 12c, paragraph 1. Subject to a positive opinion and performance evaluation and the number of posts under Article 11, paragraph 3, available in the adopted budget for the Boards of Appeal Unit, the members, including the Chairmen, of the Boards of Appeal and the members of the Enlarged Board of Appeal shall be re-appointed at the end of their five-year term under Article 23, paragraph 1.

Rule 13[21, 22, 23] *Art. 22, 23*

Business distribution scheme for the Enlarged Board of Appeal

Before the beginning of each working year, the members of the Enlarged Board of Appeal appointed under Article 11, paragraph 3, shall designate the regular and alternate members of the Enlarged Board of Appeal in proceedings under Article 22, paragraph 1(a) and (b), and the regular and alternate members in proceedings under Article 22, paragraph 1(c). Decisions may only be taken if at least five members are present, including the Chairman of the Enlarged Board of Appeal or his deputy; in the event of parity of votes, the Chairman or his deputy shall have the casting vote. Abstentions shall not be considered as votes.

[20] See the delegation of functions and powers from the President of the EPO to the President of the Boards of Appeal (OJ EPO 2018, A63).

[21] Amended by decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

[22] See business distribution scheme of the Enlarged Board of Appeal for the year 2020 (supplementary publication 1, OJ EPO 2020, 3 ff).

[23] See decision of the Enlarged Board of Appeal of 12.11.2007 concerning the transfer of tasks to the Registry of the Enlarged Board of Appeal (Supplement to OJ EPO 1/2008, 34).

PART II
IMPLEMENTING REGULATIONS TO PART II OF THE CONVENTION

Chapter I
Procedure where the applicant is not entitled

Rule 14[24]
Stay of proceedings

Art. 61, 86, 93, 99
R. 143

(1) If a third party provides evidence that he has instituted proceedings against the applicant seeking a decision within the meaning of Article 61, paragraph 1, the proceedings for grant shall be stayed unless the third party communicates to the European Patent Office in writing his consent to the continuation of such proceedings. Such consent shall be irrevocable. However, proceedings for grant shall not be stayed before the publication of the European patent application.

(2) Where evidence is provided that a final decision within the meaning of Article 61, paragraph 1, has been taken, the European Patent Office shall inform the applicant and any other party that the proceedings for grant shall be resumed as from the date stated in the communication, unless a new European patent application under Article 61, paragraph 1(b), has been filed for all the designated Contracting States. If the decision is in favour of the third party, the proceedings may not be resumed earlier than three months after the decision has become final, unless the third party requests the resumption.

(3) Upon staying the proceedings for grant, or thereafter, the European Patent Office may set a date on which it intends to resume the proceedings for grant, regardless of the stage reached in the national proceedings instituted under paragraph 1. It shall communicate this date to the third party, the applicant and any other party. If no evidence has been provided by that date that a final decision has been taken, the European Patent Office may resume proceedings.

(4) All periods, other than those for the payment of renewal fees, running at the date of the stay of proceedings shall be interrupted by such stay. The time which has not yet elapsed shall begin to run from the date on which proceedings are resumed. However, the time still to run after such resumption shall not be less than two months.

Rule 15[25]
Limitation on withdrawals

Art. 61, 79

From the date on which a third party provides evidence that he has instituted national proceedings under Rule 14, paragraph 1, and up to the date on which the proceedings for grant are resumed, neither the European patent application nor the designation of any Contracting State may be withdrawn.

[24] See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).

[25] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

Rule 16
Procedure under Article 61, paragraph 1

Art. 122, 128
R. 17, 60, 78, 136, 143, 147

(1) A person entitled to the grant of a European patent may only avail himself of the remedies under Article 61, paragraph 1, if:

(a) he does so no later than three months after the decision recognising his entitlement has become final, and

(b) the European patent has not yet been granted.

(2) Such remedies shall only apply in respect of Contracting States designated in the European patent application in which the decision has been taken or recognised or must be recognised on the basis of the Protocol on Recognition.

Rule 17[26]
Filing of a new European patent application by the entitled person

Art. 76, 78, 79
R. 16, 18, 78

(1) Where the person adjudged by a final decision to be entitled to the grant of the European patent files a new European patent application under Article 61, paragraph 1(b), the original application shall be deemed to be withdrawn on the date of filing the new application for the Contracting States designated therein in which the decision has been taken or recognised or must be recognised on the basis of the Protocol on Recognition.

(2) The filing fee and search fee shall be paid within one month of filing the new application. If the filing fee or search fee is not paid in due time, the application shall be deemed to be withdrawn.

(3)[27] The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report drawn up in respect of the new application. Rule 39, paragraphs 2 and 3, shall apply.

Rule 18[28]
Partial transfer of the right to the European patent

Art. 101, 118, 123
R. 138

(1) If a final decision determines that a third party is entitled to the grant of a European patent in respect of only part of the subject-matter disclosed in the original European patent application, Article 61 and Rules 16 and 17 shall apply to such part.

(2) Where appropriate, the original European patent application shall contain, for the designated Contracting States in which the decision was taken or recognised or must be recognised on the basis of the Protocol on Recognition, claims, a description and drawings which are different from those for the other designated Contracting States.

[26] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[27] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[28] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

Chapter II
Mention of the inventor

Rule 19
Designation of the inventor[29]

Art. 62, 128
R. 21, 60, 163

(1) The request for grant of a European patent shall contain the designation of the inventor. However, if the applicant is not the inventor or is not the sole inventor, the designation shall be filed in a separate document. The designation shall state the family name, given names and country and place of residence of the inventor, contain the statement referred to in Article 81 and bear the signature of the applicant or his representative.

(2) The European Patent Office shall not verify the accuracy of the designation of the inventor.

Rule 20
Publication of the mention of the inventor

Art. 62, 81, 93, 98, 103, 105c
R. 144

(1) The designated inventor shall be mentioned in the published European patent application and the European patent specification, unless he informs the European Patent Office in writing that he has waived his right to be thus mentioned.

(2) Paragraph 1 shall apply where a third party files with the European Patent Office a final decision determining that the applicant for or proprietor of a European patent is required to designate him as an inventor.

Rule 21[30]
Rectification of the designation of an inventor

Art. 62, 81, 98, 103, 105c, 127, 129

(1) An incorrect designation of an inventor shall be rectified upon request and only with the consent of the wrongly designated person and, where such a request is filed by a third party, the consent of the applicant for or proprietor of the patent. Rule 19 shall apply mutatis mutandis.

(2) Where an incorrect designation of the inventor has been recorded in the European Patent Register or published in the European Patent Bulletin, its rectification or cancellation shall also be recorded or published therein.

[29] Amended by decision of the Administrative Council CA/D 11/20 (Article 1) of 15.12.2020 (OJ EPO 2021, A3), which entered into force on 01.04.2021.
See notice from the EPO of 22.02.2021 (OJ EPO 2021, A12).

[30] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

Chapter III
Registration of transfers, licences and other rights

Rule 22[31]
Registration of transfers

Art. 71, 72, 127
R. 23, 85, 143

(1) The transfer of a European patent application shall be recorded in the European Patent Register at the request of an interested party, upon production of documents providing evidence of such transfer.

(2) The request shall not be deemed to have been filed until an administrative fee has been paid. It may be rejected only if paragraph 1 has not been complied with.

(3) A transfer shall have effect vis-à-vis the European Patent Office only at the date when and to the extent that the documents referred to in paragraph 1 have been produced.

Rule 23[32]
Registration of licences and other rights

Art. 71, 73, 127
R. 143

(1) Rule 22, paragraphs 1 and 2, shall apply mutatis mutandis to the registration of the grant or transfer of a licence, the establishment or transfer of a right in rem in respect of a European patent application and any legal means of execution affecting such an application.

(2) A registration under paragraph 1 shall be cancelled upon request, supported by documents providing evidence that the right has lapsed, or by the written consent of the proprietor of the right to the cancellation of the registration. Rule 22, paragraph 2, shall apply mutatis mutandis.

Rule 24[33]
Special entries for licence registrations

Art. 73, 127

A licence in respect of a European patent application shall be recorded

(a) as an exclusive licence if the applicant and the licensee so request;

(b) as a sub-licence where it is granted by a licensee whose licence is recorded in the European Patent Register.

[31] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

[32] See decision of the President of the EPO (OJ EPO 2013, 600).

[33] See decision of the President of the EPO (OJ EPO 2013, 600).

Chapter IV
Certificate of exhibition

Rule 25[34] *R. 159*
Certificate of exhibition

Within four months of filing the European patent application, the applicant shall file the certificate referred to in Article 55, paragraph 2, which:

(a) is issued at the exhibition by the authority responsible for the protection of industrial property at that exhibition;

(b) states that the invention was in fact displayed there;

(c) states the opening date of the exhibition and, where the invention was disclosed later than on that date, the date on which the invention was first disclosed; and

(d) is accompanied by an identification of the invention, duly authenticated by the above-mentioned authority.

Chapter V
Biotechnological inventions

Rule 26[35] *Art. 52, 53*
General and definitions *R. 31, 32, 33, 34*

(1) For European patent applications and patents concerning biotechnological inventions, the relevant provisions of the Convention shall be applied and interpreted in accordance with the provisions of this Chapter. Directive 98/44/EC of 6 July 1998[36] on the legal protection of biotechnological inventions shall be used as a supplementary means of interpretation.

(2) "Biotechnological inventions" are inventions which concern a product consisting of or containing biological material or a process by means of which biological material is produced, processed or used.

(3) "Biological material" means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system.

(4) "Plant variety" means any plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a plant variety right are fully met, can be:

(a) defined by the expression of the characteristics that results from a given genotype or combination of genotypes,

(b) distinguished from any other plant grouping by the expression of at least one of the said characteristics, and

[34] See decisions of the Enlarged Board of Appeal G 3/98, G 2/99 (Annex I).

[35] See decisions of the Enlarged Board of Appeal G 1/98, G 2/06, G 2/07, G 1/08 (Annex I).

[36] See OJ EPO 1999, 101.

(c) considered as a unit with regard to its suitability for being propagated unchanged.

(5) A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

(6) "Microbiological process" means any process involving or performed upon or resulting in microbiological material.

Rule 27 *Art. 52*
Patentable biotechnological inventions

Biotechnological inventions shall also be patentable if they concern:

(a) biological material which is isolated from its natural environment or produced by means of a technical process even if it previously occurred in nature;

(b)[37] without prejudice to Rule 28, paragraph 2, plants or animals if the technical feasibility of the invention is not confined to a particular plant or animal variety;

(c)[38] a microbiological or other technical process, or a product obtained by means of such a process other than a plant or animal variety.

Rule 28[39]
Exceptions to patentability

(1) Under Article 53(a), European patents shall not be granted in respect of biotechnological inventions which, in particular, concern the following:

(a) processes for cloning human beings;

(b) processes for modifying the germ line genetic identity of human beings;

(c)[40] uses of human embryos for industrial or commercial purposes;

(d) processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes.

[37] Amended by decision of the Administrative Council CA/D 6/17 of 29.06.2017 (OJ EPO 2017, A56), which entered into force on 01.07.2017.
See opinion of the Enlarged Board of Appeal G 3/19 (Annex I).

[38] See decisions/opinion of the Enlarged Board of Appeal G 2/07, G 1/08, G 3/19 (Annex I).

[39] Amended by decision of the Administrative Council CA/D 6/17 of 29.06.2017 (OJ EPO 2017, A56), which entered into force on 01.07.2017.

[40] See decision of the Enlarged Board of Appeal G 2/06 (Annex I).

(2)[41] Under Article 53(b), European patents shall not be granted in respect of plants or animals exclusively obtained by means of an essentially biological process.

Rule 29
The human body and its elements

Art. 52, 53, 57
R. 42

(1) The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions.

(2) An element isolated from the human body or otherwise produced by means of a technical process, including the sequence or partial sequence of a gene, may constitute a patentable invention, even if the structure of that element is identical to that of a natural element.

(3) The industrial application of a sequence or a partial sequence of a gene must be disclosed in the patent application.

Rule 30[42]
Requirements of European patent applications relating to nucleotide and amino acid sequences

Art. 56, 57, 80
R. 42

(1) If nucleotide or amino acid sequences are disclosed in the European patent application, the description shall contain a sequence listing conforming to the rules laid down by the President of the European Patent Office for the standardised representation of nucleotide and amino acid sequences.

(2) A sequence listing filed after the date of filing shall not form part of the description.

(3) Where the applicant has not filed a sequence listing complying with the requirements under paragraph 1 at the date of filing, the European Patent Office shall invite the applicant to furnish such a sequence listing and pay the late furnishing fee. If the applicant does not furnish the required sequence listing and pay the required late furnishing fee within a period of two months after such an invitation, the application shall be refused.

[41] See opinion of the Enlarged Board of Appeal G 3/19 (Annex I).

[42] See decision of the President of the EPO of 09.12.2021 on the filing of sequence listings (OJ EPO 2021, A96) and notice from the EPO of 09.12.2021 (OJ EPO 2021, A97).

Rule 31[43, 44]
Deposit of biological material

Art. 78, 83, 128, 129
R. 26, 34

(1) If an invention involves the use of or concerns biological material which is not available to the public and which cannot be described in the European patent application in such a manner as to enable the invention to be carried out by a person skilled in the art, the invention shall only be regarded as being disclosed as prescribed in Article 83 if:

(a) a sample of the biological material has been deposited with a recognised depositary institution on the same terms as those laid down in the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977 not later than the date of filing of the application;

(b) the application as filed gives such relevant information as is available to the applicant on the characteristics of the biological material;

(c) the depositary institution and the accession number of the deposited biological material are stated in the application, and

(d) where the biological material has been deposited by a person other than the applicant, the name and address of the depositor are stated in the application and a document is submitted to the European Patent Office providing evidence that the depositor has authorised the applicant to refer to the deposited biological material in the application and has given his unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rule 33.

(2) The information referred to in paragraph 1(c) and (d) may be submitted

(a) within sixteen months after the date of filing of the application or, if priority has been claimed, after the priority date, this period being deemed to have been observed if the information is communicated before completion of the technical preparations for publication of the European patent application;

(b) up to the date of submission of a request under Article 93, paragraph 1(b);

(c) within one month after the European Patent Office has communicated to the applicant that the right to inspect the files under Article 128, paragraph 2, exists.

The ruling period shall be the one which is the first to expire. The communication of this information shall be considered as constituting the unreserved and irrevocable consent of the applicant to the deposited biological material being made available to the public in accordance with Rule 33.

[43] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

[44] See decision of the Enlarged Board of Appeal G 2/93 (Annex I).

Rule 32[45, 46]
Expert solution

Art. 78, 83, 128, 129
R. 26, 34, 67

(1) Until completion of the technical preparations for publication of the European patent application, the applicant may inform the European Patent Office that,

(a) until the publication of the mention of the grant of the European patent or, where applicable,

(b) for twenty years from the date of filing, if the application is refused or withdrawn or deemed to be withdrawn,

the availability referred to in Rule 33 shall be effected only by the issue of a sample to an independent expert nominated by the requester.

(2) Any natural person may be nominated as an expert, provided that he complies with the requirements and obligations laid down by the President of the European Patent Office.

The nomination shall be accompanied by a declaration from the expert that he undertakes to comply with the aforementioned requirements and obligations and that he knows of no circumstances which might give rise to justified doubts as to his independence or which might conflict in any other way with his function as expert.

The nomination shall also be accompanied by a declaration from the expert vis-à-vis the applicant in which he enters into the undertaking given under Rule 33 until either the date on which the patent expires in all the designated States or, where the application is refused, withdrawn or deemed to be withdrawn, the date referred to in paragraph 1(b), the requester being regarded as a third party.

Rule 33[47]
Availability of biological material

Art. 78, 83, 128, 129
R. 26, 34

(1) Biological material deposited in accordance with Rule 31 shall be available upon request to any person from the date of publication of the European patent application and to any person having the right to inspect the files under Article 128, paragraph 2, prior to that date. Subject to Rule 32, such availability shall be effected by the issue of a sample of the biological material to the person making the request (hereinafter referred to as "the requester").

(2) Said issue shall be made only if the requester has undertaken vis-à-vis the applicant for or proprietor of the patent not to make the

[45] Amended by decision of the Administrative Council CA/D 3/17 of 29.06.2017 (OJ EPO 2017, A55), which entered into force on 01.10.2017.

[46] See decision of the President of the EPO of 10.07.2017 concerning the requirements and obligations for experts nominated under Rule 32 EPC (OJ EPO 2017, A60).
See notice from the EPO of 07.07.2010 concerning inventions which involve the use of or concern biological material (OJ EPO 2010, 498) and notice from the EPO of 10.07.2017 concerning amended Rules 32 and 33 EPC (OJ EPO 2017, A61).

[47] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

biological material or any biological material derived therefrom available to any third party and to use that material for experimental purposes only, until such time as the patent application is refused or withdrawn or deemed to be withdrawn, or before the European patent has expired in all the designated States, unless the applicant for or proprietor of the patent expressly waives such an undertaking.

The undertaking to use the biological material for experimental purposes only shall not apply in so far as the requester is using that material under a compulsory licence. The term "compulsory licence" shall be construed as including ex officio licences and the right to use patented inventions in the public interest.

(3) For the purposes of paragraph 2, derived biological material shall mean any material which still exhibits those characteristics of the deposited material which are essential to carrying out the invention. The undertaking under paragraph 2 shall not impede any deposit of derived biological material necessary for the purpose of patent procedure.

(4) The request referred to in paragraph 1 shall be submitted to the European Patent Office on a form recognised by that Office. The European Patent Office shall certify on the form that a European patent application referring to the deposit of the biological material has been filed, and that the requester or the expert nominated by him under Rule 32 is entitled to the issue of a sample of that material. After grant of the European patent, the request shall also be submitted to the European Patent Office.

(5) The European Patent Office shall transmit a copy of the request, with the certification provided for in paragraph 4, to the depositary institution and to the applicant for or the proprietor of the patent.

(6)[48] The European Patent Office shall publish in its Official Journal the list of depositary institutions recognised for the purpose of Rules 31, 33 and 34.

Rule 34[49] *Art. 83, 129*
New deposit of biological material

If biological material deposited in accordance with Rule 31 ceases to be available from the recognised depositary institution, an interruption in availability shall be deemed not to have occurred if a new deposit of that material is made with a recognised depositary institution on the same terms as those laid down in the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of 28 April 1977, and if a copy of the receipt of the new deposit issued by the depositary institution is forwarded to the European Patent Office within four months of the date of the new deposit, stating the number of the European patent application or of the European patent.

[48] Amended by decision of the Administrative Council CA/D 3/17 of 28.06.2017 (OJ EPO 2017, A55), which entered into force on 01.10.2017.
See notice from the EPO of 10.07.2017 concerning amended Rules 32 and 33 EPC (OJ EPO 2017, A61).

[49] See notice from the EPO of 07.07.2010 (OJ EPO 2010, 498).

PART III
IMPLEMENTING REGULATIONS TO PART III OF THE CONVENTION

Chapter I
Filing of the European patent application

Rule 35[50]
General provisions

Art. 75, 77
R. 1, 2

(1) European patent applications may be filed in writing with the European Patent Office in Munich, The Hague or Berlin, or the authorities referred to in Article 75, paragraph 1(b).

(2) The authority with which the European patent application is filed shall mark the documents making up the application with the date of their receipt, and issue without delay a receipt to the applicant including at least the application number and the nature, number and date of receipt of the documents.

(3) If the European patent application is filed with an authority referred to in Article 75, paragraph 1(b), such authority shall without delay inform the European Patent Office of the receipt of the application, and, in particular, of the nature and date of receipt of the documents, the application number and any priority date claimed.

(4) Upon receipt of a European patent application forwarded by the central industrial property office of a Contracting State, the European Patent Office shall inform the applicant accordingly, indicating the date of its receipt.

Rule 36[51]
European divisional applications

Art. 14, 76, 78, 79, 94

(1)[52, 53] The applicant may file a divisional application relating to any pending earlier European patent application.

[50] See decisions of the President of the EPO of 12.07.2007 concerning the filing of patent applications and other documents by facsimile (Special edition No. 3, OJ EPO 2007, A.3) and concerning the electronic signatures, data carriers and software to be used for the electronic filing of patent applications and other documents (Special edition No. 3, OJ EPO 2007, A.5).

See decision of the President of the EPO of 03.01.2017 designating the EPO's filing offices (OJ EPO 2017, A11) and notice from the EPO of 03.01.2017 concerning the availability of the EPO filing offices (OJ EPO 2017, A12).

See decisions of the President of the EPO concerning the electronic filing of documents and priority documents (OJ EPO 2018, A45, and OJ EPO 2018, A93) and notices from the EPO (OJ EPO 2018, A46, and OJ EPO 2018, A94).

[51] See decisions of the Enlarged Board of Appeal G 1/05, G 1/06, G 1/09 (Annex I).

[52] Amended by decision of the Administrative Council CA/D 15/13 of 16.10.2013 (OJ EPO 2013, 501), which entered into force on 01.04.2014.

[53] See notice from the EPO of 08.01.2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) of the Rules relating to Fees (OJ EPO 2014, A22, Corr. OJ EPO 2014, A109).

(2)[54] A divisional application shall be filed in the language of the proceedings for the earlier application. If the latter was not in an official language of the European Patent Office, the divisional application may be filed in the language of the earlier application; a translation into the language of the proceedings for the earlier application shall then be filed within two months of the filing of the divisional application. The divisional application shall be filed with the European Patent Office in Munich, The Hague or Berlin.

(3) The filing fee and search fee shall be paid within one month of filing the divisional application. If the filing fee or search fee is not paid in due time, the application shall be deemed to be withdrawn.

(4)[55] The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report drawn up in respect of the divisional application. Rule 39, paragraphs 2 and 3, shall apply.

Rule 37
Forwarding of European patent applications

Art. 135
R. 35, 45, 112, 134

(1) The central industrial property office of a Contracting State shall forward European patent applications to the European Patent Office in the shortest time compatible with its national law relating to the secrecy of inventions in the interests of the State, and shall take all appropriate steps to ensure such forwarding within:

(a) six weeks of filing, where the subject of the application is evidently not liable to secrecy under the national law; or

(b) four months of filing or, if priority has been claimed, fourteen months of the date of priority, where the application requires further examination as to its liability to secrecy.

(2) A European patent application not received by the European Patent Office within fourteen months of filing or, if priority has been claimed, of the date of priority, shall be deemed to be withdrawn. Any fees paid in respect of this application shall be refunded.

Rule 38[56]
Filing fee and search fee

Art. 80, 90, 92
R. 17, 40, 57

(1)[57] The filing fee and search fee shall be paid within one month of filing the European patent application.

[54] Amended by decision of the Administrative Council CA/D 2/09 of 25.03.2009 (OJ EPO 2009, 296), which entered into force on 01.04.2010.

[55] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[56] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[57] See notice from the EPO of 20.03.2020 concerning search and examination fees (OJ EPO 2020, A30).

(2) The Rules relating to Fees may provide for an additional fee as part of the filing fee if the application comprises more than 35 pages.

(3) The additional fee referred to in paragraph 2 shall be paid within one month of filing the European patent application or one month of filing the first set of claims or one month of filing the certified copy referred to in Rule 40, paragraph 3, whichever period expires last.

(4)[58] The Rules relating to Fees may provide for an additional fee as part of the filing fee in the case of a divisional application filed in respect of any earlier application which is itself a divisional application.

Rule 39[59]
Designation fees

Art. 3, 78, 80, 88, 121, 149
R. 15, 17, 36, 41, 68, 112, 135, 143, 159, 160

(1) The designation fee shall be paid within six months of the date on which the European Patent Bulletin mentions the publication of the European search report.

(2)[60] Where the designation fee is not paid in due time or the designations of all the Contracting States are withdrawn, the European patent application shall be deemed to be withdrawn.

(3) Without prejudice to Rule 37, paragraph 2, second sentence, the designation fee shall not be refunded.

Rule 40[61]
Date of filing

Art. 14, 54, 60, 66, 78, 79, 80, 83, 84, 90
R. 30, 41, 42, 43, 49, 55, 56, 143

(1) The date of filing of a European patent application shall be the date on which the documents filed by the applicant contain:

(a) an indication that a European patent is sought;

(b) information identifying the applicant or allowing the applicant to be contacted; and

(c) a description or reference to a previously filed application.

(2) A reference to a previously filed application under paragraph 1(c) shall state the filing date and number of that application and the Office with which it was filed. Such reference shall indicate that it replaces the description and any drawings.

[58] Inserted by decision of the Administrative Council CA/D 15/13 of 16.10.2013 (OJ EPO 2013, 501), which entered into force on 01.04.2014.
See notice from the EPO of 08.01.2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) of the Rules relating to Fees (OJ EPO 2014, A22, Corr. OJ EPO 2014, A109).

[59] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[60] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[61] See decision/opinion of the Enlarged Board of Appeal G 2/95, G 4/98 (Annex I).

(3) Where the application contains a reference under paragraph 2, a certified copy of the previously filed application shall be filed within two months of filing the application. Where the previously filed application is not in an official language of the European Patent Office, a translation thereof in one of these languages shall be filed within the same period. Rule 53, paragraph 2, shall apply mutatis mutandis.

Chapter II
Provisions governing the application

Rule 41[62]
Request for grant

Art. 59, 75, 76, 78-81, 88, 133
R. 52

(1) The request for grant of a European patent shall be filed on a form drawn up by the European Patent Office.

(2) The request shall contain:

(a) a petition for the grant of a European patent;

(b) the title of the invention, which shall clearly and concisely state the technical designation of the invention and shall exclude all fancy names;

(c)[63] the name, address and nationality of the applicant and the State in which his residence or principal place of business is located. Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any. It is recommended that the fax and telephone numbers be indicated;

(d) if the applicant has appointed a representative, his name and the address of his place of business as prescribed in sub-paragraph (c);

(e) where appropriate, an indication that the application constitutes a divisional application and the number of the earlier European patent application;

(f) in cases covered by Article 61, paragraph 1(b), the number of the original European patent application;

(g) where applicable, a declaration claiming the priority of an earlier application and indicating the date on which and the country in or for which the earlier application was filed;

(h) the signature of the applicant or his representative;

(i) a list of the documents accompanying the request. This list shall also indicate the number of sheets of the description, claims, drawings and abstract filed with the request;

[62] The latest version of the form is available on the EPO website.

[63] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

(j) the designation of the inventor, where the applicant is the inventor.

(3) If there is more than one applicant, the request shall preferably contain the appointment of one applicant or representative as common representative.

Rule 42[64]
Content of the description

Art. 54, 56, 57, 78, 80, 83
R. 29, 30, 48, 50

(1) The description shall:

(a) specify the technical field to which the invention relates;

(b) indicate the background art which, as far as is known to the applicant, can be regarded as useful to understand the invention, draw up the European search report and examine the European patent application, and, preferably, cite the documents reflecting such art;

(c) disclose the invention, as claimed, in such terms that the technical problem, even if not expressly stated as such, and its solution can be understood, and state any advantageous effects of the invention with reference to the background art;

(d) briefly describe the figures in the drawings, if any;

(e) describe in detail at least one way of carrying out the invention claimed, using examples where appropriate and referring to the drawings, if any;

(f) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable.

(2) The description shall be presented in the manner and order specified in paragraph 1, unless, owing to the nature of the invention, a different presentation would afford a better understanding or be more concise.

Rule 43[65]
Form and content of claims

Art. 78, 80, 82, 84
R. 50

(1) The claims shall define the matter for which protection is sought in terms of the technical features of the invention. Wherever appropriate, claims shall contain:

(a) a statement indicating the designation of the subject-matter of the invention and those technical features which are necessary for the definition of the claimed subject-matter but which, in combination, form part of the prior art;

(b) a characterising portion, beginning with the expression "characterised in that" or "characterised by" and specifying the technical features for

[64] See decisions of the Enlarged Board of Appeal G 1/03, G 2/03 (Annex I).

[65] See decisions of the Enlarged Board of Appeal G 2/03, G 1/04 (Annex I).

which, in combination with the features stated under sub-paragraph (a), protection is sought.

(2) Without prejudice to Article 82, a European patent application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

(a) a plurality of interrelated products,

(b) different uses of a product or apparatus,

(c) alternative solutions to a particular problem, where it is inappropriate to cover these alternatives by a single claim.

(3) Any claim stating the essential features of an invention may be followed by one or more claims concerning particular embodiments of that invention.

(4) Any claim which includes all the features of any other claim (dependent claim) shall contain, if possible at the beginning, a reference to the other claim and then state the additional features. A dependent claim directly referring to another dependent claim shall also be admissible. All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most appropriate way possible.

(5) The number of claims shall be reasonable with regard to the nature of the invention claimed. The claims shall be numbered consecutively in Arabic numerals.

(6) Except where absolutely necessary, claims shall not rely on references to the description or drawings in specifying the technical features of the invention. In particular, they shall not contain such expressions as "as described in part ... of the description", or "as illustrated in figure ... of the drawings".

(7) Where the European patent application contains drawings including reference signs, the technical features specified in the claims shall preferably be followed by such reference signs relating to these features, placed in parentheses, if the intelligibility of the claim can thereby be increased. These reference signs shall not be construed as limiting the claim.

Rule 44 *Art. 78*
Unity of invention

(1) Where a group of inventions is claimed in a European patent application, the requirement of unity of invention under Article 82 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

(2) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Rule 45
Claims incurring fees

Art. 61, 76-78, 84, 90
R. 71, 162

(1)[66] Any European patent application comprising more than fifteen claims shall, in respect of the sixteenth and each subsequent claim, incur payment of claims fees as laid down in the Rules relating to Fees.

(2) The claims fees shall be paid within one month of filing the first set of claims. If the claims fees have not been paid in due time, they may still be paid within one month of a communication concerning the failure to observe the time limit.

(3) If a claims fee is not paid in due time, the claim concerned shall be deemed to be abandoned.

Rule 46
Form of the drawings

Art. 78
R. 48, 50, 57

(1) On sheets containing drawings, the usable surface area shall not exceed 26.2 cm x 17 cm. The usable or used surface shall not be surrounded by frames. The minimum margins shall be as follows:

top	2.5	cm
left side	2.5	cm
right side	1.5	cm
bottom	1	cm

(2) Drawings shall be executed as follows:

(a) Drawings shall be executed without colourings in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes.

(b) Cross-sections shall be indicated by hatching which should not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and their graphical execution shall be such that electronic or photographic reproduction with a linear reduction in size to two-thirds will allow all details to be distinguished without difficulty. If, exceptionally, the scale is given on a drawing, it shall be represented graphically.

(d) All numbers, letters, and reference signs appearing on the drawings shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

[66] Amended by decision of the Administrative Council CA/D 2/08 of 06.03.2008 (OJ EPO 2008, 124), which entered into force on 01.04.2008.

(e) Generally, all lines in the drawings shall be drawn with the aid of drafting instruments.

(f) Elements of the same figure shall be proportional to one another, unless a difference in proportion is indispensable for the clarity of the figure.

(g) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(h) The same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form a single figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, preferably in an upright position, clearly separated from one another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets.

(i) Reference signs not mentioned in the description and claims shall not appear in the drawings, and vice versa. Reference signs to features shall be consistent throughout the application.

(j) The drawings shall not contain text matter. Where indispensable to understand the drawings, a few short keywords, such as "water", "steam", "open", "closed" or "section on AB", may be included. Any such keywords shall be placed in such a way that, if required, they can be replaced by their translations without interfering with any lines of the drawings.

(3) Flow sheets and diagrams shall be deemed to be drawings.

Rule 47
Form and content of the abstract

Art. 78, 85, 93
R. 50, 66

(1) The abstract shall indicate the title of the invention.

(2) The abstract shall contain a concise summary of the disclosure as contained in the description, the claims and any drawings. The summary shall indicate the technical field to which the invention pertains, and shall be drafted in a manner allowing the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention. The abstract shall, where applicable, contain the chemical formula which, among those contained in the application, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on speculative applications thereof.

(3) The abstract shall preferably not contain more than one hundred and fifty words.

(4) If the European patent application contains drawings, the applicant shall indicate the figure or, exceptionally, the figures of the drawings which should be published with the abstract. The European Patent Office may

decide to publish one or more other figures if it considers that they better characterise the invention. Each essential feature mentioned in the abstract and illustrated by a drawing shall be followed by a reference sign placed in parentheses.

(5) The abstract shall be drafted in such a manner as to constitute an efficient instrument for the purpose of searching in the particular technical field. In particular, it shall make it possible to assess whether consultation of the European patent application itself is necessary.

Rule 48
Prohibited matter

Art. 78, 93
R. 50

(1) The European patent application shall not contain:

(a) statements or other matter contrary to "ordre public" or morality;

(b) statements disparaging the products or processes of any third party or the merits or validity of the applications or patents of any such party. Mere comparisons with the prior art shall not be considered disparaging per se;

(c) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

(2) If the application contains matter prohibited under paragraph 1(a), the European Patent Office may omit such matter from the application as published, indicating the place and number of words or drawings omitted.

(3) If the application contains statements referred to in paragraph 1(b), the European Patent Office may omit them from the application as published, indicating the place and number of words omitted. Upon request, the European Patent Office shall furnish a copy of the passages omitted.

Rule 49
General provisions governing the presentation of the application documents

Art. 78, 80, 84, 85
R. 1, 2, 50, 57

(1) Any translation filed under Article 14, paragraph 2, or Rule 40, paragraph 3, shall be deemed to be a document making up the European patent application.

(2) The documents making up the application shall be presented so as to allow electronic and direct reproduction, in particular by scanning, photography, electrostatic processes, photo offset and microfilming, in an unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be used.

(3)[67] The documents making up the application shall be on A4 paper (29.7 cm x 21 cm) which shall be pliable, strong, white, smooth, matt and durable. Subject to paragraph 9 and Rule 46, paragraph 2(h), each sheet shall be used with its short sides at the top and bottom (upright position).

[67] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

(4) Each of the documents making up the application (request, description, claims, drawings and abstract) shall commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(5) Subject to Rule 46, paragraph 1, the minimum margins shall be as follows:

top	2	cm
left side	2.5	cm
right side	2	cm
bottom	2	cm

The recommended maximum for the margins quoted above is as follows:

top	4	cm
left side	4	cm
right side	3	cm
bottom	3	cm

(6) All the sheets contained in the application shall be numbered in consecutive Arabic numerals. These shall be centred at the top of the sheet, but not placed in the top margin.

(7) The lines of each sheet of the description and of the claims shall preferably be numbered in sets of five, the numbers appearing on the left side, to the right of the margin.

(8)[68] The request for grant of a European patent, the description, the claims and the abstract shall be typed or printed. Only graphic symbols and characters and chemical or mathematical formulae may, if necessary, be drawn or written by hand. The typing shall be 1½ spaced. All text matter shall be in characters, the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible colour.

(9) The request for grant of a European patent, the description, the claims and the abstract shall not contain drawings. The description, claims and abstract may contain chemical or mathematical formulae. The description and abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable. Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position. Tables or chemical or mathematical formulae presented sideways shall be placed so that the tops of the tables or formulae are at the left-hand side of the sheet.

(10)[69]Values shall be expressed in units conforming to international standards, wherever appropriate in terms of the metric system using SI units. Any data not meeting this requirement shall also be expressed in units conforming to international standards. Only the technical terms,

[68] See notice from the EPO of 08.11.2013 (OJ EPO 2013, 603).

[69] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

formulae, signs and symbols generally accepted in the field in question shall be used.

(11) The terminology and the signs shall be consistent throughout the European patent application.

(12) Each sheet shall be reasonably free from erasures and shall be free from alterations. Non-compliance with this rule may be authorised if the authenticity of the content is not impugned and the requirements for good reproduction are not thereby jeopardised.

Rule 50[70]
Documents filed subsequently

Art. 78
R. 1, 2

(1) Rules 42, 43 and 46 to 49 shall apply to documents replacing documents making up the European patent application. Rule 49, paragraphs 2 to 12, shall also apply to the translation of the claims referred to in Rule 71.

(2) All documents other than those making up the application shall generally be typewritten or printed. There shall be a margin of about 2.5 cm on the left-hand side of each page.

(3) Documents filed after filing the application shall be signed, with the exception of annexed documents. If a document has not been signed, the European Patent Office shall invite the party concerned to do so within a time limit to be specified. If signed in due time, the document shall retain its original date of receipt; otherwise it shall be deemed not to have been filed.

Chapter III
Renewal fees

Rule 51
Payment of renewal fees

Art. 61, 76, 86
R. 159

(1)[71] A renewal fee for the European patent application in respect of the coming year shall be due on the last day of the month containing the anniversary of the date of filing of the European patent application. The renewal fee in respect of the third year may not be validly paid more than six months before it falls due. All other renewal fees may not be validly paid more than three months before they fall due.

[70] See decision of the President of the EPO of 12.07.2007 (Special edition No. 3, OJ EPO 2007, A.3).
See notice from the EPO of 08.11.2013 concerning application of Rules 49 and 50 EPC to handwritten amendments (OJ EPO 2013, 603).
See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

[71] Amended by decision of the Administrative Council CA/D 13/17 of 13.12.2017 (OJ EPO 2018, A2), which entered into force on 01.04.2018.

(2)[72] If a renewal fee is not paid on the due date under paragraph 1, the fee may still be paid within six months of the said date, provided that an additional fee is also paid within that period. The legal consequence laid down in Article 86, paragraph 1, shall ensue upon expiry of the six-month period.

(3) Renewal fees already due in respect of an earlier application at the date on which a divisional application is filed shall also be paid for the divisional application and shall be due on its filing. These fees and any renewal fee due within four months of filing the divisional application may be paid within that period without an additional fee. Paragraph 2 shall apply.

(4) If a European patent application has been refused or deemed to be withdrawn as a result of non-observance of a time limit, and if the applicant's rights are re-established under Article 122, a renewal fee

(a) which would have fallen due under paragraph 1 in the period starting on the date on which the loss of rights occurred, up to and including the date of the notification of the decision re-establishing the rights, shall be due on that latter date.

This fee and any renewal fee due within four months from that latter date may still be paid within four months of that latter date without an additional fee. Paragraph 2 shall apply.

(b) which, on the date on which the loss of rights has occurred, was already due but the period provided for in paragraph 2 has not yet expired, may still be paid within six months from the date of the notification of the decision re-establishing the rights, provided that the additional fee pursuant to paragraph 2 is also paid within that period.

(5) If the Enlarged Board of Appeal re-opens proceedings before the Board of Appeal under Article 112a, paragraph 5, second sentence, a renewal fee

(a) which would have fallen due under paragraph 1 in the period starting on the date when the decision of the Board of Appeal subject to the petition for review was taken, up to and including the date of the notification of the decision of the Enlarged Board of Appeal re-opening proceedings before the Board of Appeal, shall be due on that latter date.

This fee and any renewal fee due within four months from that latter date may still be paid within four months of that latter date without an additional fee. Paragraph 2 shall apply.

(b) which, on the day on which the decision of the Board of Appeal was taken, was already due but the period provided for in paragraph 2 has not

[72] Amended by decision of the Administrative Council CA/D 17/16 of 14.12.2016 (OJ EPO 2016, A102), which entered into force on 01.01.2017.
See notice from the EPO of 16.12.2016 concerning amendments to Rules 51(2) and 162(2) EPC (OJ EPO 2016, A103).
Temporary suspension between 01.06.2020 until 31.08.2020 by decision of the Administrative Council CA/D 6/20 of 28.05.2016 (OJ EPO 2020, A70).

yet expired, may still be paid within six months from the date of the notification of the decision of the Enlarged Board of Appeal re-opening proceedings before the Board of Appeal, provided that the additional fee pursuant to paragraph 2 is also paid within that period.

(6) A renewal fee shall not be payable for a new European patent application filed under Article 61, paragraph 1(b), in respect of the year in which it was filed and any preceding year.

Chapter IV
Priority

Rule 52
Declaration of priority

Art. 98, 103, 105c
R. 41, 57-59, 68, 163

(1) The declaration of priority referred to in Article 88, paragraph 1, shall indicate the date of the previous filing, the State party to the Paris Convention or Member of the World Trade Organization in or for which it was made and the file number. In the case referred to in Article 87, paragraph 5, the first sentence shall apply mutatis mutandis.

(2) The declaration of priority shall preferably be made on filing the European patent application. It may still be made within sixteen months from the earliest priority date claimed.

(3) The applicant may correct the declaration of priority within sixteen months from the earliest priority date claimed, or, where the correction would cause a change in the earliest priority date claimed, within sixteen months from the corrected earliest priority date, whichever sixteen-month period expires first, provided that such a correction may be submitted until the expiry of four months from the date of filing accorded to the European patent application.

(4) However, a declaration of priority may not be made or corrected after a request under Article 93, paragraph 1(b), has been filed.

(5) The particulars of the declaration of priority shall appear in the published European patent application and the European patent specification.

Rule 53
Priority documents

Art. 88, 90
R. 2, 57-59, 163

(1) An applicant claiming priority shall file a copy of the previous application within sixteen months of the earliest priority date claimed. This copy and the date of filing of the previous application shall be certified as correct by the authority with which that application was filed.

(2)[73] The copy of the previous application shall be deemed to be duly filed if a copy of that application available to the European Patent Office is to be included in the file of the European patent application under the conditions determined by the President of the European Patent Office.

(3)[74] Where the previous application is not in an official language of the European Patent Office and the validity of the priority claim is relevant to the determination of the patentability of the invention concerned, the European Patent Office shall invite the applicant for or proprietor of the European patent to file a translation of that application into one of the official languages within a period to be specified. Alternatively, a declaration may be submitted that the European patent application is a complete translation of the previous application. Paragraph 2 shall apply mutatis mutandis. If a requested translation of a previous application is not filed in due time, the right of priority for the European patent application or for the European patent with respect to that application shall be lost. The applicant for or proprietor of the European patent shall be informed accordingly.

Rule 54[75]
Issuing priority documents

On request, the European Patent Office shall issue to the applicant a certified copy of the European patent application (priority document), under the conditions determined by the President of the European Patent Office, including the form of the priority document and the circumstances under which an administrative fee shall be paid.

[73] See decision of the President of the EPO of 12.07.2007 concerning the filing of priority documents for European divisional applications and for new European patent applications under Article 61(1)(b) EPC (Special edition No. 3, OJ EPO 2007, B.2).
See decision of the President of the EPO of 31.03.2020 on the filing of priority documents (OJ EPO 2020, A57) and notice from the EPO of 22.02.2019 concerning priority document exchange via the WIPO Digital Access Service (OJ EPO 2019, A27).

[74] Amended by decision of the Administrative Council CA/D 7/12 of 27.06.2012 (OJ EPO 2012, 442), which entered into force on 01.04.2013.
See notice from the EPO of 28.01.2013 (OJ EPO 2013, 150).

[75] See notice from the EPO of 14.01.2020 (OJ EPO 2020, A7).

PART IV
IMPLEMENTING REGULATIONS TO PART IV OF THE CONVENTION

Chapter I
Examination by the Receiving Section

Rule 55 *Art. 80, 90*
Examination on filing

If the examination under Article 90, paragraph 1, reveals that the application fails to meet the requirements laid down in Rule 40, paragraph 1(a) or (c), paragraph 2 or paragraph 3, first sentence, the European Patent Office shall inform the applicant of any deficiencies and advise him that the application will not be dealt with as a European patent application unless such deficiencies are remedied within two months. If the applicant does this, he shall be informed of the date of filing accorded by the Office.

Rule 56 *Art. 80, 90*
Missing parts of the description or missing drawings

(1) If the examination under Article 90, paragraph 1, reveals that parts of the description, or drawings referred to in the description or in the claims, appear to be missing, the European Patent Office shall invite the applicant to file the missing parts within two months. The applicant may not invoke the omission of such a communication.

(2) If missing parts of the description or missing drawings are filed later than the date of filing, but within two months of the date of filing or, if a communication is issued under paragraph 1, within two months of that communication, the application shall be re-dated to the date on which the missing parts of the description or missing drawings were filed. The European Patent Office shall inform the applicant accordingly.

(3) If the missing parts of the description or missing drawings are filed within the period under paragraph 2, and the application claims priority of an earlier application, the date of filing shall, provided that the missing parts of the description or the missing drawings are completely contained in the earlier application, remain the date on which the requirements laid down in Rule 40, paragraph 1, were fulfilled, where the applicant so requests and files, within the period under paragraph 2:

(a) a copy of the earlier application, unless such copy is available to the European Patent Office under Rule 53, paragraph 2;

(b) where the earlier application is not in an official language of the European Patent Office, a translation thereof in one of these languages, unless such copy is available to the European Patent Office under Rule 53, paragraph 3; and

(c) an indication as to where the missing parts of the description or the missing drawings are completely contained in the earlier application and, where applicable, in the translation thereof.

(4) If the applicant:

(a) fails to file the missing parts of the description or the missing drawings within the period under paragraph 1 or 2,

or

(b) withdraws under paragraph 6 any missing part of the description or missing drawing filed under paragraph 2,

any references referred to in paragraph 1 shall be deemed to be deleted, and any filing of the missing parts of the description or missing drawings shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

(5) If the applicant fails to comply with the requirements referred to in paragraph 3(a) to (c) within the period under paragraph 2, the application shall be re-dated to the date on which the missing parts of the description or missing drawings were filed. The European Patent Office shall inform the applicant accordingly.

(6) Within one month of the notification referred to in paragraph 2 or 5, last sentence, the applicant may withdraw the missing parts of the description or the missing drawings filed, in which case the re-dating shall be deemed not to have been made. The European Patent Office shall inform the applicant accordingly.

Rule 57
Examination as to formal requirements

Art. 76, 87, 88, 90, 123
R. 45, 55-60, 111-113, 138, 139, 142, 152

If the European patent application has been accorded a date of filing, the European Patent Office shall examine, in accordance with Article 90, paragraph 3, whether:

(a)[76] a translation of the application required under Article 14, paragraph 2, under Rule 36, paragraph 2, second sentence, or under Rule 40, paragraph 3, second sentence, has been filed in due time;

(b) the request for grant of a European patent satisfies the requirements of Rule 41;

(c) the application contains one or more claims in accordance with Article 78, paragraph 1(c), or a reference to a previously filed application in accordance with Rule 40, paragraphs 1(c), 2 and 3, indicating that it replaces also the claims;

(d) the application contains an abstract in accordance with Article 78, paragraph 1(e);

(e) the filing fee and the search fee have been paid in accordance with Rule 17, paragraph 2, Rule 36, paragraph 3, or Rule 38;

[76] Amended by decision of the Administrative Council CA/D 2/09 of 25.03.2009 (OJ EPO 2009, 296), which entered into force on 01.04.2010.

(f) the designation of the inventor has been made in accordance with Rule 19, paragraph 1;

(g) where appropriate, the requirements laid down in Rules 52 and 53 concerning the claim to priority have been satisfied;

(h) where appropriate, the requirements of Article 133, paragraph 2, have been satisfied;

(i) the application meets the requirements laid down in Rule 46 and Rule 49, paragraphs 1 to 9 and 12;

(j)[77] the application meets the requirements laid down in Rule 30.

Rule 58
Correction of deficiencies in the application documents

Art. 123
R. 137

If the European patent application does not comply with the requirements of Rule 57(a) to (d), (h) and (i), the European Patent Office shall inform the applicant accordingly and invite him to correct the deficiencies noted within two months. The description, claims and drawings may be amended only to an extent sufficient to remedy such deficiencies.

Rule 59
Deficiencies in claiming priority

Art. 87-89

If the file number of the previous application under Rule 52, paragraph 1, or the copy of that application under Rule 53, paragraph 1, have not been filed in due time, the European Patent Office shall inform the applicant accordingly and invite him to file them within a period to be specified.

Rule 60
Subsequent designation of the inventor

Art. 62, 76, 80, 81, 88, 90
R. 16

(1) If the designation of the inventor has not been made in accordance with Rule 19, the European Patent Office shall inform the applicant that the European patent application will be refused unless the designation is made within sixteen months of the date of filing of the application or, if priority is claimed, of the date of priority, this period being deemed to have been observed if the information is communicated before completion of the technical preparations for the publication of the European patent application.

(2) Where, in a divisional application or a new application under Article 61, paragraph 1(b), the designation of the inventor has not been made in accordance with Rule 19, the European Patent Office shall invite the applicant to make the designation within a period to be specified.

[77] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

Chapter II
European search report

Rule 61[78]
Content of the European search report

Art. 14, 54, 56, 89, 92
R. 8, 65

(1) The European search report shall mention those documents, available to the European Patent Office at the time of drawing up the report, which may be taken into consideration in deciding whether the invention to which the European patent application relates is new and involves an inventive step.

(2) Each citation shall be referred to the claims to which it relates. Where appropriate, relevant parts of the documents cited shall be identified.

(3) The European search report shall distinguish between cited documents published before the date of priority claimed, between such date of priority and the date of filing, and on or after the date of filing.

(4) Any document which refers to an oral disclosure, a use or any other means of disclosure which took place before the date of filing of the European patent application shall be mentioned in the European search report, together with an indication of the date of publication, if any, of the document and the date of the non-written disclosure.

(5) The European search report shall be drawn up in the language of the proceedings.

(6) The European search report shall contain the classification of the subject-matter of the European patent application in accordance with the international classification.

Rule 62[79]
Extended European search report

Art. 92
R. 65, 70a, 137

(1) The European search report shall be accompanied by an opinion on whether the application and the invention to which it relates seem to meet the requirements of this Convention, unless a communication under Rule 71, paragraph 1 or 3, can be issued.

(2) The opinion under paragraph 1 shall not be published together with the search report.

[78] See information from the EPO concerning the annex to the European search report (OJ EPO 1982, 448 ff; 1984, 381; 1999, 90) and the pilot programme on search strategies (OJ EPO 2015, A86).

[79] Inserted by decision of the Administrative Council of 09.12.2004 (OJ EPO 2005, 5), which entered into force on 01.07.2005.

Rule 62a[80]
Applications containing a plurality of independent claims

Art. 84, 92, R. 65, 135, 137

(1) If the European Patent Office considers that the claims as filed do not comply with Rule 43, paragraph 2, it shall invite the applicant to indicate, within a period of two months, the claims complying with Rule 43, paragraph 2, on the basis of which the search is to be carried out. If the applicant fails to provide such an indication in due time, the search shall be carried out on the basis of the first claim in each category.

(2) The Examining Division shall invite the applicant to restrict the claims to the subject-matter searched unless it finds that the objection under paragraph 1 was not justified.

Rule 63[81]
Incomplete search

Art. 83, 84, 92 R. 65, 135, 137

(1) If the European Patent Office considers that the European patent application fails to such an extent to comply with this Convention that it is impossible to carry out a meaningful search regarding the state of the art on the basis of all or some of the subject-matter claimed, it shall invite the applicant to file, within a period of two months, a statement indicating the subject-matter to be searched.

(2) If the statement under paragraph 1 is not filed in due time, or if it is not sufficient to overcome the deficiency noted under paragraph 1, the European Patent Office shall either issue a reasoned declaration stating that the European patent application fails to such an extent to comply with this Convention that it is impossible to carry out a meaningful search regarding the state of the art on the basis of all or some of the subject-matter claimed or, as far as is practicable, draw up a partial search report. The reasoned declaration or the partial search report shall be considered, for the purposes of subsequent proceedings, as the European search report.

(3) When a partial search report has been drawn up, the Examining Division shall invite the applicant to restrict the claims to the subject-matter searched unless it finds that the objection under paragraph 1 was not justified.

Rule 64[82]
European search report where the invention lacks unity

Art. 92 R. 65, 164

(1)[83] If the European Patent Office considers that the European patent application does not comply with the requirement of unity of invention, it shall draw up a partial search report on those parts of the application which

[80] Inserted by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[81] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[82] See opinion of the Enlarged Board of Appeal G 2/92 (Annex I).

[83] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims. It shall inform the applicant that, for the European search report to cover the other inventions, a further search fee must be paid, in respect of each invention involved, within a period of two months. The European search report shall be drawn up for the parts of the application relating to inventions in respect of which search fees have been paid.

(2)[84] Any fee paid under paragraph 1 shall be refunded if, during the examination of the European patent application, the applicant requests a refund and the Examining Division finds that the communication under paragraph 1 was not justified.

Rule 65
Transmittal of the European search report

Art. 17, 92, 153
R. 61-66, 69-70b, 137

Immediately after it has been drawn up, the European search report shall be transmitted to the applicant together with copies of any cited documents.

Rule 66
Definitive content of the abstract

Art. 85, 92, 93
R. 47, 65, 68

Upon drawing up the European search report, the European Patent Office shall determine the definitive content of the abstract and transmit it to the applicant together with the search report.

Chapter III
Publication of the European patent application

Rule 67[85]
Technical preparations for publication

Art. 93
R. 31-33

(1) The President of the European Patent Office shall determine when the technical preparations for publication of the European patent application are deemed to have been completed.

(2) The application shall not be published if it has been finally refused or withdrawn or is deemed to be withdrawn before the termination of the technical preparations for publication.

Rule 68[86]
Form of the publication of European patent applications and European search reports

Art. 14, 67, 93, 128, 153
R. 52, 66

(1) The publication of the European patent application shall contain the description, the claims and any drawings as filed, and the abstract, or, if these documents making up the application were not filed in an official

[84] See decision of the Enlarged Board of Appeal G 1/11 (Annex I).

[85] See decision of the President of the EPO (Special edition No. 3, OJ EPO 2007, D.1).

[86] See decisions of the President of the EPO of 12.07.2007 concerning the form of publication of European patent applications, European search reports and European patent specifications (Special edition No. 3, OJ EPO 2007, D.3) and on the summary listing of references cited by the applicant in European patent applications and European patent specifications (Special edition No. 3, OJ EPO 2007, D.4).

language of the European Patent Office, a translation in the language of the proceedings, and, in an annex, the European search report, where it is available before the termination of the technical preparations for publication. If the search report or the abstract is not published at the same time as the application, it shall be published separately.

(2) The President of the European Patent Office shall determine the form of the publication of the application and the data to be included. The same shall apply where the European search report and the abstract are published separately.

(3) The designated Contracting States shall be indicated in the published application.

(4)[87] If the claims were not filed on the date of filing of the application, this shall be indicated when the application is published. If, before the termination of the technical preparations for publication of the application, the claims have been amended under Rule 137, paragraph 2, the new or amended claims shall be included in the publication in addition to the claims as filed.

Rule 69[88]
Information about publication

Art. 93, 94, 129

(1) The European Patent Office shall inform the applicant of the date on which the European Patent Bulletin mentions the publication of the European search report and shall draw his attention to Rule 70, paragraph 1, Article 94, paragraph 2, and Rule 70a, paragraph 1.

(2) If a date of publication is specified in the communication under paragraph 1 which is later than the actual date of publication, that later date shall be the decisive date as regards the periods referred to in Rule 70, paragraph 1, and Rule 70a, paragraph 1, unless the error is obvious.

Rule 70
Request for examination

Art. 14, 16, 18, 94, 121, 129
R. 6, 10, 65, 69, 112, 113, 142, 159

(1)[89] The applicant may request examination of the European patent application up to six months after the date on which the European Patent Bulletin mentions the publication of the European search report. The request may not be withdrawn.

(2) If the request for examination has been filed before the European search report has been transmitted to the applicant, the European Patent Office shall invite the applicant to indicate, within a period to be specified, whether he wishes to proceed further with the application, and shall give him the opportunity to comment on the search report and to amend, where appropriate, the description, claims and drawings.

[87] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[88] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[89] See notice from the EPO of 15.02.2016 (OJ EPO 2016, A20).

(3) If the applicant fails to reply in due time to the invitation under paragraph 2, the application shall be deemed to be withdrawn.

Chapter IV
Examination by the Examining Division

Rule 70a[90]
Response to the extended European search report

Art. 94, 121, 123
R. 62, 132, 135, 137, 161

(1) In the opinion accompanying the European search report the European Patent Office shall give the applicant the opportunity to comment on the extended European search report and, where appropriate, invite him to correct any deficiencies noted in the opinion accompanying the European search report and to amend the description, claims and drawings within the period referred to in Rule 70, paragraph 1.

(2) In the case referred to in Rule 70, paragraph 2, or if a supplementary European search report is drawn up on a Euro-PCT application, the European Patent Office shall give the applicant the opportunity to comment on the extended European search report and, where appropriate, invite him to correct any deficiencies noted in the opinion accompanying the European search report and to amend the description, claims and drawings within the period specified for indicating whether he wishes to proceed further with the application.

(3) If the applicant neither complies with nor comments on an invitation in accordance with paragraph 1 or 2, the application shall be deemed to be withdrawn.

Rule 70b[91]
Request for a copy of search results

Art. 124
R. 10

(1) Where the European Patent Office notes, at the time the Examining Division assumes responsibility, that a copy referred to in Rule 141, paragraph 1, has not been filed by the applicant and is not deemed to be duly filed under Rule 141, paragraph 2, it shall invite the applicant to file, within a period of two months, the copy or a statement that the results of the search referred to in Rule 141, paragraph 1, are not available to him.

(2) If the applicant fails to reply in due time to the invitation under paragraph 1, the European patent application shall be deemed to be withdrawn.

[90] Inserted by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[91] Inserted by decision of the Administrative Council CA/D 18/09 of 28.10.2009 (OJ EPO 2009, 585), which entered into force on 01.01.2011.
See notices from the EPO of 28.07.2010 concerning amended Rule 141 EPC and new Rule 70b EPC – utilisation scheme (OJ EPO 2010, 410) and of 10.12.2014 concerning exemption under Rule 141(2) EPC from filing a copy of the search results – utilisation scheme (OJ EPO 2015, A3).

Rule 71[92, 93, 94]
Examination procedure

Art. 86, 97, 123
R. 70, 71a

(1) In any communication under Article 94, paragraph 3, the Examining Division shall, where appropriate, invite the applicant to correct any deficiencies noted and to amend the description, claims and drawings within a period to be specified.

(2) Any communication under Article 94, paragraph 3, shall contain a reasoned statement covering, where appropriate, all the grounds against the grant of the European patent.

(3)[95] Before the Examining Division decides to grant the European patent, it shall inform the applicant of the text in which it intends to grant it and of the related bibliographic data. In this communication the Examining Division shall invite the applicant to pay the fee for grant and publishing and to file a translation of the claims in the two official languages of the European Patent Office other than the language of the proceedings within four months.

(4) If the European patent application in the text intended for grant comprises more than fifteen claims, the Examining Division shall invite the applicant to pay claims fees in respect of the sixteenth and each subsequent claim within the period under paragraph 3 unless the said fees have already been paid under Rule 45 or Rule 162.

(5) If the applicant, within the period laid down in paragraph 3, pays the fees under paragraph 3 and, where applicable, paragraph 4 and files the translations under paragraph 3, he shall be deemed to have approved the text communicated to him under paragraph 3 and verified the bibliographic data.

(6) If the applicant, within the period under paragraph 3, requests reasoned amendments or corrections to the communicated text or keeps to the latest text submitted by him, the Examining Division shall issue a new communication under paragraph 3 if it gives its consent; otherwise it shall resume the examination proceedings.

(7) If the fee for grant and publishing or the claims fees are not paid in due time, or if the translations are not filed in due time, the European patent application shall be deemed to be withdrawn.

[92] See decisions of the Enlarged Board of Appeal G 10/93, G 1/02, G 1/10 (Annex I).

[93] Paragraphs 3-7 amended, paragraphs 8-11 deleted and Rule 71a inserted by decision of the Administrative Council CA/D 2/10 of 26.10.2010 (OJ EPO 2010, 637), which entered into force on 01.04.2012.

[94] See notice from the EPO of 13.12.2011 (OJ EPO 2012, 52).

[95] See notice from the EPO of 26.05.2020 (OJ EPO 2020, A73).

Rule 71a[96]
Conclusion of the grant procedure

(1) The decision to grant the European patent shall be issued if all fees have been paid, a translation of the claims in the two official languages of the European Patent Office other than the language of the proceedings has been filed and there is agreement as to the text to be granted. It shall state which text of the European patent application forms the basis for the decision.

(2) Until the decision to grant the European patent, the Examining Division may resume the examination proceedings at any time.

(3) If the designation fee becomes due after the communication under Rule 71, paragraph 3, the mention of the grant of the European patent shall not be published until the designation fee has been paid. The applicant shall be informed accordingly.

(4) If a renewal fee becomes due after the communication under Rule 71, paragraph 3, and before the next possible date for publication of the mention of the grant of the European patent, the mention shall not be published until the renewal fee has been paid. The applicant shall be informed accordingly.

(5) If, in response to an invitation under Rule 71, paragraph 3, the applicant has already paid the fee for grant and publishing or the claims fees, the paid amount shall be credited if a further such invitation is issued.

(6) If the European patent application is refused, withdrawn prior to notification of the decision on the grant of a European patent or, at that time, deemed to be withdrawn, the fee for grant and publishing shall be refunded.

Rule 72
Grant of the European patent to different applicants

Art. 59, 97
R. 92

Where different persons are recorded in the European Patent Register as applicants in respect of different Contracting States, the European Patent Office shall grant the European patent for each Contracting State accordingly.

[96] Inserted by decision of the Administrative Council CA/D 2/10 of 26.10.2010 (OJ EPO 2010, 637), which entered into force on 01.04.2012.
See notice from the EPO of 13.12.2011 (OJ EPO 2012, 52).

Chapter V
The European patent specification

Rule 73[97]
Content and form of the specification

Art. 98, 99
R. 74, 87

(1) The specification of the European patent shall include the description, the claims and any drawings. It shall also indicate the period for opposing the European patent.

(2) The President of the European Patent Office shall determine the form of the publication of the specification and the data to be included.

(3) The designated Contracting States shall be indicated in the specification.

Rule 74[98]
Certificate for a European patent

Art. 98
R. 87

As soon as the specification of the European patent has been published, the European Patent Office shall issue to the proprietor of the patent a certificate for a European patent. The President of the European Patent Office shall prescribe the content, form and means of communication of the certificate and determine the circumstances in which an administrative fee is payable.

[97] See decisions of the President of the EPO of 12.07.2007 concerning the form of publication of European patent applications, European search reports and European patent specifications (Special edition No. 3, OJ EPO 2007, D.3) and on the summary listing of references cited by the applicant in European patent applications and European patent specifications (Special edition No. 3, OJ EPO 2007, D.4).

[98] See decision of the President of the EPO of 17.12.2021 concerning the content, form and means of communication of the certificate for a European patent (OJ EPO 2021, A94) and notice from the EPO of 17.12.2021 concerning communication of the certificate for a European patent (OJ EPO 2021, A95).

PART V
IMPLEMENTING REGULATIONS TO PART V OF THE CONVENTION

Chapter I
Opposition procedure

Rule 75
Surrender or lapse of the patent

Art. 99
R. 98, 143

An opposition may be filed even if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States.

Rule 76[99]
Form and content of the opposition

Art. 99, 100, 105, 133
R. 77, 89

(1) Notice of opposition shall be filed in a written reasoned statement.

(2) The notice of opposition shall contain:

(a) particulars of the opponent as provided in Rule 41, paragraph 2(c);

(b) the number of the European patent against which opposition is filed, the name of the proprietor of the patent and the title of the invention;

(c) a statement of the extent to which the European patent is opposed and of the grounds on which the opposition is based, as well as an indication of the facts and evidence presented in support of these grounds;

(d) if the opponent has appointed a representative, particulars as provided in Rule 41, paragraph 2(d).

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the notice of opposition.

Rule 77[100]
Rejection of the opposition as inadmissible

Art. 99, 101, 105
R. 78, 89

(1)[101] If the Opposition Division notes that the notice of opposition does not comply with Article 99, paragraph 1, or Rule 76, paragraph 2(c), or does not sufficiently identify the patent against which opposition has been filed, it shall reject the opposition as inadmissible, unless these deficiencies have been remedied before expiry of the opposition period.

(2) If the Opposition Division notes that the notice of opposition does not comply with provisions other than those referred to in paragraph 1, it shall communicate this to the opponent and shall invite him to remedy the deficiencies noted within a period to be specified. If the deficiencies are not

[99] See decisions of the Enlarged Board of Appeal G 9/91, G 10/91, G 1/95, G 7/95, G 4/97, G 3/99, G 1/04 (Annex I).

[100] See decisions of the Enlarged Board of Appeal G 9/91, G 10/91, G 1/95, G 7/95, G 3/99, G 1/02 (Annex I).

[101] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

remedied in due time, the Opposition Division shall reject the opposition as inadmissible.

(3) The decision to reject an opposition as inadmissible shall be communicated to the proprietor of the patent, together with a copy of the notice of opposition.

Rule 78[102]
Procedure where the proprietor of the patent is not entitled

Art. 60, 99, 101, 105, 118, 123
R. 16, 77, 89, 138, 143

(1) If a third party provides evidence, during opposition proceedings or during the opposition period, that he has instituted proceedings against the proprietor of the European patent, seeking a decision within the meaning of Article 61, paragraph 1, opposition proceedings shall be stayed unless the third party communicates to the European Patent Office in writing his consent to the continuation of such proceedings. Such consent shall be irrevocable. However, proceedings shall not be stayed until the Opposition Division has deemed the opposition admissible. Rule 14, paragraphs 2 to 4, shall apply mutatis mutandis.

(2) Where a third party has, in accordance with Article 99, paragraph 4, replaced the previous proprietor for one or some of the designated Contracting States, the patent as maintained in opposition proceedings may, for these States, contain claims, a description and drawings different from those for the other designated States.

Rule 79[103]
Preparation of the examination of the opposition

Art. 101, 123
R. 89

(1) The Opposition Division shall communicate the notice of opposition to the proprietor of the patent and shall give him the opportunity to file his observations and to amend, where appropriate, the description, claims and drawings within a period to be specified.

(2) If several notices of opposition have been filed, the Opposition Division shall communicate them to the other opponents at the same time as the communication under paragraph 1.

(3) The Opposition Division shall communicate any observations and amendments filed by the proprietor of the patent to the other parties, and shall invite them, if it considers this expedient, to reply within a period to be specified.

(4) In the case of an intervention under Article 105, the Opposition Division may dispense with the application of paragraphs 1 to 3.

[102] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

[103] See opinion of the Enlarged Board of Appeal G 1/02 (Annex I).

Rule 80[104]
Amendment of the European patent

Art. 101, 105, 123
R. 89, 137

Without prejudice to Rule 138, the description, claims and drawings may be amended, provided that the amendments are occasioned by a ground for opposition under Article 100, even if that ground has not been invoked by the opponent.

Rule 81[105]
Examination of opposition

Art. 101, 105, 123
R. 89

(1)[106] The Opposition Division shall examine those grounds for opposition which are invoked in the opponent's statement under Rule 76, paragraph 2(c). Grounds for opposition not invoked by the opponent may be examined by the Opposition Division of its own motion if they would prejudice the maintenance of the European patent.

(2) Communications under Article 101, paragraph 1, second sentence, and all replies thereto shall be sent to all parties. If the Opposition Division considers this expedient, it shall invite the parties to reply within a period to be specified.

(3) In any communication under Article 101, paragraph 1, second sentence, the proprietor of the European patent shall, where necessary, be given the opportunity to amend, where appropriate, the description, claims and drawings. Where necessary, the communication shall contain a reasoned statement covering the grounds against the maintenance of the European patent.

Rule 82[107]
Maintenance of the European patent in amended form

Art. 65, 101, 105, 123
R. 89

(1) Before the Opposition Division decides to maintain the European patent as amended, it shall inform the parties of the text in which it intends to maintain the patent, and shall invite them to file their observations within two months if they disapprove of that text.

(2)[108] If a party disapproves of the text communicated by the Opposition Division, examination of the opposition may be continued. Otherwise, the Opposition Division shall, on expiry of the period under paragraph 1, invite the proprietor of the patent to pay the prescribed fee and to file a translation of any amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months. Where, in oral proceedings, decisions under Article 106, paragraph 2, or Article 111, paragraph 2, have been based on documents not complying with Rule 49, paragraph 8, the proprietor of the patent shall be

[104] See decisions of the Enlarged Board of Appeal G 1/99, G 3/14 (Annex I).

[105] See decisions of the Enlarged Board of Appeal G 9/92, G 1/99 (Annex I).

[106] See notice from the EPO of 17.03.2008 (OJ EPO 2008, 221).

[107] See decisions of the Enlarged Board of Appeal G 1/88, G 1/90 (Annex I).

[108] Amended by decision of the Administrative Council CA/D 9/15 of 14.10.2015 (OJ EPO 2015, A82), which entered into force on 01.05.2016.
See notice from the EPO of 09.03.2016 (OJ EPO 2016, A22).

invited to file the amended text in a form compliant with Rule 49, paragraph 8, within the three-month period.

(3) If the acts required under paragraph 2 are not performed in due time, they may still be performed within two months of a communication concerning the failure to observe the time limit, provided that a surcharge is paid within this period. Otherwise, the patent shall be revoked.

(4) The decision to maintain the European patent as amended shall state which text of the patent forms the basis for the decision.

Rule 83
Request for documents

Art. 101, 105
R. 1, 2, 3, 89

Documents referred to by a party to opposition proceedings shall be filed together with the notice of opposition or the written submissions. If such documents are neither enclosed nor filed in due time upon invitation by the European Patent Office, it may decide not to take into account any arguments based on them.

Rule 84[109]
Continuation of the opposition proceedings by the European Patent Office of its own motion

Art. 99, 101, 105
R. 75, 89

(1) If the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the European Patent Office informing him of the surrender or lapse.

(2) In the event of the death or legal incapacity of an opponent, the opposition proceedings may be continued by the European Patent Office of its own motion, even without the participation of the heirs or legal representatives. The same shall apply where the opposition is withdrawn.

Rule 85
Transfer of the European patent

Art. 2, 99, 127

Rule 22 shall apply to any transfer of the European patent made during the opposition period or during opposition proceedings.

Rule 86[110]
Documents in opposition proceedings

Art. 99, 101, 105
R. 89

Part III of the Implementing Regulations shall apply mutatis mutandis to documents filed in opposition proceedings.

[109] See decisions of the Enlarged Board of Appeal G 4/88, G 7/91, G 8/91, G 8/93, G 3/99 (Annex I).

[110] See decision of the Enlarged Board of Appeal G 1/91 (Annex I).

Rule 87
Content and form of the new specification of the European patent

Art. 103

The new specification of the European patent shall include the description, claims and drawings as amended. Rule 73, paragraphs 2 and 3, and Rule 74 shall apply.

Rule 88
Costs

Art. 104, 106
R. 97

(1) The apportionment of costs shall be dealt with in the decision on the opposition. Such apportionment shall only take into consideration the expenses necessary to assure proper protection of the rights involved. The costs shall include the remuneration of the representatives of the parties.

(2) The Opposition Division shall, on request, fix the amount of costs to be paid under a final decision apportioning them. A bill of costs, with supporting evidence, shall be attached to the request. Costs may be fixed once their credibility is established.

(3) A request for a decision by the Opposition Division may be filed within one month of the communication on the fixing of costs under paragraph 2. The request shall be filed in writing and state the grounds on which it is based. It shall not be deemed to be filed until the prescribed fee has been paid.

(4) The Opposition Division shall decide on the request under paragraph 3 without oral proceedings.

Rule 89[111]
Intervention of the assumed infringer

Art. 99
R. 3, 6, 76-86, 112

(1) Notice of intervention shall be filed within three months of the date on which proceedings referred to in Article 105 are instituted.

(2) Notice of intervention shall be filed in a written reasoned statement; Rules 76 and 77 shall apply mutatis mutandis. The notice of intervention shall not be deemed to have been filed until the opposition fee has been paid.

Chapter II
Procedure for limitation or revocation

Rule 90
Subject of proceedings

Art. 2, 105a

The subject of limitation or revocation proceedings under Article 105a shall be the European patent as granted or as amended in opposition or limitation proceedings before the European Patent Office.

[111] See decisions of the Enlarged Board of Appeal G 4/91, G 1/94, G 2/04, G 3/04, G 1/05 (Annex I).

Rule 91
Responsibility for proceedings

Art. 105b

Decisions on requests for limitation or revocation of the European patent under Article 105a shall be taken by the Examining Division. Article 18, paragraph 2, shall apply mutatis mutandis.

Rule 92
Requirements of the request

Art. 2, 14, 105a
R. 6, 94, 95

(1)[112] The request for limitation or revocation of a European patent shall be filed in writing in one of the official languages of the European Patent Office. It may also be filed in an official language of a Contracting State, provided that a translation is filed in one of the official languages of the European Patent Office within the period specified in Rule 6, paragraph 2. Part III of the Implementing Regulations shall apply mutatis mutandis to documents filed in limitation or revocation proceedings.

(2) The request shall contain:

(a) particulars of the proprietor of the European patent making the request (the requester) as provided in Rule 41, paragraph 2(c), and an indication of the Contracting States for which the requester is the proprietor of the patent;

(b) the number of the patent whose limitation or revocation is requested, and a list of the Contracting States in which the patent has taken effect;

(c) where appropriate, the names and addresses of the proprietors of the patent for those Contracting States in which the requester is not the proprietor of the patent, and evidence that the requester is entitled to act on their behalf in the proceedings;

(d) where limitation of the patent is requested, the complete version of the amended claims and, as the case may be, of the amended description and drawings;

(e) where the requester has appointed a representative, particulars as provided in Rule 41, paragraph 2(d).

Rule 93
Precedence of opposition proceedings

Art. 105a

(1) The request for limitation or revocation shall be deemed not to have been filed if opposition proceedings in respect of the patent are pending at the time of filing the request.

(2) If, at the time of filing an opposition to a European patent, limitation proceedings in respect of that patent are pending, the Examining Division shall terminate the limitation proceedings and order the reimbursement of the limitation fee. The reimbursement shall also be ordered in respect of the

[112] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

fee referred to in Rule 95, paragraph 3, first sentence, if the requester has already paid this fee.

Rule 94
Rejection of the request as inadmissible

Art. 105b
R. 92, 95

If the Examining Division finds that the request for limitation or revocation fails to comply with the requirements of Rule 92, it shall invite the requester to correct the deficiencies noted, within a period to be specified. If the deficiencies are not corrected in due time, the Examining Division shall reject the request as inadmissible.

Rule 95
Decision on the request

Art. 2, 105b
R. 92, 94

(1) If a request for revocation is admissible, the Examining Division shall revoke the patent and communicate this to the requester.

(2) If a request for limitation is admissible, the Examining Division shall examine whether the amended claims constitute a limitation vis-à-vis the claims as granted or amended in opposition or limitation proceedings and comply with Article 84 and Article 123, paragraphs 2 and 3. If the request does not comply with these requirements, the Examining Division shall give the requester one opportunity to correct any deficiencies noted, and to amend the claims and, where appropriate, the description and drawings, within a period to be specified.

(3)[113] If a request for limitation is allowable under paragraph 2, the Examining Division shall communicate this to the requester and invite him to pay the prescribed fee and to file a translation of the amended claims in the official languages of the European Patent Office other than the language of the proceedings, within a period of three months; Rule 82, paragraph 3, first sentence, shall apply mutatis mutandis. If the requester performs these acts in due time, the Examining Division shall limit the patent.

(4) If the requester does not respond in due time to the communication issued under paragraph 2, or if the request for limitation is not allowable, or if the requester fails to perform the acts required under paragraph 3 in due time, the Examining Division shall reject the request.

Rule 96
Content and form of the amended European patent specification

Art. 65, 105c

The amended European patent specification shall include the description, claims and drawings as amended. Rule 73, paragraphs 2 and 3, and Rule 74 shall apply.

[113] Amended by decision of the Administrative Council CA/D 2/10 of 26.10.2010 (OJ EPO 2010, 637), which entered into force on 01.04.2012.

PART VI
IMPLEMENTING REGULATIONS TO PART VI OF THE CONVENTION

Chapter I
Appeals procedure

Rule 97[114]
Appeal against apportionment and fixing of costs

Art. 104
R. 88, 101

(1) The apportionment of costs of opposition proceedings cannot be the sole subject of an appeal.

(2) A decision fixing the amount of costs of opposition proceedings cannot be appealed unless the amount exceeds that of the fee for appeal.

Rule 98
Surrender or lapse of the patent

R. 75

The decision of an Opposition Division may be appealed even if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States.

Rule 99[115]
Content of the notice of appeal and the statement of grounds

Art. 108
R. 101

(1) The notice of appeal shall contain:

(a) the name and the address of the appellant as provided in Rule 41, paragraph 2(c);

(b) an indication of the decision impugned; and

(c) a request defining the subject of the appeal.

(2) In the statement of grounds of appeal the appellant shall indicate the reasons for setting aside the decision impugned, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based.

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the notice of appeal, the statement of grounds and the documents filed in appeal proceedings.

Rule 100[116]
Examination of appeals

Art. 110, 111
R. 102, 111

(1)[117] Unless otherwise provided, the provisions relating to proceedings before the department which has taken the decision impugned shall apply to appeal proceedings.

[114] See decision of the Enlarged Board of Appeal G 3/03 (Annex I).

[115] See decisions of the Enlarged Board of Appeal G 9/92, G 1/99, G 1/12 (Annex I).

[116] See decisions of the Enlarged Board of Appeal G 7/91, G 8/91, G 9/91, G 10/91, G 9/92, G 8/93, G 10/93, G 6/95, G 1/99, G 3/99 (Annex I).

[117] See notice from the Vice-President DG 3 of 17.03.2008 (OJ EPO 2008, 220).

(2) In the examination of the appeal, the Board of Appeal shall invite the parties, as often as necessary, to file observations, within a period to be specified, on communications issued by itself or observations submitted by another party.

(3) If the applicant fails to reply in due time to an invitation under paragraph 2, the European patent application shall be deemed to be withdrawn, unless the decision impugned was taken by the Legal Division.

Rule 101[118]
Rejection of the appeal as inadmissible

Art. 106-108, 110, 111
R. 97

(1) If the appeal does not comply with Articles 106 to 108, Rule 97 or Rule 99, paragraph 1(b) or (c) or paragraph 2, the Board of Appeal shall reject it as inadmissible, unless any deficiency has been remedied before the relevant period under Article 108 has expired.

(2) If the Board of Appeal notes that the appeal does not comply with Rule 99, paragraph 1(a), it shall communicate this to the appellant and shall invite him to remedy the deficiencies noted within a period to be specified. If the deficiencies are not remedied in due time, the Board of Appeal shall reject the appeal as inadmissible.

Rule 102[119]
Form of decision of the Board of Appeal

Art. 110, 111

The decision shall be authenticated by the Chairman of the Board of Appeal and by the competent employee of the registry of the Board of Appeal, either by their signature or by any other appropriate means.[120] The decision shall contain:

(a) a statement that it was delivered by the Board of Appeal;

(b) the date when the decision was taken;

(c) the names of the Chairman and of the other members of the Board of Appeal taking part;

(d) the names of the parties and their representatives;

(e) the requests of the parties;

(f) a summary of the facts;

(g) the reasons;

(h) the order of the Board of Appeal, including, where appropriate, a decision on costs.

[118] See decisions of the Enlarged Board of Appeal G 9/92, G 2/04, G 1/12 (Annex I).

[119] See decision of the Enlarged Board of Appeal G 1/05 (Annex I).

[120] See notice from the Vice-President DG 3 of 15.12.2011 (OJ EPO 2012, 14).

Rule 103[121, 122] *Art. 109, 111*
Reimbursement of appeal fees

(1) The appeal fee shall be reimbursed in full

(a) in the event of interlocutory revision or where the Board of Appeal deems an appeal to be allowable, if such reimbursement is equitable by reason of a substantial procedural violation, or

(b) if the appeal is withdrawn before the filing of the statement of grounds of appeal and before the period for filing that statement has expired.

(2) The appeal fee shall be reimbursed at 75% if, in response to a communication from the Board of Appeal indicating its intention to start substantive examination of the appeal, the appeal is withdrawn within two months of notification of that communication.

(3) The appeal fee shall be reimbursed at 50% if the appeal is withdrawn after expiry of the period under paragraph 1(b), provided withdrawal occurs:

(a) if a date for oral proceedings has been set, within one month of notification of a communication issued by the Board of Appeal in preparation for these oral proceedings;

(b) if no date for oral proceedings has been set, and the Board of Appeal has issued a communication inviting the appellant to file observations, before expiry of the period set by the Board for filing observations;

(c) in all other cases, before the decision is issued.

(4) The appeal fee shall be reimbursed at 25%

(a) if the appeal is withdrawn after expiry of the period under paragraph 3(a) but before the decision is announced at oral proceedings;

(b) if the appeal is withdrawn after expiry of the period under paragraph 3(b) but before the decision is issued;

(c) if any request for oral proceedings is withdrawn within one month of notification of the communication issued by the Board of Appeal in preparation for the oral proceedings, and no oral proceedings take place.

(5) The appeal fee shall be reimbursed under only one of the above provisions. Where more than one rate of reimbursement applies, reimbursement shall be at the higher rate.

(6) The department whose decision is impugned shall order the reimbursement if it revises its decision and considers reimbursement equitable by reason of a substantial procedural violation. In all other cases, matters of reimbursement shall be decided by the Board of Appeal.

[121] See decision of the Enlarged Board of Appeal G 3/03 (Annex I).

[122] Amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

Chapter II
Petitions for review by the Enlarged Board of Appeal

Rule 104
Further fundamental procedural defects

Art. 112a

A fundamental procedural defect under Article 112a, paragraph 2(d), may have occurred where the Board of Appeal,

(a) contrary to Article 116, failed to arrange for the holding of oral proceedings requested by the petitioner, or

(b) decided on the appeal without deciding on a request relevant to that decision.

Rule 105
Criminal acts

Art. 112a

A petition for review may be based on Article 112a, paragraph 2(e), if a competent court or authority has finally established that the criminal act occurred; a conviction is not necessary.

Rule 106
Obligation to raise objections

R. 108

A petition under Article 112a, paragraph 2(a) to (d), is only admissible where an objection in respect of the procedural defect was raised during the appeal proceedings and dismissed by the Board of Appeal, except where such objection could not be raised during the appeal proceedings.

Rule 107
Contents of the petition for review

Art. 112a
R. 2

(1) The petition shall contain:

(a) the name and the address of the petitioner as provided in Rule 41, paragraph 2(c);

(b) an indication of the decision to be reviewed.

(2) The petition shall indicate the reasons for setting aside the decision of the Board of Appeal, and the facts and evidence on which the petition is based.

(3) Part III of the Implementing Regulations shall apply mutatis mutandis to the petition for review and the documents filed in the proceedings.

Rule 108
Examination of the petition

(1) If the petition does not comply with Article 112a, paragraphs 1, 2 or 4, Rule 106 or Rule 107, paragraph 1(b) or 2, the Enlarged Board of Appeal shall reject it as inadmissible, unless any defect has been remedied before the relevant period under Article 112a, paragraph 4, expires.

(2) If the Enlarged Board of Appeal notes that the petition does not comply with Rule 107, paragraph 1(a), it shall communicate this to the petitioner and shall invite him to remedy the deficiencies noted within a period to be specified. If the deficiencies are not remedied in due time, the Enlarged Board of Appeal shall reject the petition as inadmissible.

(3)[123] If the petition is allowable, the Enlarged Board of Appeal shall set aside the decision of the Board of Appeal and order the re-opening of the proceedings before the Board of Appeal responsible under Rule 12b, paragraph 4. The Enlarged Board of Appeal may order that members of the Board of Appeal who participated in taking the decision set aside shall be replaced.

Rule 109 *Art. 22*
Procedure in dealing with petitions for review

(1) In proceedings under Article 112a, the provisions relating to proceedings before the Boards of Appeal shall apply, unless otherwise provided. Rule 115, paragraph 1, second sentence, Rule 118, paragraph 2, first sentence, and Rule 132, paragraph 2, shall not apply. The Enlarged Board of Appeal may specify a period deviating from Rule 4, paragraph 1, first sentence.

(2) The Enlarged Board of Appeal

(a) consisting of two legally qualified members and one technically qualified member shall examine all petitions for review and shall reject those which are clearly inadmissible or unallowable; such decision shall require unanimity;

(b) consisting of four legally qualified members and one technically qualified member shall decide on any petition not rejected under sub-paragraph (a).

(3) The Enlarged Board of Appeal composed according to paragraph 2(a) shall decide without the involvement of other parties and on the basis of the petition.

Rule 110 *Art. 112a*
Reimbursement of the fee for petitions for review

The Enlarged Board of Appeal shall order the reimbursement of the fee for a petition for review if the proceedings before the Boards of Appeal are reopened.

[123] Amended by Article 2 of the decision of the Administrative Council CA/D 6/16 of 30.06.2016 (OJ EPO 2016, A100), which entered into force on 01.07.2016.

PART VII
IMPLEMENTING REGULATIONS TO PART VII OF THE CONVENTION

Chapter I
Decisions and communications of the European Patent Office

Rule 111[124]
Form of decisions

Art. 90, 97, 101, 104, 105b, 110-112a
R. 97

(1) Where oral proceedings are held before the European Patent Office, the decision may be given orally. The decision shall subsequently be put in writing and notified to the parties.

(2) Decisions of the European Patent Office which are open to appeal shall be reasoned and shall be accompanied by a communication pointing out the possibility of appeal and drawing the attention of the parties to Articles 106 to 108, the text of which shall be attached. The parties may not invoke the omission of the communication.

Rule 112[125]
Noting of loss of rights

Art. 14, 77, 79, 86, 90, 94, 97, 99, 105, 106, 110, 119, 124, 136, 140
R. 135, 136, 142, 152, 155, 160

(1) If the European Patent Office notes that a loss of rights has occurred, without any decision concerning the refusal of the European patent application or the grant, revocation or maintenance of the European patent, or the taking of evidence, it shall communicate this to the party concerned.

(2) If the party concerned considers that the finding of the European Patent Office is inaccurate, it may, within two months of the communication under paragraph 1, apply for a decision on the matter. The European Patent Office shall take such decision only if it does not share the opinion of the party requesting it; otherwise, it shall inform that party.

Rule 113[126]
Signature, name, seal

Art. 90, 94, 97, 101, 110, 115, 128, 153

(1) Any decisions, summonses, notices and communications from the European Patent Office shall be signed by, and state the name of, the employee responsible.

(2) Where a document referred to in paragraph 1 is produced by the employee responsible using a computer, a seal may replace the signature. Where the document is produced automatically by a computer, the employee's name may also be dispensed with. The same shall apply to pre-printed notices and communications.

[124] See decision of the Enlarged Board of Appeal G 12/91 (Annex I).

[125] See decisions of the Enlarged Board of Appeal G 1/90, G 2/97, G 1/02 (Annex I).

[126] See notice from the EPO of 27.03.2020 (OJ EPO 2020, A37).

Chapter II
Observations by third parties

Rule 114[127]
Observations by third parties

Art. 93, 105, 115
R. 1, 2

(1) Any observations by a third party shall be filed in writing in an official language of the European Patent Office and state the grounds on which they are based. Rule 3, paragraph 3, shall apply.

(2) Any such observations shall be communicated to the applicant for or proprietor of the patent, who may comment on them.

Chapter III
Oral proceedings and taking of evidence

Rule 115[128]
Summons to oral proceedings

(1) The parties shall be summoned to oral proceedings under Article 116, drawing their attention to paragraph 2 of this Rule. At least two months' notice of the summons shall be given, unless the parties agree to a shorter period.

(2)[129] If a party duly summoned to oral proceedings before the European Patent Office does not appear as summoned, the proceedings may continue without that party.

Rule 116[130]
Preparation of oral proceedings

Art. 114, 116

(1) When issuing the summons, the European Patent Office shall draw attention to the points which in its opinion need to be discussed for the purposes of the decision to be taken. At the same time a final date for making written submissions in preparation for the oral proceedings shall be fixed. Rule 132 shall not apply. New facts and evidence presented after that date need not be considered, unless admitted on the grounds that the subject of the proceedings has changed.

(2) If the applicant or patent proprietor has been notified of the grounds prejudicing the grant or maintenance of the patent, he may be invited to submit, by the date specified in paragraph 1, second sentence, documents which meet the requirements of the Convention. Paragraph 1, third and fourth sentences, shall apply mutatis mutandis.

[127] See decision of the President of the EPO and notice from the EPO of 10.05.2011 concerning the filing of third party observations under Article 115 EPC by means of an online form (OJ EPO 2011, 418, 420).

[128] See decision/opinion of the Enlarged Board of Appeal G 6/95, G 4/92 (Annex I).

[129] See notice from the EPO of 10.11. 2020 concerning non-attendance at oral proceedings in the examination procedure (OJ EPO 2020, A124).

[130] See decision of the Enlarged Board of Appeal G 6/95 (Annex I).

Rule 117[131]
Decision on taking of evidence

Art. 117, 131
R. 120

Where the European Patent Office considers it necessary to hear a party, witness or expert, or to carry out an inspection, it shall take a decision to this end, setting out the investigation which it intends to carry out, relevant facts to be proved and the date, time and place of the investigation and whether it will be conducted by videoconference. If the hearing of a witness or expert is requested by a party, the decision shall specify the period within which the requester must make known the name and address of any witness or expert concerned.

Rule 118[132]
Summons to give evidence before the European Patent Office

Art. 117, 131
R. 120

(1) A summons to give evidence before the European Patent Office shall be issued to the parties, witnesses or experts concerned.

(2) At least two months' notice of a summons issued to a party, witness or expert to testify shall be given, unless they agree to a shorter period. The summons shall contain:

(a) an extract from the decision under Rule 117, indicating the date, time and place of the investigation ordered, specifying whether it will be conducted by videoconference and stating the facts in respect of which parties, witnesses or experts are to be heard;

(b) the names of the parties and particulars of the rights which the witnesses or experts may invoke under Rule 122, paragraphs 2 to 4;

(c) an indication that a party, witness or expert who has been summoned to appear before the European Patent Office on its premises may, at his request, be heard by videoconference;

(d) an indication that the party, witness or expert may request to be heard by a competent court of his country of residence under Rule 120, and an invitation to inform the European Patent Office, within a period to be specified, whether he is prepared to appear before it.

Rule 119
Examination of evidence before the European Patent Office

Art. 117, 131
R. 4, 117-124, 150

(1) The Examining Division, Opposition Division or Board of Appeal may commission one of its members to examine the evidence adduced.

(2) 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 testimony under oath or in an equally binding form.

[131] Amended by decision of the Administrative Council CA/D 12/20 20 of 15.12.2020 (OJ EPO 2020, A132), which entered into force on 01.01.2021.

[132] Amended by decision of the Administrative Council CA/D 12/20 20 of 15.12.2020 (OJ EPO 2020, A132), which entered into force on 01.01.2021.

(3) The parties may attend an investigation and may put relevant questions to the testifying party, witness or expert.

Rule 120
Hearing by a competent national court

Art. 117
R. 4, 117-124

(1) A party, witness or expert who is summoned before the European Patent Office may request the latter to allow him to be heard by a competent court in his country of residence. If this is requested, or if no reply is received within the period specified in the summons, the European Patent Office may, in accordance with Article 131, paragraph 2, request the competent court to hear the person concerned.

(2) If a party, witness or expert has been heard by the European Patent Office, the latter may, if it considers it advisable for the testimony to be given under oath or in an equally binding form, issue a request under Article 131, paragraph 2, to the competent court in the country of residence of the person concerned to re-examine his testimony under such conditions.

(3) When the European Patent Office requests a competent court to take evidence, it may request the court to take the evidence under oath or in an equally binding form and to permit a member of the department concerned to attend the hearing and question the party, witness or expert, either through the intermediary of the court or directly.

Rule 121
Commissioning of experts

Art. 117
R. 120

(1) The European Patent Office shall decide in what form the opinion of 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 period specified for the submission of his opinion;

(c) the names of the parties to the proceedings;

(d) particulars of the rights which he may invoke under Rule 122, paragraphs 2 to 4.

(3) A copy of any written opinion shall be submitted to the parties.

(4) The parties may object to an expert. The department of the European Patent Office concerned shall decide on the objection.

Rule 122
Costs of taking of evidence

Art. 33, 117
R. 117-121

(1) The taking of evidence by the European Patent Office may be made conditional upon deposit with it, by the party requesting the evidence to be taken, of an amount to be fixed by reference to an estimate of the costs.

(2) Witnesses or experts who are summoned by and appear before the European Patent Office shall be entitled to appropriate reimbursement of expenses for travel and subsistence. An advance for these expenses may be granted to them. This shall also apply to persons who appear before the European Patent Office without being summoned by it and are heard as witnesses or experts.

(3) Witnesses entitled to reimbursement under paragraph 2 shall also be entitled to appropriate compensation for loss of earnings, and experts to fees for their work. These payments shall be made to the witnesses and experts after they have fulfilled their duties or tasks.

(4)[133] The Administrative Council shall lay down the details implementing paragraphs 2 and 3. Any amounts due under these provisions shall be paid by the European Patent Office.

Rule 123 *Art. 117, 120*
Conservation of evidence

(1) On request, the European Patent Office may, without delay, take measures to conserve evidence of facts liable to affect a decision which it may be called upon to take with regard to a European patent application or a European patent, where there is reason to fear that it might subsequently become more difficult or even impossible to take evidence. The date on which the measures are to be taken shall be communicated to the applicant for or proprietor of the patent in sufficient time to allow him to attend. He may ask relevant questions.

(2) The request shall contain:

(a) particulars of the requester as provided in Rule 41, paragraph 2(c);

(b) sufficient identification of the European patent application or European patent in question;

(c) an indication of the facts in respect of which evidence is to be taken;

(d) particulars of the means of giving or obtaining evidence;

(e) a statement establishing a prima facie case for fearing that it might subsequently become more difficult or impossible to take evidence.

(3) The request shall not be deemed to have been filed until the prescribed fee has been paid.

(4) The decision on the request and any resulting taking of evidence shall be incumbent upon the department of the European Patent Office which would have to take the decision liable to be affected by the facts to be established. The provisions with regard to the taking of evidence in proceedings before the European Patent Office shall apply.

[133] See regulation of the Administrative Council of 21.10.1977 on compensation and fees payable to witnesses and experts (OJ EPO 1983, 102).

Rule 124 *Art. 116, 117*
Minutes of oral proceedings and of taking of evidence

(1) Minutes of oral proceedings and of the taking of evidence shall be drawn up, containing the essentials of the oral proceedings or of the taking of evidence, the relevant statements made by the parties, the testimony of the parties, witnesses or experts and the result of any inspection.

(2) The minutes of the testimony of a witness, expert or party shall be read out, submitted to him, so that he may examine them or, where they are recorded by technical means, played back to him, unless he waives this right. It shall be noted in the minutes that this formality has been carried out and that the person who gave the testimony approved the minutes. If his approval is not given, his objections shall be noted. It is not necessary to play back the minutes or to obtain approval of them if the testimony has been recorded verbatim and directly using technical means.

(3)[134] The minutes shall be authenticated by the employee responsible for drawing them up and by the employee who conducted the oral proceedings or taking of evidence, either by their signature or by any other appropriate means.

(4) The parties shall be provided with a copy of the minutes.

Chapter IV
Notifications

Rule 125[135] *Art. 119*
General provisions

(1) The European Patent Office shall, as a matter of course, notify those concerned of decisions and summonses, and of any notice or other communication from which a time limit is reckoned, or of which those concerned must be notified under the Convention, or of which notification has been ordered by the President of the European Patent Office. Any notification to be made shall take the form of the original document, a copy thereof certified by or bearing the seal of the European Patent Office, a computer print-out bearing such seal or an electronic document containing such seal or otherwise certified. Copies of documents emanating from the parties themselves shall not require such certification.

(2) Notification shall be made:

(a) by postal services in accordance with Rule 126;

(b) by means of electronic communication in accordance with Rule 127;

[134] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[135] Paragraphs 1 and 2(a) and (b) amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

(c) by delivery on the premises of the European Patent Office in accordance with Rule 128; or

(d) by public notice in accordance with Rule 129.

(3) Notification through the central industrial property office of a Contracting State shall be made in accordance with the law applicable to that office in national proceedings.

(4) Where a document has reached the addressee, if the European Patent Office is unable to prove that it has been duly notified, or if provisions relating to its notification have not been observed, the document shall be deemed to have been notified on the date established by the European Patent Office as the date of receipt.

Rule 126[136] *Art. 119*
Notification by postal services

(1)[137] All notifications by postal services shall be by registered letter.[138]

(2) Where notification is effected in accordance with paragraph 1, the letter shall be deemed to be delivered to the addressee on the tenth day following its handover to the postal service provider, unless it has failed to reach the addressee or has reached him at a later date; in the event of any dispute, it shall be incumbent on the European Patent Office to establish that the letter has reached its destination or to establish the date on which the letter was delivered to the addressee, as the case may be.

(3) Notification in accordance with paragraph 1 shall be deemed to have been effected even if acceptance of the letter has been refused.

(4) To the extent that notification by postal services is not covered by paragraphs 1 to 3, the law of the State in which the notification is made shall apply.

[136] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[137] Amended by decision of the Administrative Council CA/D 2/19 of 28.03.2019 (OJ EPO 2019, A31), which entered into force on 01.11.2019.
See notice from the EPO of 16.06.2019 (OJ EPO 2019, A57).
See decision of the Enlarged Board of Appeal G 1/14 (Annex I).

[138] See notice from the EPO of 04.09.2014 concerning the use of an address for correspondence (OJ EPO 2014, A99).

Rule 127[139] *Art. 119*
Notification by means of electronic communication

(1) Notification may be effected by means of electronic communication as determined by the President of the European Patent Office and under the conditions laid down by him.

(2) Where notification is effected by means of electronic communication, the electronic document shall be deemed to be delivered to the addressee on the tenth day following its transmission, unless it has failed to reach its destination or has reached its destination at a later date; in the event of any dispute, it shall be incumbent on the European Patent Office to establish that the electronic document has reached its destination or to establish the date on which it reached its destination, as the case may be.

Rule 128 *Art. 119*
Notification by delivery by hand

Notification may be effected on the premises of the European Patent Office by delivery by hand of the document to the addressee, who shall on delivery acknowledge its receipt. Notification shall be deemed to have been effected even if the addressee refuses to accept the document or to acknowledge receipt thereof.

Rule 129 *Art. 119*
Public notification

(1)[140] If the address of the addressee cannot be established, or if notification in accordance with Rule 126, paragraph 1, has proved to be impossible even after a second attempt, notification shall be effected by public notice.

(2)[141] The President of the European Patent Office shall determine how the public notice is to be given and the beginning of the period of one month on expiry of which the document shall be deemed to have been notified.

Rule 130 *Art. 119, 133*
Notification to representatives

(1) If a representative has been appointed, notifications shall be addressed to him.

(2) If several representatives have been appointed for a single party, notification to any one of them shall be sufficient.

[139] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).
See decision of the President of the EPO of 11.03.2015 concerning the pilot project to introduce new means of electronic communication in EPO proceedings (OJ EPO 2015, A28).

[140] German version of paragraph 1 amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.

[141] See decision of the President of the EPO of 14.07.2007 (Special edition No. 3, OJ EPO 2007, K.1).

(3) If several parties have a common representative, notification to the common representative shall be sufficient.

Chapter V
Time limits

Rule 131
Calculation of periods

Art. 120

(1) Periods shall be laid down in terms of full years, months, weeks or days.

(2) Computation shall start on the day following the day on which the relevant event occurred, the event being either a procedural step or the expiry of another period. Where the procedural step is a notification, the relevant event shall be the receipt of the document notified, unless otherwise provided.

(3) When a period is expressed as one year or a certain number of years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred; if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(4) When a period is expressed as one month or a certain number of months, it shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred; if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(5) When a period is expressed as one week or a certain number of weeks, it shall expire in the relevant subsequent week on the day having the same name as the day on which the said event occurred.

Rule 132
Periods specified by the European Patent Office

Art. 120
R. 109, 116

(1) Where the Convention or these Implementing Regulations refer to "a period to be specified", this period shall be specified by the European Patent Office.

(2) Unless otherwise provided, a period specified by the European Patent Office shall be neither less than two months nor more than four months; in certain circumstances it may be up to six months. In special cases, the period may be extended upon request, presented before the expiry of such period.

Rule 133[142]
Late receipt of documents

Art. 120
R. 2

(1)[143] A document received late at the European Patent Office shall be deemed to have been received in due time if it was delivered to a recognised postal service provider in due time before expiry of the period in accordance with the conditions laid down by the President of the European Patent Office, unless the document was received later than three months after expiry of the period.

(2) Paragraph 1 shall apply mutatis mutandis to any period where transactions are carried out with the competent authority in accordance with Article 75, paragraphs 1(b) or 2(b).

Rule 134[144]
Extension of periods

Art. 77, 120

(1)[145] If a period expires on a day on which one of the filing offices of the European Patent Office under Rule 35, paragraph 1, is not open for receipt of documents or on which, for reasons other than those referred to in paragraph 2, mail is not delivered there, the period shall extend to the first day thereafter on which all the filing offices are open for receipt of documents and on which mail is delivered. The first sentence shall apply mutatis mutandis if documents filed by one of the means of electronic communication permitted by the President of the European Patent Office under Rule 2, paragraph 1, cannot be received.

(2) If a period expires on a day on which there is a general dislocation in the delivery or transmission of mail in a Contracting State, the period shall extend to the first day following the end of the interval of dislocation for parties which are resident in the State concerned or have appointed representatives with a place of business in that State. Where the State concerned is the State in which the European Patent Office is located, this provision shall apply to all parties and their representatives. This paragraph shall apply mutatis mutandis to the period referred to in Rule 37, paragraph 2.

(3) Paragraphs 1 and 2 shall apply mutatis mutandis where acts are performed with the competent authority in accordance with Article 75, paragraphs 1(b) or 2(b).

(4) The date of commencement and the end of any dislocation under paragraph 2 shall be published by the European Patent Office.

[142] See decision of the President of the EPO of 11.03.2015 (OJ EPO 2015, A29).

[143] Amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.

[144] Paragraphs 1 and 5 amended by decision of the Administrative Council CA/D 6/14 of 15.10.2014 (OJ EPO 2015, A17), which entered into force on 01.04.2015.
See notice from the EPO of 30.03.2015 (OJ EPO 2015, A36).

[145] See list of days in 2021 on which EPO filing offices are closed (OJ EPO 2020, A115 and A139).
See notice from the EPO of 22.10.2020 concerning the safeguards available under the EPC and the PCT in case of unavailability of means of electronic communication (OJ EPO 2020, A120).

(5) Without prejudice to paragraphs 1 to 4, a party concerned may produce evidence that on any of the ten days preceding the day of expiry of a period the delivery or transmission of mail was dislocated due to an exceptional occurrence such as a natural disaster, war, civil disorder, a general breakdown in any of the means of electronic communication permitted by the President of the European Patent Office under Rule 2, paragraph 1, or other like reasons affecting the locality where the party or his representative resides or has his place of business. If the evidence produced satisfies the European Patent Office, a document received late shall be deemed to have been received in due time, provided that the mailing or the transmission was effected at the latest on the fifth day after the end of the dislocation.

Rule 135
Further processing

Art. 120
R. 112

(1) Further processing under Article 121, paragraph 1, shall be requested by payment of the prescribed fee within two months of the communication concerning either the failure to observe a time limit or a loss of rights. The omitted act shall be completed within the period for making the request.

(2)[146] Further processing shall be ruled out in respect of the periods referred to in Article 121, paragraph 4, and of the periods under Rule 6, paragraph 1, Rule 16, paragraph 1(a), Rule 31, paragraph 2, Rule 36, paragraph 2, Rule 40, paragraph 3, Rule 51, paragraphs 2 to 5, Rule 52, paragraphs 2 and 3, Rules 55, 56, 58, 59, 62a, 63, 64, Rule 112, paragraph 2, and Rule 164, paragraphs 1 and 2.

(3) The department competent to decide on the omitted act shall decide on the request for further processing.

Rule 136
Re-establishment of rights

Art. 120
R. 112, 143

(1) Any request for re-establishment of rights under Article 122, paragraph 1, shall be filed in writing within two months of the removal of the cause of non-compliance with the period, but at the latest within one year of expiry of the unobserved time limit. However, a request for re-establishment of rights in respect of any of the periods specified in Article 87, paragraph 1, and in Article 112a, paragraph 4, shall be filed within two months of expiry of that period. The request for re-establishment of rights shall not be deemed to have been filed until the prescribed fee has been paid.

(2) The request shall state the grounds on which it is based and shall set out the facts on which it relies. The omitted act shall be completed within the relevant period for filing the request according to paragraph 1.

(3) Re-establishment of rights shall be ruled out in respect of any period for which further processing under Article 121 is available and in respect of the period for requesting re-establishment of rights.

[146] Amended by decision of the Administrative Council CA/D 17/13 of 16.10.2013 (OJ EPO 2013, 503), which entered into force on 01.11.2014.
See notice from the EPO of 10.06.2014 (OJ EPO 2014, A70).

(4) The department competent to decide on the omitted act shall decide on the request for re-establishment of rights.

Chapter VI
Amendments and corrections

Rule 137[147, 148]
Amendment of the European patent application

Art. 90, 92, 94, 123
R. 57, 58, 62, 65, 68, 70, 71, 80, 161

(1) Before receiving the European search report, the applicant may not amend the description, claims or drawings of a European patent application unless otherwise provided.

(2) Together with any comments, corrections or amendments made in response to communications by the European Patent Office under Rule 70a, paragraph 1 or 2, or Rule 161, paragraph 1, the applicant may amend the description, claims and drawings of his own volition.

(3) No further amendment may be made without the consent of the Examining Division.

(4) When filing any amendments referred to in paragraphs 1 to 3, the applicant shall identify them and indicate the basis for them in the application as filed. If the Examining Division notes a failure to meet either requirement**,** it may request the correction of this deficiency within a period of one month.

(5) Amended claims may not relate to unsearched subject-matter which does not combine with the originally claimed invention or group of inventions to form a single general inventive concept. Nor may they relate to subject-matter not searched in accordance with Rule 62a or Rule 63.

Rule 138[149]
Different claims, description and drawings for different States

Art. 54, 94, 98, 101, 105a, 105b, 118, 123
R. 18, 78, 80

If the European Patent Office is informed of the existence of a prior right under Article 139, paragraph 2, the European patent application or European patent may, for such State or States, contain claims and, where appropriate, a description and drawings which are different from those for the other designated States.

Rule 139[150]
Correction of errors in documents filed with the European Patent Office

Art. 78, 90
R. 71

Linguistic errors, errors of transcription and mistakes in any document filed with the European Patent Office may be corrected on request. However, if the request for such correction concerns the description, claims or

[147] See opinion/decision of the Enlarged Board of Appeal G 3/89, G 11/91 (Annex I).

[148] Amended by decision of the Administrative Council CA/D 3/09 of 25.03.2009 (OJ EPO 2009, 299), which entered into force on 01.04.2010.

[149] See decision of the Enlarged Board of Appeal G 1/99 (Annex I).

[150] See decisions of the Enlarged Board of Appeal G 3/89, G 11/91, G 2/95, G 1/12 (Annex I).

drawings, the correction must be obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

Rule 140[151]
Correction of errors in decisions

Art. 90, 97, 101, 104, 105b, 111, 112, 112a

In decisions of the European Patent Office, only linguistic errors, errors of transcription and obvious mistakes may be corrected.

Chapter VII
Information on prior art

Rule 141[152]
Information on prior art

Art. 124, 140
R. 70b, 112, 113

(1) An applicant claiming priority within the meaning of Article 87 shall file a copy of the results of any search carried out by the authority with which the previous application was filed together with the European patent application, in the case of a Euro-PCT application on entry into the European phase, or without delay after such results have been made available to him.

(2)[153] The copy referred to in paragraph 1 shall be deemed to be duly filed if it is available to the European Patent Office and to be included in the file of the European patent application under the conditions determined by the President of the European Patent Office.

(3) Without prejudice to paragraphs 1 and 2, the European Patent Office may invite the applicant to provide, within a period of two months, information on prior art within the meaning of Article 124, paragraph 1.

[151] See decisions of the Enlarged Board of Appeal G 8/95, G 1/10 (Annex I).

[152] Amended by decision of the Administrative Council CA/D 18/09 of 28.10.2009 (OJ EPO 2009, 585), which entered into force on 01.01.2011.

[153] See decision of the President of the EPO of 05.10.2010 on the filing of copies of search results under Rule 141(1) EPC – utilisation scheme (OJ EPO 2010, 600) and decisions of the President of the EPO exempting applicants claiming the priority of a first filing made in Austria, Japan, the United Kingdom, the United States of America, the Republic of Korea, Denmark, Spain, Switzerland, the People's Republic of China or Sweden from filing a copy of the search results under Rule 141(1) EPC – utilisation scheme (OJ EPO 2011, 62; OJ EPO 2012, 540; OJ EPO 2013, 216; OJ EPO 2015, A2; OJ EPO 2016, A18; OJ EPO 2019, A55; OJ EPO 2021, A38 and A39).
See notices from the EPO of 28.07.2010 (OJ EPO 2010, 410) and 14.05.2021 (OJ EPO 2021, A40).

Chapter VIII
Interruption of proceedings

Rule 142[154]
Interruption of proceedings

Art. 86, 90, 94, 99, 106, 133, 134
R. 112, 143

(1) Proceedings before the European Patent Office shall be interrupted:

(a) in the event of the death or legal incapacity of the applicant for or proprietor of a European patent or of the person authorised by national law to act on his behalf. To the extent that the above events do not affect the authorisation of a representative appointed under Article 134, proceedings shall be interrupted only on application by such representative;

(b) in the event of the applicant for or proprietor of a patent, as a result of some action taken against his property, being prevented by legal reasons from continuing the proceedings;

(c) in the event of the death or legal incapacity of the representative of an applicant for or proprietor of a patent, or of his being prevented for legal reasons resulting from action taken against his property from continuing the proceedings.

(2)[155] When, in the cases referred to in paragraph 1(a) or (b), the European Patent Office has been informed of the identity of the person authorised to continue the proceedings, it shall notify such person and, where applicable, any third party, that the proceedings will be resumed as from a specified date. If, three years after the publication of the date of interruption in the European Patent Bulletin, the European Patent Office has not been informed of the identity of the person authorised to continue the proceedings, it may set a date on which it intends to resume the proceedings of its own motion.

(3) In the case referred to in paragraph 1(c), the proceedings shall be resumed when the European Patent Office has been informed of the appointment of a new representative of the applicant or when the Office has informed the other parties of the appointment of a new representative of the proprietor of the patent. If, three months after the beginning of the interruption of the proceedings, the European Patent Office has not been informed of the appointment of a new representative, it shall communicate to the applicant for or proprietor of the patent:

(a) where Article 133, paragraph 2, is applicable, that the European patent application will be deemed to be withdrawn or the European patent will be revoked if the information is not submitted within two months of this communication; or

(b) otherwise, that the proceedings will be resumed with the applicant for or proprietor of the patent as from the notification of this communication.

[154] See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).

[155] Amended by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.
See notice from the EPO of 29.05.2020 (OJ EPO 2020, A76).

(4) Any periods, other than those for requesting examination and paying renewal fees, in force at the date of interruption of the proceedings, shall begin again as from the day on which the proceedings are resumed. If such date is less than two months before the end of the period within which the request for examination must be filed, such a request may be filed within two months of such date.

Chapter IX
Information to the public

Rule 143[156]
Art. 127, 129

Entries in the European Patent Register

(1) The European Patent Register shall contain the following entries:

(a) number of the European patent application;

(b) date of filing of the application;

(c) title of the invention;

(d) classification symbols assigned to the application;

(e) the Contracting States designated;

(f) particulars of the applicant for or proprietor of the patent as provided in Rule 41, paragraph 2(c);

(g)[157] family name, given names and country and place of residence of the inventor designated by the applicant for or proprietor of the patent, unless he has waived his right to be mentioned under Rule 20, paragraph 1;

(h) particulars of the representative of the applicant for or proprietor of the patent as provided in Rule 41, paragraph 2(d); in the case of several representatives only the particulars of the representative first named, followed by the words "and others" and, in the case of an association referred to in Rule 152, paragraph 11, only the name and address of the association;

(i) priority data (date, State and file number of the previous application);

(j) in the event of a division of the application, the numbers of all the divisional applications;

(k) in the case of a divisional application or a new application under Article 61, paragraph 1(b), the information referred to in sub-paragraphs (a), (b) and (i) with regard to the earlier application;

[156] See decisions of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and concerning the entrustment to non-legally qualified staff of certain duties incumbent on the Legal Division (OJ EPO 2013, 601).

[157] Amended by decision of the Administrative Council CA/D 11/20 (Article 2) of 15.12.2020 (OJ EPO 2021, A3), which entered into force on 01.11.2021.
See notice from the EPO of 22.02.2021 (OJ EPO 2021, A12).

(l) date of publication of the application and, where appropriate, date of the separate publication of the European search report;

(m) date of filing of the request for examination;

(n) date on which the application is refused, withdrawn or deemed to be withdrawn;

(o) date of publication of the mention of the grant of the European patent;

(p) date of lapse of the European patent in a Contracting State during the opposition period and, where appropriate, pending a final decision on opposition;

(q) date of filing opposition;

(r) date and purport of the decision on opposition;

(s) dates of stay and resumption of proceedings in the cases referred to in Rules 14 and 78;

(t) dates of interruption and resumption of proceedings in the case referred to in Rule 142;

(u) date of re-establishment of rights where an entry has been made under sub-paragraphs (n) or (r);

(v) the filing of a request for conversion under Article 135, paragraph 3;

(w) rights and transfer of such rights relating to an application or a European patent where these Implementing Regulations provide that they shall be recorded.

(x) date and purport of the decision on the request for limitation or revocation of the European patent;

(y) date and purport of the decision of the Enlarged Board of Appeal on the petition for review.

(2)[158] The President of the European Patent Office may decide that entries other than those referred to in paragraph 1 shall be made in the European Patent Register.

[158] See decision of the President of the EPO of 15.07.2014 (OJ EPO 2014, A86).

Rule 144[159]
Parts of the file excluded from inspection

Art. 24, 81
R. 146

The parts of the file excluded from inspection under Article 128, paragraph 4, shall be:

(a) the documents relating to the exclusion of or objections to members of the Boards of Appeal or of the Enlarged Board of Appeal;

(b) draft decisions and notices, and all other documents, used for the preparation of decisions and notices, which are not communicated to the parties;

(c) the designation of the inventor, if he has waived his right to be mentioned under Rule 20, paragraph 1;

(d) any other document excluded from inspection by the President of the European Patent Office on the ground that such inspection would not serve the purpose of informing the public about the European patent application or the European patent.

Rule 145[160]
Procedures for the inspection of files

Art. 128
R. 149

(1) Inspection of the files of European patent applications and patents shall either be of the original document, or of copies thereof, or of technical means of storage if the files are stored in this way.

(2) The President of the European Patent Office shall determine all file-inspection arrangements, including the circumstances in which an administrative fee is payable.

Rule 146
Communication of information contained in the files

Subject to the restrictions laid down in Article 128, paragraphs 1 to 4, and in Rule 144, the European Patent Office may, upon request, communicate information concerning any file relating to a European patent application or European patent, subject to the payment of an administrative fee. However, the European Patent Office may refer to the option of file inspection where it deems this to be appropriate in view of the quantity of information to be supplied.

[159] See decision of the President of the EPO of 12.07.2007 concerning documents excluded from file inspection (Special edition No. 3, OJ EPO 2007, J.3) and decision of the President of the EPO of 20.02.2019 concerning online file inspection of documents contained in the file held by the EPO as receiving Office, International Searching Authority or Authority specified for supplementary search (OJ EPO 2019, A17).

[160] See decision of the President of the EPO of 20.02.2019 on the inspection of files (OJ EPO 2019, A16) and decision of the President of the EPO of 20.02.2019 concerning online file inspection of documents contained in the file held by the EPO as receiving Office, International Searching Authority or Authority specified for supplementary search (OJ EPO 2019, A17).

Rule 147[161, 162] *Art. 128*
Constitution, maintenance and preservation of files

(1) The European Patent Office shall constitute, maintain and preserve files relating to all European patent applications and patents in electronic form.

(2) The President of the European Patent Office shall determine all necessary technical and administrative arrangements relating to the management of electronic files according to paragraph 1.

(3) Documents incorporated in an electronic file shall be considered to be originals. The initial paper version of such documents shall only be destroyed after expiry of at least five years. This preservation period starts at the end of the year in which the document was incorporated in the electronic file.

(4) Any files shall be preserved for at least five years from the end of the year in which:

(a) the application is refused or withdrawn or is deemed to be withdrawn;

(b) the patent is revoked by the European Patent Office; or

(c) the patent or the corresponding protection under Article 63, paragraph 2, lapses in the last of the designated States.

(5) Without prejudice to paragraph 4, files relating to applications which have given rise to divisional applications under Article 76 or new applications under Article 61, paragraph 1(b), shall be preserved for at least the same period as the files relating to any one of these last applications. The same shall apply to files relating to any resulting European patents.

Chapter X
Legal and administrative co-operation

Rule 148 *Art. 130, 131*
Communications between the European Patent Office and the authorities of the Contracting States

(1) Communications between the European Patent Office and the central industrial property offices of the Contracting States which arise out of the application of this Convention shall be effected directly between these authorities. Communications between the European Patent Office and the courts or other authorities of the Contracting States may be effected through the intermediary of the said central industrial property offices.

[161] See decision of the President of the EPO of 12.07.2007 concerning use of the PHOENIX electronic file system for the creation, maintenance and preservation of files (Special edition No. 3, OJ EPO 2007, J.1).
See decision of the President of the EPO of 11.03.2015 concerning the pilot project to introduce new means of electronic communication in EPO proceedings (OJ EPO 2015, A28).

[162] Paragraphs 1-3 amended by decision of the Administrative Council CA/D 10/15 of 14.10.2015 (OJ EPO 2015, A83), which entered into force on 01.11.2016.
See notice from the EPO (OJ EPO 2016, A90).

(2) Expenditure in respect of communications under paragraph 1 shall be borne by the authority making the communications, which shall be exempt from fees.

Rule 149 *Art. 131*
Inspection of files by or via courts or authorities of the Contracting States

(1) Inspection of the files of European patent applications or of European patents by courts or authorities of the Contracting States shall be of the original documents or of copies thereof; Rule 145 shall not apply.

(2) Courts or Public Prosecutors' offices of the Contracting States may, in the course of their proceedings, communicate to third parties files or copies thereof transmitted to them by the European Patent Office. Such communications shall be effected in accordance with Article 128 and shall not be subject to any fee.

(3) The European Patent Office shall, when transmitting the files, draw attention to the restrictions which may, under Article 128, paragraphs 1 and 4, apply to file inspection by third parties.

Rule 150 *Art. 117, 131*
Procedure for letters rogatory

(1) Each Contracting State shall designate a central authority to receive letters rogatory issued by the European Patent Office and to transmit them to the court or authority competent to execute them.

(2) The European Patent Office shall draw up letters rogatory in the language of the competent court or authority or shall attach to such letters rogatory a translation into that language.

(3) Subject to paragraphs 5 and 6, the competent court or authority shall apply national law as to the procedures to be followed in executing such requests and, in particular, as to the appropriate measures of compulsion.

(4) If the court or authority to which the letters rogatory are transmitted is not competent to execute them, the letters rogatory shall be sent forthwith to the central authority referred to in paragraph 1. That authority shall transmit the letters rogatory either to the competent court or authority in that State, or to the European Patent Office where no court or authority is competent in that State.

(5) The European Patent Office shall be informed of the time when, and the place where, the enquiry or other legal measure is to take place and shall inform the parties, witnesses and experts concerned.

(6) If so requested by the European Patent Office, the competent court or authority shall permit the attendance of members of the department concerned and allow them to question any person giving evidence either directly or through the competent court or authority.

(7) The execution of letters rogatory shall not give rise to any reimbursement of fees or costs of any nature. Nevertheless, the State in

which letters rogatory are executed has the right to require the Organisation to reimburse any fees paid to experts or interpreters and the costs arising from the procedure under paragraph 6.

(8) If the law applied by the competent court or authority obliges the parties to secure evidence and the competent court or authority is not able itself to execute the letters rogatory, that court or authority may, with the consent of the European Patent Office, appoint a suitable person to do so. When seeking such consent, the competent court or authority shall indicate the approximate costs which would result from this procedure. If the European Patent Office gives its consent, the Organisation shall reimburse any costs incurred; otherwise, the Organisation shall not be liable for such costs.

Chapter XI
Representation

Rule 151[163] *Art. 59, 133*
Appointment of a common representative

(1) If there is more than one applicant and the request for grant of a European patent does not name a common representative, the applicant first named in the request shall be deemed to be the common representative. However, if one of the applicants is obliged to appoint a professional representative, this representative shall be deemed to be the common representative, unless the applicant first named has appointed a professional representative. The same shall apply to third parties acting in common in filing a notice of opposition or intervention and to joint proprietors of a European patent.

(2) If the European patent application is transferred to more than one person, and such persons have not appointed a common representative, paragraph 1 shall apply mutatis mutandis. If such application is not possible, the European Patent Office shall invite such persons to appoint a common representative within a period to be specified. If this invitation is not complied with, the European Patent Office shall appoint the common representative.

Rule 152 *Art. 90, 133, 134*
Authorisations

(1)[164] The President of the European Patent Office shall determine the cases in which a signed authorisation shall be filed by representatives acting before the European Patent Office.

(2) Where a representative fails to file such an authorisation, the European Patent Office shall invite him to do so within a period to be specified. The authorisation may cover one or more European patent applications or European patents and shall be filed in the corresponding number of copies.

(3) Where the requirements of Article 133, paragraph 2, have not been satisfied, the same period shall be specified for the appointment of a representative and the filing of the authorisation.

(4)[165] A general authorisation may be filed enabling a representative to act in respect of all the patent transactions of a party. A single copy shall suffice.

[163] See decision of the Enlarged Board of Appeal G 3/99 (Annex I).

[164] See decision of the President of the EPO of 12.07.2007 on the filing of authorisations (Special edition No. 3, OJ EPO 2007, L.1).
See decision of the President of the EPO of 16.04.2012 concerning notification of representation changes by professional representatives (OJ EPO 2012, 352).

[165] See decision of the President of the EPO of 21.11.2013 (OJ EPO 2013, 600).

(5) The President of the European Patent Office may determine the form and content of:

(a) an authorisation relating to the representation of persons under Article 133, paragraph 2;

(b) a general authorisation.

(6) If a required authorisation is not filed in due time, any procedural steps taken by the representative, other than the filing of a European patent application, shall be deemed not to have been taken, without prejudice to any other legal consequences provided for by this Convention.

(7) Paragraphs 2 and 4 shall apply to the withdrawal of an authorisation.

(8) A representative shall be deemed to be authorised until the termination of his authorisation has been communicated to the European Patent Office.

(9) Unless it expressly provides otherwise, an authorisation shall not terminate vis-à-vis the European Patent Office upon the death of the person who gave it.

(10)[166] If a party appoints several representatives, they may act either jointly or singly, notwithstanding any provisions to the contrary in the communication of their appointment or in the authorisation.

(11)[167] The authorisation of an association of representatives shall be deemed to be an authorisation of any representative who can provide evidence that he practises within that association.

Rule 153
Attorney-client evidentiary privilege[168]

Art. 133, 134, 134a

(1)[169] Where advice is sought from a professional representative in his capacity as such, all communications between the professional representative and his client or any other person, relating to that purpose and falling under Article 2 of the Regulation on discipline for professional representatives, are permanently privileged from disclosure in proceedings before the European Patent Office, unless such privilege is expressly waived by the client.

[166] See notice from the EPO of 28.08.2013 (OJ EPO 2013, 535, section II).

[167] See decision of the Administrative Council CA/D 9/13 of 16.10.2013 abrogating its 1978 decision relating to the interpretation of the term "association of representatives" (OJ EPO 2013, 500) and notice from the EPO of 28.08.2013 on matters concerning representation before the EPO (OJ EPO 2013, 535, section I).
See decision of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600).

[168] Title amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[169] French version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

(2) Such privilege from disclosure shall apply, in particular, to any communication or document relating to:

(a) the assessment of the patentability of an invention;

(b) the preparation or prosecution of a European patent application;

(c) any opinion relating to the validity, scope of protection or infringement of a European patent or a European patent application.

Rule 154[170]
Amendment of the list of professional representatives

(1)[171] The entry of a professional representative shall be deleted from the list of professional representatives if he so requests or if, despite a reminder, he fails to pay the applicable annual subscription to the Institute within five months from either:

(a) 1 January for members on the list at that date; or

(b) the date of entry for members entered on the list after 1 January of the year for which the subscription is due.

(2) Without prejudice to any disciplinary measures taken under Article 134a, paragraph 1(c), the entry of a professional representative may be deleted ex officio only:

(a) in the event of his death or legal incapacity;

(b) where he is no longer a national of one of the Contracting States, unless he was granted an exemption under Article 134, paragraph 7(a);

(c) where he no longer has his place of business or employment within one of the Contracting States.

(3) Any person entered on the list of professional representatives under Article 134, paragraphs (2) or (3), whose entry has been deleted shall, upon request, be re-entered on that list if the conditions for deletion no longer exist.

[170] See decision of the President of the EPO of 21.11.2013 concerning the responsibilities of the Legal Division (OJ EPO 2013, 600) and notice from the EPO of 12.05.2015 concerning representation before the EPO (OJ EPO 2015, A55).

[171] Amended by decision of the Administrative Council CA/D 6/18 of 28.06.2018 (OJ EPO 2018, A57), which entered into force on 01.01.2019.

PART VIII
IMPLEMENTING REGULATIONS TO PART VIII OF THE CONVENTION

Rule 155
Filing and transmission of the request for conversion

Art. 137, 140
R. 112, 156

(1) The request for conversion referred to in Article 135, paragraph 1(a) or (b), shall be filed within three months of the withdrawal of the European patent application, or of the communication that the application is deemed to be withdrawn, or of the decision refusing the application or revoking the European patent. The effect of the European patent application under Article 66 shall lapse if the request is not filed in due time.

(2) When transmitting the request for conversion to the central industrial property offices of the Contracting States specified in the request, the central industrial property office concerned or the European Patent Office shall attach to the request a copy of the file relating to the European patent application or European patent.

(3)[172] Article 135, paragraph 4, shall apply if the request for conversion referred to in Article 135, paragraphs 1(a) and (2), is not transmitted before the expiry of a period of twenty months from the date of filing or, if priority has been claimed, the date of priority.

Rule 156
Information to the public in the event of conversion

Art. 135, 140

(1) The documents accompanying the request for conversion under Rule 155, paragraph 2, shall be made available to the public by the central industrial property office under the same conditions and to the same extent as documents relating to national proceedings.

(2) The printed specification of the national patent resulting from the conversion of a European patent application shall mention that application.

[172] English version amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

PART IX
IMPLEMENTING REGULATIONS TO PART X OF THE CONVENTION

Rule 157[173] *Art. 150, 151*
The European Patent Office as a receiving Office

(1) The European Patent Office shall be competent to act as a receiving Office within the meaning of the PCT if the applicant is a resident or national of a Contracting State to this Convention and to the PCT. Without prejudice to paragraph 3, if the applicant chooses the European Patent Office as a receiving Office, the international application shall be filed directly with the European Patent Office. Article 75, paragraph 2, shall apply mutatis mutandis.

(2) Where the European Patent Office acts as a receiving Office under the PCT, the international application shall be filed in English, French or German. The President of the European Patent Office may determine that the international application and any related item shall be filed in more than one copy.

(3) If an international application is filed with an authority of a Contracting State for transmittal to the European Patent Office as the receiving Office, the Contracting State shall ensure that the application reaches the European Patent Office not later than two weeks before the end of the thirteenth month from filing or, if priority is claimed, from the date of priority.

(4) The transmittal fee for the international application shall be paid within one month of filing the application.

Rule 158 *Art. 33, 35, 152*
The European Patent Office as an International Searching Authority or International Preliminary Examining Authority

(1) In the case of Article 17, paragraph 3(a) PCT, an additional international search fee shall be paid for each further invention for which an international search is to be carried out.

(2) In the case of Article 34, paragraph 3(a) PCT, an additional fee for international preliminary examination shall be paid for each further invention for which the international preliminary examination is to be carried out.

(3)[174] Where an additional fee has been paid under protest, the European Patent Office shall examine the protest in accordance with Rule 40.2(c) to (e) or Rule 68.3(c) to (e) PCT, subject to payment of the prescribed protest

[173] See notices from the EPO of 20.02.2019 concerning the procedure for acknowledging receipt of international applications (OJ EPO 2019, A19) and concerning the requirements to be observed when filing an international application with the EPO as a PCT receiving Office (OJ EPO 2014, A33) and decision of the President of the EPO of 24.10.2014 concerning the filing of international applications with the EPO acting as receiving Office using ePCT-Filing (OJ EPO 2014, A107).

[174] See decision of the President of the EPO of 09.06.2015 providing for review panels for the implementation of the protest and review procedures under the PCT (OJ EPO 2015, A59) and notice from the EPO of 24.03.2010 concerning the protest and review procedures under the PCT (OJ EPO 2010, 322).

fee. Further details concerning the procedure shall be determined by the President of the European Patent Office.

Rule 159[175]
The European Patent Office as a designated or elected Office – Requirements for entry into the European phase

Art. 35, 150, 153
R. 10, 160-163

(1) In respect of an international application under Article 153, the applicant shall perform the following acts within thirty-one months from the date of filing of the application or, if priority has been claimed, from the priority date:

(a)[176] supply, where applicable, the translation of the international application required under Article 153, paragraph 4;

(b) specify the application documents, as originally filed or as amended, on which the European grant procedure is to be based;

(c) pay the filing fee provided for in Article 78, paragraph 2;

(d)[177, 178] pay the designation fee if the period under Rule 39 has expired earlier;

(e) pay the search fee, where a supplementary European search report has to be drawn up;

(f) file the request for examination provided for in Article 94, if the period under Rule 70, paragraph 1, has expired earlier;

(g) pay the renewal fee in respect of the third year provided for in Article 86, paragraph 1, if the fee has fallen due earlier under Rule 51, paragraph 1;

(h) file, where applicable, the certificate of exhibition referred to in Article 55, paragraph 2, and Rule 25.

(2) The Examining Division shall be competent to take decisions of the European Patent Office under Article 25, paragraph 2(a) PCT.

Rule 160[179]
Consequences of non-fulfilment of certain requirements

Art. 153
R. 159

(1) If either the translation of the international application or the request for examination is not filed in due time, or if the filing fee, the search fee or the designation fee is not paid in due time, the European patent application shall be deemed to be withdrawn.

[175] See notice from the EPO of 21.03.2013 (OJ EPO 2013, 156).

[176] See decision of the Enlarged Board of Appeal G 4/08 (Annex I).

[177] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[178] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

[179] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.

(2)[180] If the European Patent Office notes that the application is deemed to be withdrawn under paragraph 1, it shall communicate this to the applicant. Rule 112, paragraph 2, shall apply mutatis mutandis.

Rule 161[181]
Amendment of the application

Art. 123, 152, 153
R. 70a

(1) If the European Patent Office has acted as the International Searching Authority and, where a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority for a Euro-PCT application, it shall give the applicant the opportunity to comment on the written opinion of the International Searching Authority or the International Preliminary Examination Report and, where appropriate, invite him to correct any deficiencies noted in the written opinion or in the International Preliminary Examination Report and to amend the description, claims and drawings within a period of six months from the respective communication. If the European Patent Office has drawn up a supplementary international search report, an invitation in accordance with the first sentence shall be issued in respect of the explanations given in accordance with Rule 45*bis*.7(e) PCT. If the applicant does not comply with or comment on an invitation in accordance with the first or second sentence, the application shall be deemed to be withdrawn.

(2) Where the European Patent Office draws up a supplementary European search report on a Euro-PCT application, the application may be amended once within a period of six months from a communication informing the applicant accordingly. The application as amended shall serve as the basis for the supplementary European search.

Rule 162[182]
Claims incurring fees

Art. 153
R. 45

(1) If the application documents on which the European grant procedure is to be based comprise more than fifteen claims, claims fees shall be paid for the sixteenth and each subsequent claim as laid down in the Rules relating to Fees within the period under Rule 159, paragraph 1.

(2)[183] If the claims fees are not paid in due time, they may still be paid within the period under Rule 161, paragraph 1 or paragraph 2, as the case may be. If within this period amended claims are filed, the claims fees due shall be computed on the basis of such amended claims and shall be paid within this period.

[180] See opinion of the Enlarged Board of Appeal G 4/98 (Annex I).

[181] Amended by decision of the Administrative Council CA/D 12/10 of 26.10.2010 (OJ EPO 2010, 634), which entered into force on 01.05.2011.
See notice from the EPO of 29.06.2010 concerning communications under amended Rule 161 EPC (OJ EPO 2010, 406).

[182] Amended by decision of the Administrative Council CA/D 12/10 of 26.10.2010 (OJ EPO 2010, 634), which entered into force on 01.05.2011.

[183] Amended by decision of the Administrative Council CA/D 17/16 of 14.12.2016 (OJ EPO 2016, A102), which entered into force on 01.01.2017.
See notice from the EPO of 16.12.2016 (OJ EPO 2016, A103).

(3) Any claims fees paid within the period under paragraph 1 and in excess of those due under paragraph 2, second sentence, shall be refunded.

(4) Where a claims fee is not paid in due time, the claim concerned shall be deemed to be abandoned.

Rule 163 *Art. 81, 88, 153*
Examination of certain formal requirements by the European Patent Office

(1) Where the designation of the inventor under Rule 19, paragraph 1, has not yet been made within the period under Rule 159, paragraph 1, the European Patent Office shall invite the applicant to make the designation within two months.

(2)[184] Where the priority of an earlier application is claimed and the file number of the previous application or the copy thereof provided for in Rule 52, paragraph 1, and Rule 53 have not yet been submitted within the period under Rule 159, paragraph 1, the European Patent Office shall invite the applicant to furnish that number or copy within two months. Rule 53, paragraph 2, shall apply.

(3)[185] Where, at the expiry of the period under Rule 159, paragraph 1, a sequence listing complying with the standard provided for in the Administrative Instructions under the PCT is not available to the European Patent Office, the applicant shall be invited to file a sequence listing complying with the rules laid down by the President of the European Patent Office within two months. Rule 30, paragraphs 2 and 3, shall apply mutatis mutandis.

(4) Where, at the expiry of the period under Rule 159, paragraph 1, the address, the nationality or the State in which his residence or principal place of business is located is missing in respect of any applicant, the European Patent Office shall invite the applicant to furnish these indications within two months.

(5) Where, at the expiry of the period under Rule 159, paragraph 1, the requirements of Article 133, paragraph 2, have not been satisfied, the European Patent Office shall invite the applicant to appoint a professional representative within two months.

(6) If the deficiencies noted under paragraphs 1, 4 or 5 are not corrected in due time, the European patent application shall be refused. If the

[184] Amended by decision of the Administrative Council CA/D 4/08 of 21.10.2008 (OJ EPO 2008, 513), which entered into force on 01.04.2009.
See decision of the President of the EPO of 13.11.2021 on the filing of priority documents (OJ EPO 2021, A83), notice from the EPO of 22.02.2019 concerning priority document exchange via the WIPO Digital Access Service (OJ EPO 2019, A27) and notice from the EPO of 13.11.2021 concerning priority document exchange between the EPO and the USPTO, the KIPO and the CNIPA (OJ EPO 2021, A84).

[185] See decision of the President of the EPO of 28.04.2011 on the filing of sequence listings (OJ EPO 2011, 372) and notice from the EPO of 28.10.2013 (OJ EPO 2013, 542).

deficiency noted under paragraph 2 is not corrected in due time, the right of priority shall be lost for the application.

Rule 164[186] *Art. 82, 153*
Unity of invention and further searches

(1) If the European Patent Office considers that the application documents which are to serve as the basis for the supplementary European search do not comply with the requirement of unity of invention, it shall:

(a) draw up a partial supplementary search report on those parts of the application which relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims;

(b) inform the applicant that, for the supplementary European search report to cover the other inventions, a further search fee must be paid, in respect of each invention involved, within a period of two months; and

(c) draw up the supplementary European search report for the parts of the application relating to inventions in respect of which search fees have been paid.

(2) If the supplementary European search report is dispensed with and the Examining Division considers that in the application documents which are to serve as the basis for examination an invention, or a group of inventions within the meaning of Article 82, is claimed which was not searched by the European Patent Office in its capacity as International Searching Authority or Authority specified for supplementary international search, the Examining Division shall:

(a) inform the applicant that a search will be performed in respect of any such invention for which a search fee is paid within a period of two months;

(b) issue the results of any search performed in accordance with paragraph (a) together with:

- a communication under Article 94, paragraph 3, and Rule 71, paragraphs 1 and 2, in which it shall give the applicant the opportunity to comment on these results and to amend the description, claims and drawings, or

- a communication under Rule 71, paragraph 3,

and

(c) where appropriate, in the communication issued under paragraph (b), invite the applicant to limit the application to one invention, or group of inventions within the meaning of Article 82, for which a search report was drawn up by the European Patent Office in its capacity either as International Searching Authority or as Authority specified for

[186] Amended by decision of the Administrative Council CA/D 17/13 of 16.10.2013 (OJ EPO 2013, 503), which entered into force on 01.11.2014.
See notice from the EPO of 10.06.2014 (OJ EPO 2014, A70).

supplementary international search, or for which a search was performed in accordance with the procedure under paragraph (a).

(3) In the procedure under paragraph 2(a), Rules 62a and 63 shall apply mutatis mutandis.

(4) Rule 62 and Rule 70, paragraph 2, shall not apply to the results of any search performed in accordance with paragraph 2.

(5) Any fee paid under paragraphs 1 or 2 shall be refunded if the applicant requests a refund and the Examining Division finds that the communication under paragraphs 1(b) or 2(a) was not justified.

Rule 165[187]
The Euro-PCT application as conflicting application under Article 54, paragraph 3

A Euro-PCT application shall be considered as comprised in the state of the art under Article 54, paragraph 3, if in addition to the conditions laid down in Article 153, paragraph 3 or 4, the filing fee under Rule 159, paragraph 1(c) has been paid.

[187] See notice from the EPO of 21.06.2021 on the information published in the European Patent Bulletin concerning Euro-PCT applications fulfilling the requirements of Rule 165 EPC and comprised in the state of the art under Article 54(3) EPC (OJ EPO 2021, A51).

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The European Patent Convention

Rules relating to Fees

Rules relating to Fees

of 20 October 1977
as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and as last amended by decision of the Administrative Council of 15

December 2021 [1]

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

HAVING REGARD to the European Patent Convention and in particular Article 33, paragraph 2(d), thereof,

HAS ADOPTED THE FOLLOWING RULES RELATING TO FEES:

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[1] Consolidated version of the Rules relating to Fees applicable as from 1 April 2022.

Article 1
General

The following shall be levied in accordance with the provisions contained in these Rules:

(a) fees due to be paid to the European Patent Office (hereinafter referred to as the Office) as provided for in the Convention and in the Implementing Regulations and the fees and expenses which the President of the Office lays down pursuant to Article 3, paragraph 1;

(b) fees and expenses pursuant to the Patent Cooperation Treaty (hereinafter referred to as the PCT), the amounts of which may be fixed by the Office.

Article 2[2]

Fees provided for in the Convention and in the Implementing Regulations

(1) The fees due to be paid to the Office under Article 1, unless otherwise provided in paragraph 2, shall be as follows:

1.[3] Filing fee

(Article 78, paragraph 2)

(i) where the European patent application or, if required, its translation (Article 14, paragraph 2) is filed online in character-coded format, or,
in the case of an international application, if within the 31-month period (Rule 159, paragraph 1) the form for entry into the European phase (EPO Form 1200) and the international application or, if required, its translation (Rule 159, paragraph 1(a)), and any amendments for processing in the European phase (Rule 159, paragraph 1(b)), are all filed online in character-coded format[4]

100

(ii) where all documents referred to in item 1(i) are filed online,[5] but any one of

them is filed in a format other than character-coded format[6]

130

(iii) in all other cases[7]

	270

1a.[8] Additional fee	
for a European patent application comprising more than 35 pages (not counting pages forming part of a sequence listing) (Rule 38, paragraph 2)	plus **EUR 16** for the 36th and each subsequent page

1b.[9] Additional fee	
in the case of a divisional application filed in respect of any earlier application which is itself a divisional application (Rule 38, paragraph 4)	
- fee for a divisional application of second generation	**225**
- fee for a divisional application of third generation	**455**
- fee for a divisional application of fourth generation	**680**
- fee for a divisional application of fifth or any subsequent generation	**910**

2. Search fee in respect of	
- a European or supplementary European search on an application filed on or after 1 July 2005 (Article 78, paragraph 2, Rule 62, Rule 64, paragraph 1, Article 153, paragraph 7, Rule 164, paragraphs 1[10] and 2)	**1 390**
- a European or supplementary European search on an application filed before 1 July 2005 (Article 78, paragraph 2, Rule 64, paragraph 1, Article 153, paragraph 7)	**950**

- an international search (Rule 16.1 PCT, Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT,[11] and Rule 158, paragraph 1)[12]

1 775

- a supplementary international search (Rule 45*bis*.3(a) PCT)[13]	
	1 775
3.[14] Designation fee	
for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009	**630**
4. Renewal fees	
For the European patent application (Article 86, paragraph 1), calculated in each case from the date of filing of the application	
- for the 3rd year	**505**
- for the 4th year	**630**
- for the 5th year	**880**
- for the 6th year	**1 125**

- for the 7th year	**1 245**
- for the 8th year	**1 370**
- for the 9th year	**1 495**
- for the 10th and each subsequent year	**1 690**

5.[15] Additional fee

for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2)	**50%** of the belated renewal fee

6. Examination fee

(Article 94, paragraph 1) in respect of

- an application filed before 1 July 2005	**1 955**
- an application filed on or after 1 July 2005	**1 750**
- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)	**1 955**

7.[16] Fee for grant

including fee for publication of the European patent specification (Rule 71, paragraph 3), in respect of an application filed on or after 1 April 2009

(i) where on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-

coded format[17]

885

(ii) in all other cases

- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office][18]

990

- where the fee for grant is paid on or after [date to be set by the President of the Office][19]

	1 095
8.[20] Fee for publishing	
a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)	**80**
9. Surcharge	
for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3)	**130**
10. Opposition fee	
(Article 99, paragraph 1, Article 105, paragraph 2)	**840**
10a. Limitation or revocation fee	
(Article 105a, paragraph 1)	
- request for limitation	**1 245**

- request for revocation	**560**
11. Fee for appeal[21]	
(Article 108) for an appeal filed - by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5	**2 015**
- by any other entity	**2 785**
11a. Fee for petition for review	
(Article 112a, paragraph 4)	**3 115**
12. Fee for further processing	
(Rule 135, paragraph 1)	
- in the event of late payment of a fee	**50%** of the relevant fee
- in the event of late performance of the acts required under Rule 71, paragraph 3	**275**
- other cases	**275**
13.[22] Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights	
(Rule 136, paragraph 1, Rule 26*bis*.3(d) PCT, Rule 49*ter*.2(d) PCT, Rule 49.6(d)(i) PCT)	**685**
14. Conversion fee	
(Article 135, paragraph 3, Article 140)	**80**
14a. Fee for late furnishing of a sequence listing	
(Rule 30, paragraph 3)	**245**
15.[23] Claims fee	
(Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) in respect of an application filed on or after 1 April 2009	
- for the 16th and each subsequent claim up to the limit of 50	**250**
- for the 51st and each subsequent claim	**630**
16. Fee for the awarding of costs	
(Rule 88, paragraph 3)	**80**
17. Fee for the conservation of evidence	
(Rule 123, paragraph 3)	**80**
18.[24] Transmittal fee for an international application	
(Rule 157, paragraph 4)	

- where the PCT request (PCT/RO/101) and the international application are filed with the Office as receiving Office online in character-coded format[25]

0

- in all other cases[26]

140

19. Fee for the preliminary examination of an international application

(Rule 58 PCT and Rule 158, paragraph 2)[27]

	1 830
20. Fee for a technical opinion	
(Article 25)	**4 175**
21.[28] Protest fee	
(Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT)	**935**
22.[29] Review fee	
(Rule 45*bis*.6(c) PCT)	**935**

(2)[30] For European patent applications filed before 1 April 2009 and international applications which entered the regional phase before that date, the amount of the fees specified in Article 2, item 3, item 3a, item 7 and item 15 of the Rules relating to Fees as in force until 31 March 2009 shall be as follows:

3. Designation fee	
for each contracting state designated (Article 79, paragraph 2), designation fees being deemed paid for all contracting states upon payment of seven times the	

amount of this fee	**110**

3a. Joint designation fee

for the Swiss Confederation and the Principality of Liechtenstein	**110**

7.[31] Fee for grant

including fee for printing the European patent specification (Rule 71, paragraph 3), where the application documents to be printed comprise:

7.1 not more than 35 pages and

(i) on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format [32]

885

(ii) in all other cases

- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office][33]

990

- where the fee for grant is paid on or after [date to be set by the President of the Office][34]

1 095

7.2 more than 35 pages
The relevant amount of item 7.1 plus **EUR 16**
for the 36th and each subsequent page

15. Claims fee

for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) **250**

(3)[35] The President of the Office shall determine the formats referred to in Article 2, paragraphs 1 and 2, and may specify the conditions under which a document referred to in Article 2, paragraphs 1 and 2, is deemed to have been filed online in character-coded format.

(4)[36] Fee levels which relate to the use of a means of electronic communication or a format referred to in Article 2, paragraphs 1 and 2, shall not apply until a date set by the President of the Office.

[2] Last amended by decision of the Administrative Council CA/D 13/21 of 15.12.2021 (OJ EPO 2022, A2), which entered into force on 01.04.2022.

[3] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), which entered into force on 01.04.2020.

See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

[4] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[5] See decision of the President of the EPO and notice from the EPO of 09.05.2019 concerning the electronic filing of documents (OJ EPO 2018, A45 and A46).

[6] This fee level applies to all online filings until a date to be set by the President of the Office from which the fee level under (i) will become applicable.

[7] This fee level applies to all non-online filings.

[8] Inserted by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10) and amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118 and 2009, 338).

[9] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.04.2014.

[10] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.11.2014.

[11] Inserted by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.

See notice from the EPO of 14.06.2020 concerning new Rule 20.5*bis* PCT on the correction of erroneous filings in the procedures before the EPO (OJ EPO 2020, A81).

[12] See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4) and notice from the EPO of 07.07.2021 concerning the reduction of the fees for the international search and the international preliminary examination carried out on international applications in favour of nationals of certain states (OJ EPO 2021, A58).

[13] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[14] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

[15] See decision of the Administrative Council CA/D 6/20 of 28.05.2020 (OJ EPO 2020, A70) and notice from the EPO of 29.05.2020 concerning the temporary suspension of the application of Rule 51(2) EPC with respect to the additional fee for belated payment of a renewal fee for a European patent application (OJ EPO 2020, A75).

[16] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

[17] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[18] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[19] Pursuant to Article 2, sentence 1, CA/D 11/18, (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[20] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009.

[21] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See notice from the EPO of 18.12.2017 concerning the reduced fee for appeal (Article 108 EPC) (OJ EPO 2018, A5).

See the possibility of reimbursement of the appeal fee (Rule 103 EPC) amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

[22] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), which entered into force on 13.12.2007.

[23] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

[24] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[25] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[26] This fee level applies for any transmittal fee for an international application until the date to be set by the President of the Office from which the fee level in the first indent will become applicable.

[27] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4).

[28] Amended by decision of the Administrative Council CA/D 6/11 of 27.10.2011 (OJ EPO 2011, 616), which entered into force on 01.04.2012.

[29] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[30] Inserted by decision of the Administrative Council CA/D 19/09 of 28.10.2009 (OJ EPO 2009, 587), which entered into force on 01.04.2010.

[31] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[32] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[33] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[34] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[35] Inserted by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

[36] Inserted by decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3), which entered into force on 01.04.2019. See notice from the EPO of 24.01.2019 concerning the amendment of the Rules relating to Fees as of 01.04.2019 (OJ EPO 2019, A6).

Article 3[37]

Fees, expenses and prices laid down by the President of the Office

(1) The President of the Office shall lay down the amount of the administrative fees provided for in the Implementing Regulations and, where appropriate, the amount of the fees and expenses for any services rendered by the Office other than those specified in Article 2.

(2) He shall also lay down the prices of the publications referred to in Articles 93, 98, 103 and 129 of the Convention.

(3) The amounts of the fees provided for in Article 2 and of the fees and expenses laid down in accordance with paragraph 1 shall be published in the Official Journal and on the website of the European Patent Office.

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[37] See decision of the President of the EPO of 14.01.2022 revising the Office's fees and expenses (OJ EPO 2022, A7) and decision of the President of the EPO of 02.02.2012 revising the basic fee for the European qualifying examination (OJ EPO 2012, 210).

Article 4
Due date for fees

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the PCT or of the Implementing Regulations thereto shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

Article 5[38]

Payment of fees

(1)[39] The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.

(2)[40] The President of the Office may allow other methods of paying fees than those set out in paragraph 1.

[38] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 2 thereof, which entered into force on 01.04.2008.

[39] See notice from the EPO of 13.07.2021 concerning Central Fee Payment (OJ EPO 2021, A61) and notice from the EPO of 02.03.2022 concerning the extension of the functionalities of Central Fee Payment (OJ EPO 2022, A25).

See notice from the EPO of 20.08.2019 concerning the fee refund procedures (OJ EPO 2019, A82).

[40] See arrangements for deposit accounts valid as of 01.10.2019 (supplementary publication 4, OJ EPO 2019), decision of the President of the EPO of 04.06.2020 amending Annex A.1 and Annex A.2 to the arrangements for deposit accounts (ADA) (OJ EPO 2020, A77) and notice from the EPO of 04.06.2020 concerning changes to fee payment via the automatic debiting procedure (OJ EPO 2020, A78), decision of the President of EPO of 18.03.2021 amending the Arrangements for deposit accounts (ADA) and Annex A.1 to the ADA – Arrangements for the automatic debiting procedure (AAD) (OJ EPO 2021, A26) and decision of the President of the EPO of 13.07.2021 concerning revision of the Arrangements for deposit accounts (ADA) (OJ EPO 2021, A60).

See decision of the President of the EPO of 22.08.2017 (OJ EPO 2017, A72) and notice from the EPO of 16.02.2022 (OJ EPO 2022, A18) concerning the payment of fees by credit card.

Article 6
Particulars concerning payments

(1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.

Article 7 [41]

Date to be considered as the date on which payment is made

(1) The date on which any payment shall be considered to have been made to the Office shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by the Office.

(2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.

(3) Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:

(i) he effected the payment through a banking establishment;

(ii) he duly gave an order to a banking establishment to transfer the amount of the payment.

(4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed.

[41] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), in particular Article 2 thereof, which entered into force on 01.04.2020.

Article 8[42]

Insufficiency of the amount paid

A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

[42] Amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009.

Article 9
Refund of search fees

(1)[43] The search fee paid for a European or supplementary European search shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the search report.

(2)[44] Where the European search report is based on an earlier search report prepared by the Office on an application whose priority is claimed or an earlier application within the meaning of Article 76 of the Convention or of Rule 17 of the Convention, the Office shall refund to the applicant, in accordance with a decision of its President, an amount which shall depend on the type of earlier search and the extent to which the Office benefits from the earlier search report when carrying out the subsequent search.

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[43] See notice from the EPO of 29.01.2013 concerning adjustments to the system for search and examination fee refunds (Articles 9(1) and 11(b) of the Rules relating to Fees) following decisions J 25/10 and J 9/10 of the Legal Board of Appeal (OJ EPO 2013, 153).

[44] See decision of the President of the EPO of 14.01.2022 on the refund of search fees (OJ EPO 2022, A8) and notice from the EPO of 09.01.2009 concerning the criteria for the refund of search fees (OJ EPO 2009, 99), as well as decision of the President of the EPO of 14.01.2022 concerning the refund of the international search fee by the EPO acting as International Searching Authority (OJ EPO 2022, A9).

Article 10
Refund of the fee for a technical opinion

An amount of 75% of the fee for a technical opinion under Article 25 of the Convention shall be refunded if the request for a technical opinion is withdrawn at a time when the Office has not yet begun to draw up the technical opinion.

Article 11 [45], [46]

Refund of examination fee

The examination fee provided for in Article 94, paragraph 1, of the Convention shall be refunded:

(a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before the substantive examination has begun;

(b) at a rate of 50% if the European patent application is withdrawn after substantive examination has begun and

- before expiry of the time limit for replying to the first invitation under Article 94, paragraph 3, of the Convention issued by the Examining Division proper or,

- if no such invitation has been issued by the Examining Division, before the date of the communication under Rule 71, paragraph 3, of the Convention.

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[45] Amended by decision of the Administrative Council CA/D 4/16 of 29.06.2016 (OJ EPO 2016, A48), which entered into force on 01.07.2016.

[46] See notice from the EPO of 30.06.2016 concerning refunds of the examination fee (Article 11 of the Rules relating to Fees) (OJ EPO 2016, A49).

Article 12[47]

Refund of insignificant amounts

Where too large a sum is paid to cover a fee, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. The President of the Office shall determine what constitutes an insignificant amount.

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[47] See decision of the President of the EPO of 14.02.2020 implementing Article 12 RFees (OJ EPO 2020, A17).

Article 13[48]

Termination of financial obligations

(1) Rights of the Organisation to the payment of a fee to the European Patent Office shall be extinguished after four years from the end of the calendar year in which the fee was due.

(2) Rights against the Organisation for the refunding by the European Patent Office of fees or sums of money paid in excess of a fee shall be extinguished after four years from the end of the calendar year in which the right arose.

(3) The period laid down in paragraphs 1 and 2 shall be interrupted in the case covered by paragraph 1 by a request for payment of the fee and in the case covered by paragraph 2 by a reasoned claim in writing. On interruption it shall begin again immediately and shall end at the latest six years after the end of the year in which it originally began, unless, in the meantime, judicial proceedings to enforce the right have begun; in this case the period shall end at the earliest one year after the judgment enters into force.

(4) The President of the European Patent Office may waive action for the enforced recovery of any sum due if the sum to be recovered is minimal or if such recovery is too uncertain.

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[48] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 4 thereof, which entered into force on 13.12.2007.

Article 14
Reduction of fees

(1)[49] The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.

(2)[50] Where the European Patent Office has drawn up an international preliminary examination report, the examination fee shall be reduced by 75%. If the report was established on certain parts of the international application in accordance with Article 34, paragraph 3(c), PCT, the fee shall not be reduced if subject-matter not covered by the report is to be examined.

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[49] Amended by decision of the Administrative Council CA/D 19/13 of 13.12.2013 (OJ EPO 2014, A4), which entered into force on 01.04.2014.

See notice from the EPO of 10.01.2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[50] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

Article 15
Entry into force

These Rules shall enter into force on 20 October 1977.[51]

DONE at Munich, 20 October 1977

For the Administrative Council

The Chairman

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[51] Amended by decision of the Administrative Council of 7 December 2006 (CA/D 11/06).

Last updated: 1.4.2022

Rules relating to Fees

of 20 October 1977
as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and as last amended by decision of the Administrative Council of 15 December 2021[1]

as in force as from 1 April 2022

Footnotes and cross-references are added for the convenience of the reader; they do not form part of the official text.

[1] Consolidated version of the Rules relating to Fees applicable as from 1 April 2022.

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THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

HAVING REGARD to the European Patent Convention and in particular Article 33, paragraph 2(d), thereof,

HAS ADOPTED THE FOLLOWING RULES RELATING TO FEES:

Article 1
General

The following shall be levied in accordance with the provisions contained in these Rules:

(a) fees due to be paid to the European Patent Office (hereinafter referred to as the Office) as provided for in the Convention and in the Implementing Regulations and the fees and expenses which the President of the Office lays down pursuant to Article 3, paragraph 1;

(b) fees and expenses pursuant to the Patent Cooperation Treaty (hereinafter referred to as the PCT), the amounts of which may be fixed by the Office.

Article 2[2]
Fees provided for in the Convention and in the Implementing Regulations

(1) The fees due to be paid to the Office under Article 1, unless otherwise provided in paragraph 2, shall be as follows:

1.[3] Filing fee

(Article 78, paragraph 2)

(i) where the European patent application or, if required, its translation (Article 14, paragraph 2) is filed online in character-coded format, or, in the case of an international application, if within the 31-month period (Rule 159, paragraph 1) the form for entry into the European phase (EPO Form 1200) and the international application or, if required, its translation (Rule 159, paragraph 1(a)), and any amendments for processing in the European phase (Rule 159, paragraph 1(b)), are all filed online in character-coded format[4]	**100**
(ii) where all documents referred to in item 1(i) are filed online,[5] but any one of them is filed in a format other than character-coded format[6]	**130**
(iii) in all other cases[7]	**270**

1a.[8] Additional fee

for a European patent application comprising more than 35 pages (not counting pages forming part of a sequence listing) (Rule 38, paragraph 2)	plus **EUR 16** for the 36th and each subsequent page

[2] Last amended by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.

[3] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), which entered into force on 01.04.2020.
See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

[4] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[5] See decision of the President of the EPO and notice from the EPO of 09.05.2019 concerning the electronic filing of documents (OJ EPO 2018, A45 and A46).

[6] This fee level applies to all online filings until a date to be set by the President of the Office from which the fee level under (i) will become applicable.

[7] This fee level applies to all non-online filings.

[8] Inserted by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10) and amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118 and 2009, 338).

1b.[9] Additional fee

in the case of a divisional application filed in respect of any earlier application which is itself a divisional application (Rule 38, paragraph 4)	
- fee for a divisional application of second generation	**225**
- fee for a divisional application of third generation	**455**
- fee for a divisional application of fourth generation	**680**
- fee for a divisional application of fifth or any subsequent generation	**910**

2. Search fee in respect of

- a European or supplementary European search on an application filed on or after 1 July 2005 (Article 78, paragraph 2, Rule 62, Rule 64, paragraph 1, Article 153, paragraph 7, Rule 164, paragraphs 1[10] and 2)	**1 390**
- a European or supplementary European search on an application filed before 1 July 2005 (Article 78, paragraph 2, Rule 64, paragraph 1, Article 153, paragraph 7)	**950**
- an international search (Rule 16.1 PCT, Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT,[11] and Rule 158, paragraph 1)[12]	**1 775**
- a supplementary international search (Rule 45*bis*.3(a) PCT)[13]	**1 775**

3.[14] Designation fee

for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009	**630**

[9] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.04.2014.

[10] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.11.2014.

[11] Inserted by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020.
See notice from the EPO of 14.06.2020 concerning new Rule 20.5*bis* PCT on the correction of erroneous filings in the procedures before the EPO (OJ EPO 2020, A81).

[12] See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4) and notice from the EPO of 07.07.2021 concerning the reduction of the fees for the international search and the international preliminary examination carried out on international applications in favour of nationals of certain states (OJ EPO 2021, A58).

[13] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[14] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

4. Renewal fees

For the European patent application (Article 86, paragraph 1), calculated in each case from the date of filing of the application

- for the 3rd year	**505**
- for the 4th year	**630**
- for the 5th year	**880**
- for the 6th year	**1 125**
- for the 7th year	**1 245**
- for the 8th year	**1 370**
- for the 9th year	**1 495**
- for the 10th and each subsequent year	**1 690**

5.[15] Additional fee

for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2) **50%** of the belated renewal fee

6. Examination fee

(Article 94, paragraph 1) in respect of

- an application filed before 1 July 2005	**1 955**
- an application filed on or after 1 July 2005	**1 750**
- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)	**1 955**

7.[16] Fee for grant

including fee for publication of the European patent specification (Rule 71, paragraph 3), in respect of an application filed on or after 1 April 2009

[15] See decision of the Administrative Council CA/D 6/20 of 28.05.2020 (OJ EPO 2020, A70) and notice from the EPO of 29.05.2020 concerning the temporary suspension of the application of Rule 51(2) EPC with respect to the additional fee for belated payment of a renewal fee for a European patent application (OJ EPO 2020, A75).

[16] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

(i) where on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format[17]	**885**
(ii) in all other cases	
- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office][18]	**990**
- where the fee for grant is paid on or after [date to be set by the President of the Office][19]	**1 095**

8.[20] Fee for publishing

a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)	**80**

9. Surcharge

for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3)	**130**

10. Opposition fee

(Article 99, paragraph 1, Article 105, paragraph 2)	**840**

10a. Limitation or revocation fee

(Article 105a, paragraph 1)	
- request for limitation	**1 245**
- request for revocation	**560**

11. Fee for appeal[21]

(Article 108) for an appeal filed	
- by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5	**2 015**

[17] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[18] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[19] Pursuant to Article 2, sentence 1, CA/D 11/18, (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[20] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009.

[21] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.
See notice from the EPO of 18.12.2017 concerning the reduced fee for appeal (Article 108 EPC) (OJ EPO 2018, A5).
See the possibility of reimbursement of the appeal fee (Rule 103 EPC) amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

- by any other entity	**2 785**

11a. Fee for petition for review

(Article 112a, paragraph 4)	**3 115**

12. Fee for further processing

(Rule 135, paragraph 1)

- in the event of late payment of a fee	**50%** of the relevant fee
- in the event of late performance of the acts required under Rule 71, paragraph 3	**275**
- other cases	**275**

13.[22] Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights

(Rule 136, paragraph 1, Rule 26*bis*.3(d) PCT, Rule 49*ter*.2(d) PCT, Rule 49.6(d)(i) PCT)	**685**

14. Conversion fee

(Article 135, paragraph 3, Article 140)	**80**

14a. Fee for late furnishing of a sequence listing

(Rule 30, paragraph 3)	**245**

15.[23] Claims fee

(Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) in respect of an application filed on or after 1 April 2009

- for the 16th and each subsequent claim up to the limit of 50	**250**
- for the 51st and each subsequent claim	**630**

16. Fee for the awarding of costs

(Rule 88, paragraph 3)	**80**

17. Fee for the conservation of evidence

(Rule 123, paragraph 3)	**80**

[22] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), which entered into force on 13.12.2007.

[23] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

18.[24] Transmittal fee for an international application

(Rule 157, paragraph 4)

- where the PCT request (PCT/RO/101) and the international application are filed with the Office as receiving Office online in character-coded format[25] **0**

- in all other cases[26] **140**

19. Fee for the preliminary examination of an international application

(Rule 58 PCT and Rule 158, paragraph 2)[27] **1 830**

20. Fee for a technical opinion

(Article 25) **4 175**

21.[28] Protest fee

(Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT) **935**

22.[29] Review fee

(Rule 45*bis*.6(c) PCT) **935**

(2)[30] For European patent applications filed before 1 April 2009 and international applications which entered the regional phase before that date, the amount of the fees specified in Article 2, item 3, item 3a, item 7 and item 15 of the Rules relating to Fees as in force until 31 March 2009 shall be as follows:

3. Designation fee

for each contracting state designated (Article 79, paragraph 2), designation fees being deemed paid for all contracting states upon payment of seven times the amount of this fee **110**

[24] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[25] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[26] This fee level applies for any transmittal fee for an international application until the date to be set by the President of the Office from which the fee level in the first indent will become applicable.

[27] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.
See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4).

[28] Amended by decision of the Administrative Council CA/D 6/11 of 27.10.2011 (OJ EPO 2011, 616), which entered into force on 01.04.2012.

[29] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[30] Inserted by decision of the Administrative Council CA/D 19/09 of 28.10.2009 (OJ EPO 2009, 587), which entered into force on 01.04.2010.

3a. Joint designation fee

for the Swiss Confederation and the Principality of Liechtenstein **110**

7.[31] Fee for grant

including fee for printing the European patent specification (Rule 71, paragraph 3), where the application documents to be printed comprise:

7.1 not more than 35 pages and

(i) on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format[32] **885**

(ii) in all other cases

- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office][33] **990**

- where the fee for grant is paid on or after [date to be set by the President of the Office][34] **1 095**

7.2 more than 35 pages
The relevant amount of item 7.1 plus **EUR 16** for the 36th and each subsequent page

15. Claims fee

for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) **250**

(3)[35] The President of the Office shall determine the formats referred to in Article 2, paragraphs 1 and 2, and may specify the conditions under which a document referred to in Article 2, paragraphs 1 and 2, is deemed to have been filed online in character-coded format.

[31] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.
See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[32] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[33] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[34] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[35] Inserted by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

(4)[36] Fee levels which relate to the use of a means of electronic communication or a format referred to in Article 2, paragraphs 1 and 2, shall not apply until a date set by the President of the Office.

Article 3[37]
Fees, expenses and prices laid down by the President of the Office

(1) The President of the Office shall lay down the amount of the administrative fees provided for in the Implementing Regulations and, where appropriate, the amount of the fees and expenses for any services rendered by the Office other than those specified in Article 2.

(2) He shall also lay down the prices of the publications referred to in Articles 93, 98, 103 and 129 of the Convention.

(3) The amounts of the fees provided for in Article 2 and of the fees and expenses laid down in accordance with paragraph 1 shall be published in the Official Journal and on the website of the European Patent Office.

Article 4
Due date for fees

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the PCT or of the Implementing Regulations thereto shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

Article 5[38]
Payment of fees

(1)[39] The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.

[36] Inserted by decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3), which entered into force on 01.04.2019. See notice from the EPO of 24.01.2019 concerning the amendment of the Rules relating to Fees as of 01.04.2019 (OJ EPO 2019, A6).

[37] See decision of the President of the EPO of 14.01.2022 revising the Office's fees and expenses (OJ EPO 2022, A7) and decision of the President of the EPO of 02.02.2012 revising the basic fee for the European qualifying examination (OJ EPO 2012, 210).

[38] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 2 thereof, which entered into force on 01.04.2008.

[39] See notice from the EPO of 13.07.2021 concerning Central Fee Payment (OJ EPO 2021, A61) and notice from the EPO of 02.03.2022 concerning the extension of the functionalities of Central Fee Payment (OJ EPO 2022, A25).
See notice from the EPO of 20.08.2019 concerning the fee refund procedures (OJ EPO 2019, A82).

(2)[40] The President of the Office may allow other methods of paying fees than those set out in paragraph 1.

Article 6
Particulars concerning payments

(1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.

Article 7[41]
Date to be considered as the date on which payment is made

(1) The date on which any payment shall be considered to have been made to the Office shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by the Office.

(2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.

(3) Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:

(i) he effected the payment through a banking establishment;

(ii) he duly gave an order to a banking establishment to transfer the amount of the payment.

[40] See arrangements for deposit accounts valid as of 01.10.2019 (supplementary publication 4, OJ EPO 2019), decision of the President of the EPO of 04.06.2020 amending Annex A.1 and Annex A.2 to the arrangements for deposit accounts (ADA) (OJ EPO 2020, A77) and notice from the EPO of 04.06.2020 concerning changes to fee payment via the automatic debiting procedure (OJ EPO 2020, A78), decision of the President of EPO of 18.03.2021 amending the Arrangements for deposit accounts (ADA) and Annex A.1 to the ADA – Arrangements for the automatic debiting procedure (AAD) (OJ EPO 2021, A26) and decision of the President of the EPO of 13.07.2021 concerning revision of the Arrangements for deposit accounts (ADA) (OJ EPO 2021, A60).

See decision of the President of the EPO of 22.08.2017 (OJ EPO 2017, A72) and notice from the EPO of 16.02.2022 (OJ EPO 2022, A18) concerning the payment of fees by credit card.

[41] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), in particular Article 2 thereof, which entered into force on 01.04.2020.

(4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed.

Article 8[42]
Insufficiency of the amount paid

A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

Article 9
Refund of search fees

(1)[43] The search fee paid for a European or supplementary European search shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the search report.

(2)[44] Where the European search report is based on an earlier search report prepared by the Office on an application whose priority is claimed or an earlier application within the meaning of Article 76 of the Convention or of Rule 17 of the Convention, the Office shall refund to the applicant, in accordance with a decision of its President, an amount which shall depend on the type of earlier search and the extent to which the Office benefits from the earlier search report when carrying out the subsequent search.

Article 10
Refund of the fee for a technical opinion

An amount of 75% of the fee for a technical opinion under Article 25 of the Convention shall be refunded if the request for a technical opinion is withdrawn at a time when the Office has not yet begun to draw up the technical opinion.

[42] Amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009.

[43] See notice from the EPO of 29.01.2013 concerning adjustments to the system for search and examination fee refunds (Articles 9(1) and 11(b) of the Rules relating to Fees) following decisions J 25/10 and J 9/10 of the Legal Board of Appeal (OJ EPO 2013, 153).

[44] See decision of the President of the EPO of 14.01.2022 on the refund of search fees (OJ EPO 2022, A8) and notice from the EPO of 09.01.2009 concerning the criteria for the refund of search fees (OJ EPO 2009, 99), as well as decision of the President of the EPO of 14.01.2022 concerning the refund of the international search fee by the EPO acting as International Searching Authority (OJ EPO 2022, A9).

Article 11[45, 46]
Refund of examination fee

The examination fee provided for in Article 94, paragraph 1, of the Convention shall be refunded:

(a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before the substantive examination has begun;

(b) at a rate of 50% if the European patent application is withdrawn after substantive examination has begun and

- before expiry of the time limit for replying to the first invitation under Article 94, paragraph 3, of the Convention issued by the Examining Division proper or,

- if no such invitation has been issued by the Examining Division, before the date of the communication under Rule 71, paragraph 3, of the Convention.

Article 12[47]
Refund of insignificant amounts

Where too large a sum is paid to cover a fee, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. The President of the Office shall determine what constitutes an insignificant amount.

Article 13[48]
Termination of financial obligations

(1) Rights of the Organisation to the payment of a fee to the European Patent Office shall be extinguished after four years from the end of the calendar year in which the fee was due.

(2) Rights against the Organisation for the refunding by the European Patent Office of fees or sums of money paid in excess of a fee shall be extinguished after four years from the end of the calendar year in which the right arose.

(3) The period laid down in paragraphs 1 and 2 shall be interrupted in the case covered by paragraph 1 by a request for payment of the fee and in the case covered by paragraph 2 by a reasoned claim in writing. On interruption it shall begin again immediately and shall end at the latest six years after the end of the year in which it originally began, unless, in the meantime, judicial proceedings to enforce the right have begun; in this case

[45] Amended by decision of the Administrative Council CA/D 4/16 of 29.06.2016 (OJ EPO 2016, A48), which entered into force on 01.07.2016.

[46] See notice from the EPO of 30.06.2016 concerning refunds of the examination fee (Article 11 of the Rules relating to Fees) (OJ EPO 2016, A49).

[47] See decision of the President of the EPO of 14.02.2020 implementing Article 12 RFees (OJ EPO 2020, A17).

[48] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), in particular Article 1, point 4 thereof, which entered into force on 13.12.2007.

the period shall end at the earliest one year after the judgment enters into force.

(4) The President of the European Patent Office may waive action for the enforced recovery of any sum due if the sum to be recovered is minimal or if such recovery is too uncertain.

Article 14
Reduction of fees

(1)[49] The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.

(2)[50] Where the European Patent Office has drawn up an international preliminary examination report, the examination fee shall be reduced by 75%. If the report was established on certain parts of the international application in accordance with Article 34, paragraph 3(c), PCT, the fee shall not be reduced if subject-matter not covered by the report is to be examined.

Article 15
Entry into force

These Rules shall enter into force on 20 October 1977.[51]

DONE at Munich, 20 October 1977

For the Administrative Council

The Chairman

[49] Amended by decision of the Administrative Council CA/D 19/13 of 13.12.2013 (OJ EPO 2014, A4), which entered into force on 01.04.2014.
See notice from the EPO of 10.01.2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[50] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

[51] Amended by decision of the Administrative Council of 7 December 2006 (CA/D 11/06).

Europäisches Patentamt
European Patent Office
Office européen des brevets

Amtsblatt
Official Journal
Journal officiel

Zusatzpublikation 2 – Amtsblatt EPA 2022
Verzeichnis der Gebühren und Auslagen in der ab 1. April 2022 geltenden Fassung

Supplementary publication 2 – Official Journal EPO 2022
Schedule of fees and expenses applicable as from 1 April 2022

Publication supplémentaire 2 – Journal officiel OEB 2022
Barème des taxes et redevances applicable à compter du 1er avril 2022

ISSN 1996-7543

Verzeichnis der Gebühren und Auslagen des EPA (in der ab 1. April 2022 geltenden Fassung)

Das hier wiedergegebene Gebührenverzeichnis enthält eine vollständige Aufstellung der ab 1. April 2022 geltenden Gebühren und Auslagen des EPA in Euro.

Es beruht auf der geltenden Fassung der Gebührenordnung, die nachstehend in der mit 1. April 2022 aktualisierten Fassung abgedruckt ist. Es berücksichtigt ebenso den Beschluss des Präsidenten des EPA vom 14 Januar 2022 (ABl. EPA 2022, A7) über die Neufestsetzung der Gebühren und Auslagen des EPA.

Das vorliegende Gebührenverzeichnis umfasst die Gebühren für die internationalen Anmeldungen, für die das EPA Anmeldeamt, Internationale Recherchenbehörde oder mit der internationalen vorläufigen Prüfung beauftragte Behörde ist.

Den Anmeldern wird jedoch empfohlen, bei den im Gebührenverzeichnis zum PCT festgesetzten Gebühren die aktuell geltenden Beträge auf der Website der WIPO (*wipo.int/export/sites/www/pct/en/fees.pdf*) oder der Website zu den Online-Diensten des EPA unter "interaktives Gebührenverzeichnis" (*my.epoline.org/epoline-portal/classic/epoline.Scheduleoffees?language=de*) zu überprüfen.

Das vorliegende Gebührenverzeichnis ersetzt die früheren Veröffentlichungen.

Schedule of fees and expenses of the EPO (applicable as from 1 April 2022)

The fees schedule shown here comprises all the fees and expenses of the EPO in euros effective as from 1 April 2022.

It is based on the current version of the Rules relating to Fees, which is hereafter reprinted in a version updated as from 1 April 2022. It also takes into account the decision of the President of the EPO dated 14 January 2022 (OJ EPO 2022, A7) revising the Office's fees and expenses.

This schedule of fees also contains the fees for international applications for which the EPO acts as receiving Office, International Searching Authority or International Preliminary Examining Authority.

Applicants are nevertheless recommended to check for any more recent updates to the PCT schedule of fees by consulting the WIPO website (*wipo.int/export/sites/www/pct/en/fees.pdf*) or the EPO online services website – under interactive schedule of fees – (*my.epoline.org/epoline-portal/classic/epoline.Scheduleoffees*).

This schedule of fees replaces the previously published schedules.

Barème de taxes et redevances de l'OEB (applicable à compter du 1er avril 2022)

Le barème des taxes reproduit ici comporte une liste complète des taxes et redevances de l'OEB exprimées en euro, telles qu'elles s'appliquent à compter du 1er avril 2022.

Il est basé sur la version actuelle du règlement relatif aux taxes reproduit ci-après dans une version mise à jour au 1er avril 2022. Il prend également en compte la décision du Président de l'OEB en date du 14 janvier 2022 (JO OEB 2022, A7) portant révision du montant des taxes et redevances de l'Office.

Le présent barème des taxes contient également les taxes pour les demandes internationales pour lesquelles l'OEB est l'office récepteur, l'administration chargée de la recherche internationale ou l'administration chargée de l'examen préliminaire international.

Néanmoins, concernant les taxes fixées dans le barème du PCT, il est recommandé aux déposants de vérifier les derniers montants en vigueur sur le site de l'OMPI (*wipo.int/export/sites/www/pct/en/fees.pdf*) ou sur le site des services en ligne de l'OEB – rubrique barème des taxes interactif – (*my.epoline.org/epoline-portal/classic/epoline.Scheduleoffees?language=fr*).

Ce barème des taxes remplace les publications antérieures.

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DER VERWALTUNGSRAT DER EUROPÄISCHEN PATENT-ORGANISATION,

GESTÜTZT auf das Europäische Patentübereinkommen, insbesondere auf Artikel 33 Absatz 2 Buchstabe d,

GIBT SICH HIERMIT FOLGENDE GEBÜHRENORDNUNG:

Artikel 1

Allgemeines

Nach den Vorschriften dieser Gebührenordnung werden erhoben:

a) die gemäß dem Übereinkommen und seiner Ausführungsordnung an das Europäische Patentamt (nachstehend Amt genannt) zu entrichtenden Gebühren sowie die Gebühren und Auslagen, die der Präsident des Amts aufgrund des Artikels 3 Absatz 1 festsetzt;

b) die Gebühren und Auslagen nach dem Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens (PCT), deren Höhe vom Amt festgesetzt werden kann.

[1] Ab 01.04.2022 geltende konsolidierte Fassung der Gebührenordnung (GebO).

Rules relating to Fees of 20 October 1977 as adopted by decision of the Administrative Council of the European Patent Organisation of 7 December 2006 and as last amended by decision of the Administrative Council of 15 December 2021[1]

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

HAVING REGARD to the European Patent Convention and in particular Article 33, paragraph 2(d), thereof,

HAS ADOPTED THE FOLLOWING RULES RELATING TO FEES:

Article 1

General

The following shall be levied in accordance with the provisions contained in these Rules:

(a) fees due to be paid to the European Patent Office (hereinafter referred to as the Office) as provided for in the Convention and in the Implementing Regulations and the fees and expenses which the President of the Office lays down pursuant to Article 3, paragraph 1;

(b) fees and expenses pursuant to the Patent Cooperation Treaty (hereinafter referred to as the PCT), the amounts of which may be fixed by the Office.

[1] Consolidated version of the Rules relating to Fees (RFees) applicable as from 01.04.2022.

Règlement relatif aux taxes du 20 octobre 1977 tel qu'adopté par décision du Conseil d'administration de l'Organisation européenne des brevets en date du 7 décembre 2006 et tel que modifié en dernier lieu par décision du Conseil d'administration en date du 15 décembre 2021[1]

LE CONSEIL D'ADMINISTRATION DE L'ORGANISATION EUROPÉENNE DES BREVETS,

VU la Convention sur le brevet européen, et notamment son article 33, paragraphe 2, lettre d),

ARRÊTE LE RÈGLEMENT RELATIF AUX TAXES SUIVANT :

Article premier

Disposition générale

Sont perçues conformément aux dispositions du présent règlement :

a) les taxes à payer à l'Office européen des brevets, ci-après dénommé l'Office, en vertu de la convention et de son règlement d'exécution, ainsi que les taxes et redevances que le Président de l'Office fixe en vertu de l'article 3, paragraphe 1,

b) les taxes et redevances au titre du Traité de coopération en matière de brevets (PCT) dont l'Office peut fixer le montant.

[1] Version consolidée du règlement relatif aux taxes (RRT) applicable à compter du 01.04.2022.

	Artikel 2[2]	**Article 2**[2]	**Article 2**[2]	
	Im Übereinkommen und seiner Ausführungsordnung vorgesehene Gebühren	**Fees provided for in the Convention and in the Implementing Regulations**	**Taxes prévues dans la convention et dans son règlement d'exécution**	
	(1) Die nach Artikel 1 an das Amt zu entrichtenden Gebühren werden wie folgt festgesetzt, sofern in Absatz 2 nichts anderes vorgesehen ist:	(1) The fees due to be paid to the Office under Article 1, unless otherwise provided in paragraph 2, shall be as follows:	(1) Sauf s'il en est disposé autrement au paragraphe 2, les taxes à payer à l'Office en vertu de l'article premier sont fixées comme suit :	
Code **Code** Code				EUR **EUR** EUR
	1.[3] Anmeldegebühr	1.[3] Filing fee	1.[3] Taxe de dépôt	
	(Artikel 78 Absatz 2)	(Article 78, paragraph 2)	(article 78, paragraphe 2) ;	
001 (020)	i) wenn die europäische Patentanmeldung oder, soweit erforderlich, ihre Übersetzung (Artikel 14 Absatz 2) online in zeichencodiertem Format eingereicht wird oder	(i) where the European patent application or, if required, its translation (Article 14, paragraph 2) is filed online in character-coded format, or,	i) lorsque la demande de brevet européen ou, le cas échéant, sa traduction (article 14, paragraphe 2) est déposée en ligne dans un format à codage de caractères, ou,	
	im Falle einer internationalen Anmeldung innerhalb der 31-Monatsfrist (Regel 159 Absatz 1) das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) und die internationale Anmeldung oder, soweit erforderlich, deren Übersetzung (Regel 159 Absatz 1 a)) und etwaige Änderungen für die Bearbeitung in der europäischen Phase (Regel 159 Absatz 1 b)) alle online in zeichencodiertem Format eingereicht werden	in the case of an international application, if within the 31-month period (Rule 159, paragraph 1) the form for entry into the European phase (EPO Form 1200) and the international application or, if required, its translation (Rule 159, paragraph 1(a)), and any amendments for processing in the European phase (Rule 159, paragraph 1(b)), are all filed online in character-coded format	dans le cas d'une demande internationale, si, dans le délai de 31 mois (règle 159, paragraphe 1), le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) et la demande internationale ou, le cas échéant, sa traduction (règle 159, paragraphe 1a)) et toute modification à traiter dans la phase européenne (règle 159, paragraphe 1b)) sont tous déposés en ligne dans un format à codage de caractères	**100**[4]

[2] Zuletzt geändert durch Beschluss des Verwaltungsrats CA/D 13/21 vom 15.12.2021 (ABl. EPA 2022, A2), in Kraft getreten am 01.04.2022.

[3] Geändert durch Beschluss des Verwaltungsrats CA/D 12/19 vom 12.12.2019 (ABl. EPA 2020, A3), in Kraft getreten am 01.04.2020.
Siehe Beschluss des Verwaltungsrats CA/D 11/18 vom 12.12.2018 (ABl. EPA 2019, A3) in Verbindung mit der Mitteilung des EPA vom 24.01.2019 über die Anwendung dieser Gebührenbeträge (ABl. EPA 2019, A6).

[4] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[2] Last amended by decision of the Administrative Council CA/D 13/21 of 15.12.2021 (OJ EPO 2022, A2), which entered into force on 01.04.2022.

[3] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2019, A3), which entered into force on 01.04.2020.
See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

[4] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[2] Modifié en dernier lieu par décision du Conseil d'administration CA/D 13/21 du 15.12.2021 (JO OEB 2022, A2) et entré en vigueur le 01.04.2022.

[3] Modifié par décision du Conseil d'administration CA/D 12/19 du 12.12.2019 (JO OEB 2020, A3) et entré en vigueur le 01.04.2020.
Cf. décision du Conseil d'administration CA/D 11/18 du 12.12.2018 (JO OEB 2019, A3) en liaison avec le communiqué de l'OEB du 24.01.2019 concernant l'application de ces montants de taxes (JO OEB 2019, A6).

[4] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

001 (020)	ii) wenn alle unter Nummer 1 i) genannten Unterlagen online[5] eingereicht werden, eine davon jedoch in einem anderen als einem zeichencodierten Format	(ii) where all documents referred to in item 1(i) are filed online,[5] but any one of them is filed in a format other than character-coded format	ii) lorsque tous les documents visés au point 1 i) sont déposés en ligne[5], mais que l'un quelconque de ces documents est déposé dans un format autre qu'un format à codage de caractères	**130**[6]
001 (020)	iii) in allen anderen Fällen	(iii) in all other cases	iii) dans tous les autres cas	**270**[7]
	1a.[8] Zusatzgebühr	1a.[8] Additional fee	1bis.[8] Taxe additionnelle	
501 (520)	für eine europäische Patentanmeldung, die mehr als 35 Seiten umfasst (ohne die Seiten des Sequenzprotokolls) (Regel 38 Absatz 2)	for a European patent application comprising more than 35 pages (not counting pages forming part of a sequence listing) (Rule 38, paragraph 2)	pour une demande de brevet européen comportant plus de 35 pages (à l'exclusion des pages faisant partie d'un listage de séquences) (règle 38, paragraphe 2)	
	zuzüglich **16 EUR** für die 36. und jede weitere Seite	plus **EUR 16** for the 36th and each subsequent page	plus **16 EUR** pour chaque page à partir de la 36e	
	1b.[9] Zusatzgebühr	1b.[9] Additional fee	1ter.[9] Taxe additionnelle	
	im Fall von Teilanmeldungen zu einer früheren Anmeldung, die ihrerseits eine Teilanmeldung ist (Regel 38 Absatz 4)	in the case of a divisional application filed in respect of any earlier application which is itself a divisional application (Rule 38, paragraph 4)	en cas de dépôt d'une demande divisionnaire sur la base d'une demande antérieure qui est elle-même une demande divisionnaire (règle 38, paragraphe 4)	
552	- Gebühr für eine Teilanmeldung der zweiten Generation	- fee for a divisional application of second generation	- taxe pour une demande divisionnaire de deuxième génération	**225**
553	- Gebühr für eine Teilanmeldung der dritten Generation	- fee for a divisional application of third generation	- taxe pour une demande divisionnaire de troisième génération	**455**
554	- Gebühr für eine Teilanmeldung der vierten Generation	- fee for a divisional application of fourth generation	- taxe pour une demande divisionnaire de quatrième génération	**680**
555	- Gebühr für eine Teilanmeldung der fünften oder jeder weiteren Generation	- fee for a divisional application of fifth or any subsequent generation	- taxe pour une demande divisionnaire de cinquième génération ou de génération ultérieure	**910**

[5] Siehe Beschluss des Präsidenten des EPA vom 09.05.2019 und Mitteilung über die elektronische Einreichung von Unterlagen (ABl. EPA 2018, A45 und A46).

[6] Dieser Gebührenbetrag gilt für alle Online-Einreichungen bis zu einem vom Präsidenten des Amts festzulegenden Datum, ab dem der unter i) angegebene Gebührenbetrag Anwendung findet.

[7] Dieser Gebührenbetrag gilt für alle nicht online eingereichten Anmeldungen.

[8] Eingefügt durch Beschluss des Verwaltungsrats CA/D 15/07 vom 14.12.2007 (ABl. EPA 2008, 10) und geändert durch Beschluss des Verwaltungsrats CA/D 5/08 vom 09.12.2008 (ABl. EPA 2009, 7), in Kraft getreten am 01.04.2009. Siehe Mitteilung des EPA vom 26.01.2009 über die Gebührenstruktur 2009 (ABl. EPA 2009, 118 und 2009, 338).

[9] Eingefügt durch Beschluss des Verwaltungsrats CA/D 14/13 vom 13.12.2013 (ABl. EPA 2014, A5), in Kraft getreten am 01.04.2014.

[5] See decision of the President of the EPO and notice of 09.05.2019 concerning the electronic filing of documents (OJ EPO 2018, A45 and A46).

[6] This fee level applies to all online filings until a date to be set by the President of the Office from which the fee level under (i) will become applicable.

[7] This fee level applies to all non-online filings.

[8] Inserted by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10) and amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118 and 2009, 338).

[9] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.04.2014.

[5] Cf décision du Président de l'OEB et communiqué du 09.05.2019 relatifs au dépôt électronique de documents (JO OEB 2018, A45 et A46).

[6] Ce montant de taxe s'applique à tous les dépôts en ligne jusqu'à une date fixée par le Président de l'Office à partir de laquelle le montant de taxe visé au point i) s'appliquera.

[7] Ce montant de taxe s'applique à tous les dépôts non effectués en ligne.

[8] Inséré par décision du Conseil d'administration CA/D 15/07 du 14.12.2007 (JO OEB 2008, 10) et modifié par décision du Conseil d'administration CA/D 5/08 du 09.12.2008 (JO OEB 2009, 7) et entré en vigueur le 01.04.2009. Cf. communiqué de l'OEB du 26.01.2009, relatif à la structure des taxes 2009 (JO OEB 2009, 118 et 2009, 338).

[9] Inséré par décision du Conseil d'administration CA/D 14/13 du 13.12.2013 (JO OEB 2014, A5) et entré en vigueur le 01.04.2014.

	2. Recherchengebühr	2. Search fee in respect of	2. Taxe de recherche	
002	- für eine europäische Recherche oder eine ergänzende europäische Recherche zu einer ab dem 1. Juli 2005 eingereichten Anmeldung (Artikel 78 Absatz 2, Regel 62, Regel 64 Absatz 1, Artikel 153 Absatz 7, Regel 164 Absätze 1[10] und 2)	- a European or supplementary European search on an application filed on or after 1 July 2005 (Article 78, paragraph 2, Rule 62, Rule 64, paragraph 1, Article 153, paragraph 7, Rule 164, paragraphs 1[10] and 2)	- par recherche européenne ou recherche européenne complémentaire effectuée pour une demande déposée à compter du 1er juillet 2005 (article 78, paragraphe 2, règle 62, règle 64, paragraphe 1, article 153, paragraphe 7, règle 164, paragraphes 1[10] et 2)	**1 390**
002	- für eine europäische Recherche oder eine ergänzende europäische Recherche zu einer vor dem 1. Juli 2005 eingereichten Anmeldung (Artikel 78 Absatz 2, Regel 64 Absatz 1, Artikel 153 Absatz 7)	- a European or supplementary European search on an application filed before 1 July 2005 (Article 78, paragraph 2, Rule 64, paragraph 1, Article 153, paragraph 7)	- par recherche européenne ou recherche européenne complémentaire effectuée pour une demande déposée avant le 1er juillet 2005 (article 78, paragraphe 2, règle 64, paragraphe 1, article 153, paragraphe 7)	**950**
003	- für eine internationale Recherche (Regel 16.1 PCT, Regel 40*bis* PCT in Verbindung mit Regel 20.5*bis* PCT,[11] Regel 158 Absatz 1)	- an international search (Rule 16.1 PCT, Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT[11] and Rule 158, paragraph 1)	- par recherche internationale (règle 16, paragraphe 1 PCT, règle 40*bis* PCT en liaison avec la règle 20.5*bis* PCT[11] et règle 158, paragraphe 1)	**1 775**[12]
	- für eine ergänzende internationale Recherche (Regel 45*bis*.3 a) PCT)[13]	- a supplementary international search (Rule 45*bis*.3(a) PCT)[13]	- par recherche internationale supplémentaire (règle 45*bis*, paragraphe 3a) PCT)[13]	**1 775**
	3.[14] Benennungsgebühr	3.[14] Designation fee	3.[14] Taxe de désignation	
005	für einen oder mehr benannte Vertragsstaaten (Artikel 79 Absatz 2) für eine ab dem 1. April 2009 eingereichte Anmeldung	for one or more Contracting States (Article 79, paragraph 2) in respect of an application filed on or after 1 April 2009	pour un ou plusieurs États contractants (article 79, paragraphe 2) pour une demande déposée à compter du 1er avril 2009	**630**

[10] Eingefügt durch Beschluss des Verwaltungsrats CA/D 14/13 vom 13.12.2013 (ABl. EPA 2014, A5), in Kraft getreten am 01.11.2014.

[11] Eingefügt durch Beschluss des Verwaltungsrats CA/D 2/20 vom 27.03.2020 (ABl. EPA 2020, A36), in Kraft getreten am 01.07.2020. Siehe Mitteilung des EPA vom 14.06.2020 zur Anwendbarkeit der neuen Regel 20.5*bis* PCT über die Berichtigung fälschlicherweise eingereichter Unterlagen in Verfahren vor dem EPA (ABl. EPA 2020, A81).

[12] Siehe Beschluss des Verwaltungsrats CA/D 13/19 vom 12.12.2019 über die Ermäßigung dieser Gebühr zugunsten der Staatsangehörigen bestimmter Länder (ABl. EPA 2020, A4) und Mitteilung des EPA vom 07.07.2021 über die Ermäßigung der Gebühren für die internationale Recherche und die internationale vorläufige Prüfung zu von Staatsangehörigen bestimmter Länder eingereichten internationalen Anmeldungen (ABl. EPA 2021, A58).

[13] Eingefügt durch Beschluss des Verwaltungsrats CA/D 10/09 vom 28.10.2009 (ABl. EPA 2009, 593), in Kraft getreten am 01.07.2010.

[14] Geändert durch Beschluss des Verwaltungsrats CA/D 15/07 vom 14.12.2007 (ABl. EPA 2008, 10), in Kraft getreten am 01.04.2009. Siehe Mitteilung des Europäischen Patentamts vom 26.01.2009 über die Gebührenstruktur 2009 (ABl. EPA 2009, 118).

[10] Inserted by decision of the Administrative Council CA/D 14/13 of 13.12.2013 (OJ EPO 2014, A5), which entered into force on 01.11.2014.

[11] Inserted by decision of the Administrative Council CA/D 2/20 of 27.03.2020 (OJ EPO 2020, A36), which entered into force on 01.07.2020. See notice from the EPO of 14.06.2020 concerning new Rule 20.5*bis* PCT on the correction of erroneous filings in the procedures before the EPO (OJ EPO 2020, A81).

[12] See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4) and notice from the EPO of 07.07.2021 concerning the reduction in the fees for the international search and the international preliminary examination carried out on international applications in favour of nationals of certain states (OJ EPO 2021, A58).

[13] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[14] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

[10] Inséré par décision du Conseil d'administration CA/D 14/13 du 13.12.2013 (JO OEB 2014, A5), et entré en vigueur le 01.11.2014.

[11] Inséré par décision du Conseil d'administration CA/D 2/20 du 27.03.2020 (JO OEB 2020, A36) et entré en vigueur le 01.07.2020. Cf. communiqué de l'OEB du 14.06.2020 relatif à l'applicabilité, dans le cadre des procédures devant l'OEB, de la nouvelle règle 20.5*bis* PCT concernant la correction d'éléments ou de parties indûment déposés (JO OEB 2020, A81).

[12] Cf. décision du Conseil d'administration CA/D 13/19 du 12.12.2019 portant réduction de cette taxe pour les ressortissants de certains pays (JO OEB 2020, A4) et communiqué de l'OEB du 07.07.2021 relatif à la réduction des taxes afférentes à la recherche internationale et à l'examen préliminaire international effectués pour des demandes internationales déposées par les ressortissants de certains États (JO OEB 2021, A58).

[13] Inséré par décision du Conseil d'administration CA/D 10/09 du 28.10.2009 (JO OEB 2009, 593) et entré en vigueur le 01.07.2010.

[14] Modifié par décision du Conseil d'administration CA/D 15/07 du 14.12.2007 (JO OEB 2008, 10) et entré en vigueur le 01.04.2009. Cf. communiqué de l'OEB du 26.01.2009, relatif à la structure des taxes 2009 (JO OEB 2009, 118).

	4. Jahresgebühren	4. Renewal fees	4. Taxes annuelles	
	für europäische Patentanmeldungen (Artikel 86 Absatz 1), jeweils gerechnet vom Anmeldetag an	For the European patent application (Article 86, paragraph 1), calculated in each case from the date of filing of the application	pour la demande de brevet européen (article 86, paragraphe 1), chaque année étant calculée à compter de la date de dépôt de la demande	
033	- für das 3. Jahr	- for the 3rd year	- pour la troisième année	**505**
034	- für das 4. Jahr	- for the 4th year	- pour la quatrième année	**630**
035	- für das 5. Jahr	- for the 5th year	- pour la cinquième année	**880**
036	- für das 6. Jahr	- for the 6th year	- pour la sixième année	**1 125**
037	- für das 7. Jahr	- for the 7th year	- pour la septième année	**1 245**
038	- für das 8. Jahr	- for the 8th year	- pour la huitième année	**1 370**
039	- für das 9. Jahr	- for the 9th year	- pour la neuvième année	**1 495**
040 - 050	- für das 10. Jahr und jedes weitere Jahr	- for the 10th and each subsequent year	- pour la dixième année et chacune des années suivantes	**1 690**
	5.[15] Zuschlagsgebühr	5. [15] Additional fee	5. [15] Surtaxe	
093 - 110	für die verspätete Zahlung einer Jahresgebühr für die europäische Patentanmeldung (Regel 51 Absatz 2)	for belated payment of a renewal fee for the European patent application (Rule 51, paragraph 2)	pour retard de paiement d'une taxe annuelle pour une demande de brevet européen (règle 51, paragraphe 2)	
	50 % der verspätet gezahlten Jahresgebühr	**50%** of the belated renewal fee	**50 %** de la taxe annuelle payée en retard	
	6. Prüfungsgebühr	6. Examination fee	6. Taxe d'examen	
	(Artikel 94 Absatz 1)	(Article 94, paragraph 1) in respect of	(article 94, paragraphe 1)	
006	- für eine vor dem 1. Juli 2005 eingereichte Anmeldung	- an application filed before 1 July 2005	- pour une demande de brevet déposée avant le 1er juillet 2005	**1 955**
006	- für eine ab dem 1. Juli 2005 eingereichte Anmeldung	- an application filed on or after 1 July 2005	- pour une demande de brevet déposée à compter du 1er juillet 2005	**1 750**
006	- für eine ab dem 1. Juli 2005 eingereichte internationale Anmeldung, für die kein ergänzender europäischer Recherchenbericht erstellt wird (Artikel 153 Absatz 7)	- an international application filed on or after 1 July 2005 for which no supplementary European search report is drawn up (Article 153, paragraph 7)	- pour une demande internationale déposée à compter du 1er juillet 2005 pour laquelle il n'est pas établi de rapport complémentaire de recherche européenne (article 153, paragraphe 7)	**1 955**

[15] Siehe Beschluss des Verwaltungsrats CA/D 6/20 vom 28.05.2020 (ABl. EPA 2020, A70) und Mitteilung des EPA vom 29.05.2020 über die befristete Aussetzung der Anwendung von Regel 51 (2) EPÜ betreffend die Zuschlagsgebühr für die verspätete Zahlung von Jahresgebühren für europäische Patentanmeldungen (ABl. EPA 2020, A75).

[15] See decision of the Administrative Council CA/D 6/20 of 28.05.2020 (OJ EPO 2020, A70) and notice from the EPO of 29.05.2020 concerning the temporary suspension of the application of Rule 51(2) EPC with respect to the additional fee for belated payment of a renewal fee for a European patent application (OJ EPO 2020, A75).

[15] Cf. décision du Conseil d'Administration CA/D 6/20 du 28.05.2020 (JO OEB 2020, A70) et communiqué de l'OEB du 29.05.2020 relatif à la suspension temporaire de l'application de la règle 51(2) CBE en ce qui concerne la surtaxe pour retard de paiement d'une taxe annuelle afférente à une demande de brevet européen (JO OEB 2020, A75).

	7.[16] Erteilungsgebühr	7.[16] Fee for grant	7.[16] Taxe de délivrance du brevet	
	einschließlich Veröffentlichungsgebühr für die europäische Patentschrift (Regel 71 Absatz 3) für eine ab dem 1. April 2009 eingereichte Anmeldung	including fee for publication of the European patent specification (Rule 71, paragraph 3), in respect of an application filed on or after 1 April 2009	y compris taxe de publication du fascicule du brevet européen (règle 71, paragraphe 3), pour une demande déposée à compter du 1er avril 2009,	
007	i) wenn ab dem 1. April 2018 alle etwaigen Änderungen und Berichtigungen der Anmeldung sowie die Übersetzung der Ansprüche online in zeichencodiertem Format eingereicht werden	(i) where on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format	i) lorsqu'à compter du 1er avril 2018, toutes les modifications et corrections apportées le cas échéant à la demande, ainsi que la traduction des revendications sont déposées en ligne dans un format à codage de caractères	**885**[17]
	ii) in allen anderen Fällen	(ii) in all other cases	ii) dans tous les autres cas	
007	- wenn die Erteilungsgebühr zwischen dem 1. April 2018 und dem [vom Präsidenten des Amts festzulegendes Datum] entrichtet wird	- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office]	- lorsque la taxe de délivrance du brevet est acquittée entre le 1er avril 2018 et le [date fixée par le Président de l'Office]	**990**[18]
007	- wenn die Erteilungsgebühr ab dem [vom Präsidenten des Amts festzulegendes Datum] entrichtet wird	- where the fee for grant is paid on or after [date to be set by the President of the Office]	- lorsque la taxe de délivrance du brevet est acquittée à compter du [date fixée par le Président de l'Office]	**1 095**[19]
	8.[20] Veröffentlichungsgebühr	8.[20] Fee for publishing	8.[20] Taxe de publication	
009	für eine neue europäische Patentschrift (Regel 82 Absatz 2, Regel 95 Absatz 3)	a new specification of the European patent (Rule 82, paragraph 2, Rule 95, paragraph 3)	d'un nouveau fascicule du brevet européen (règle 82, paragraphe 2, règle 95, paragraphe 3)	**80**

[16] Geändert durch Beschluss des Verwaltungsrats CA/D 15/07 vom 14.12.2007 (ABl. EPA 2008, 10), in Kraft getreten am 01.04.2009. Siehe Mitteilung des EPA vom 26.01.2009 über die Gebührenstruktur 2009 (ABl. EPA 2009, 118).
Geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018. Siehe Beschluss des Verwaltungsrats CA/D 11/18 vom 12.12.2018 (ABl. EPA 2019, A3) in Verbindung mit der Mitteilung des EPA vom 24.01.2019 über die Anwendung dieser Gebührenbeträge (ABl. EPA 2019, A6).

[17] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[18] Dieser Gebührenbetrag gilt für die Erteilungsgebühr bis zu dem vom Präsidenten des Amts festzulegenden Datum, ab dem der unter ii) zweiter Spiegelstrich angegebene Gebührenbetrag Anwendung findet.

[19] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[20] Geändert durch Beschluss des Verwaltungsrats CA/D 15/07 vom 14.12.2007 (ABl. EPA 2008, 10), in Kraft getreten am 01.04.2009.

[16] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).
Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fee levels (OJ EPO 2019, A6).

[17] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3) this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[18] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[19] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3), this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[20] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009.

[16] Modifié par décision du Conseil d'administration CA/D 15/07 du 14.12.2007 (JO OEB 2008, 10) et entré en vigueur le 01.04.2009. Cf. communiqué de l'OEB du 26.01.2009, relatif à la structure des taxes 2009 (JO OEB 2009, 118).
Modifié par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018. Cf. décision du Conseil d'administration CA/D 11/18 du 12.12.2018 (JO OEB 2019, A3) en liaison avec le communiqué de l'OEB du 24.01.2019 concernant l'application de ces montants de taxes (JO OEB 2019, A6).

[17] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

[18] Ce montant de taxe s'applique à la taxe de délivrance du brevet jusqu'à la date fixée par le Président de l'Office à partir de laquelle le montant de taxe visé au point ii) second tiret s'appliquera.

[19] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

[20] Modifié par décision du Conseil d'administration CA/D 15/07 du 14.12.2007 (JO OEB 2008, 10) et entré en vigueur le 01.04.2009.

	9. Zuschlagsgebühr	9. Surcharge	9. Surtaxe	
056	für die verspätete Vornahme von Handlungen zur Aufrechterhaltung des europäischen Patents in geändertem Umfang (Regel 82 Absatz 3, Regel 95 Absatz 3)	for late performance of the acts required to maintain the European patent in amended form (Rule 82, paragraph 3, Rule 95, paragraph 3)	pour retard d'accomplissement d'actes pour le maintien du brevet européen sous une forme modifiée (règle 82, paragraphe 3, règle 95, paragraphe 3)	**130**
010	10. Einspruchsgebühr	10. Opposition fee	10. Taxe d'opposition	
	(Artikel 99 Absatz 1, Artikel 105 Absatz 2)	(Article 99, paragraph 1, Article 105, paragraph 2)	(article 99, paragraphe 1, article 105, paragraphe 2)	**840**
	10a. Beschränkungs- oder Widerrufsgebühr	10a. Limitation or revocation fee	10bis. Taxe de limitation ou de révocation	
	(Artikel 105a Absatz 1)	(Article 105a, paragraph 1)	(article 105bis, paragraphe 1)	
131	- Antrag auf Beschränkung	- request for limitation	- requête en limitation	**1 245**
141	- Antrag auf Widerruf	- request for revocation	- requête en révocation	**560**
011	11. Beschwerdegebühr[21]	11. Fee for appeal[21]	11. Taxe de recours[21]	
	(Artikel 108) für eine Beschwerde, die	(Article 108) for an appeal filed	(article 108) pour un recours formé	
	- von einer natürlichen Person oder einer in Regel 6 Absätze 4 und 5 genannten Einheit eingelegt wird	- by a natural person or an entity referred to in Rule 6, paragraph 4 and 5	- par une personne physique ou une entité visée à la règle 6, paragraphes 4 et 5	**2 015**
	- von einer sonstigen Einheit eingelegt wird	- by any other entity	- par toute autre entité	**2 785**
111	11a. Gebühr für den Überprüfungsantrag	11a. Fee for petition for review	11bis. Taxe de requête en révision	
	(Artikel 112a Absatz 4)	(Article 112a, paragraph 4)	(article 112bis, paragraphe 4)	**3 115**
	12. Weiterbehandlungsgebühr	12. Fee for further processing	12. Taxe de poursuite de la procédure	
	(Regel 135 Absatz 1)	(Rule 135, paragraph 1)	(règle 135, paragraphe 1)	
123	- bei verspäteter Gebührenzahlung	- in the event of late payment of a fee	- en cas de retard de paiement de taxe	
	50 % der betreffenden Gebühr	**50%** of the relevant fee	**50 %** de la taxe concernée	
121	- bei verspäteter Vornahme der nach Regel 71 Absatz 3 erforderlichen Handlungen	- in the event of late performance of the acts required under Rule 71, paragraph 3	- en cas de retard d'accomplissement des actes exigés conformément à la règle 71, paragraphe 3	**275**
122	- in allen anderen Fällen	- other cases	- autres cas	**275**

[21] Zuletzt geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018. Siehe Mitteilung des EPA vom 18.12.2017 über die ermäßigte Beschwerdegebühr (Artikel 108 EPÜ) (ABl. EPA 2018, A5). Siehe die Möglichkeit der Rückzahlung der Beschwerdegebühr (R. 103 EPÜ) geändert durch Beschluss des Verwaltungsrats CA/D 14/19 vom 12.12.2019 (ABl. EPA 2020, A5), in Kraft getreten am 01.04.2020.

[21] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See notice from the EPO of 18.12.2017 concerning the reduced fee for appeal (Article 108 EPC) (OJ EPO 2018, A5). See the possibility for reimbursement of the appeal fee (R. 103 EPC) amended by decision of the Administrative Council CA/D 14/19 of 12.12.2019 (OJ EPO 2020, A5), which entered into force on 01.04.2020.

[21] Modifié en dernier lieu par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018. Cf. communiqué de l'OEB du 18.12.2017, relatif à la réduction de la taxe de recours (article 108 CBE) (JO OEB 2018, A5). Cf. possibilités de remboursement de la taxe de recours (règle 103 CBE) modifiées par décision du Conseil d'administration CA/D 14/19 du 12.12.2019 (JO OEB 2020, A5), entrées en vigueur le 01.04.2020.

	13.[22] Wiedereinsetzungsgebühr/Gebühr für den Antrag auf Wiederherstellung/Gebühr für den Antrag auf Wiedereinsetzung	13.[22] Fee for re-establishment of rights/fee for requesting restoration/fee for reinstatement of rights	13.[22] Taxe de restitutio in integrum/taxe pour requête en restauration/taxe de rétablissement des droits	
013	(Regel 136 Absatz 1, Regel 26*bis*.3 d) PCT, Regel 49*ter*.2 d) PCT, Regel 49.6 d) i) PCT)	(Rule 136, paragraph 1, Rule 26*bis*.3(d) PCT, Rule 49*ter*.2(d) PCT, Rule 49.6(d)(i) PCT)	(règle 136, paragraphe 1, règle 26*bis*, paragraphe 3d) PCT, règle 49*ter*, paragraphe 2d) PCT, règle 49, paragraphe 6d)i) PCT)	**685**
014	14. Umwandlungsgebühr	14. Conversion fee	14. Taxe de transformation	
	(Artikel 135 Absatz 3, Artikel 140)	(Article 135, paragraph 3, Article 140)	(article 135, paragraphe 3, article 140)	**80**
067	14a. Gebühr für verspätete Einreichung eines Sequenzprotokolls	14a. Fee for late furnishing of a sequence listing	14bis. Taxe de fourniture tardive d'un listage de séquences	
	(Regel 30 Absatz 3)	(Rule 30, paragraph 3)	(règle 30, paragraphe 3)	**245**
	15.[23] Anspruchsgebühr	15.[23] Claims fee	15.[23] Taxe de revendication	
	(Regel 45 Absatz 1, Regel 71 Absatz 4, Regel 162 Absatz 1) für eine ab dem 1. April 2009 eingereichte Anmeldung	(Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1) in respect of an application filed on or after 1 April 2009	(règle 45, paragraphe 1, règle 71, paragraphe 4, règle 162, paragraphe 1) pour une demande déposée à compter du 1er avril 2009	
015 *016*	- für den 16. und jeden weiteren Anspruch bis zu einer Obergrenze von 50	- for the 16th and each subsequent claim up to the limit of 50	- pour chaque revendication à partir de la 16e et jusqu'à la 50e	**250**
015 *016*	- für den 51. und jeden weiteren Anspruch	- for the 51st and each subsequent claim	- pour chaque revendication à partir de la 51e	**630**
017	16. Kostenfestsetzungsgebühr	16. Fee for the awarding of costs	16. Taxe de fixation des frais	
	(Regel 88 Absatz 3)	(Rule 88, paragraph 3)	(règle 88, paragraphe 3)	**80**
018	17. Beweissicherungsgebühr	17. Fee for the conservation of evidence	17. Taxe de conservation de la preuve	
	(Regel 123 Absatz 3)	(Rule 123, paragraph 3)	(règle 123, paragraphe 3)	**80**

[22] Geändert durch Beschluss des Verwaltungsrats CA/D 17/07 vom 25.10.2007 (ABl. EPA 2007, 533), in Kraft getreten am 13.12.2007.

[23] Geändert durch Beschluss des Verwaltungsrats CA/D 15/07 vom 14.12.2007 (ABl. EPA 2008, 10), in Kraft getreten am 01.04.2009. Siehe Mitteilung des EPA vom 26.01.2009 über die Gebührenstruktur 2009 (ABl. EPA 2009, 118).

[22] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), which entered into force on 13.12.2007.

[23] Amended by decision of the Administrative Council CA/D 15/07 of 14.12.2007 (OJ EPO 2008, 10), which entered into force on 01.04.2009. See notice from the EPO of 26.01.2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

[22] Modifié par décision du Conseil d'administration CA/D 17/07 du 25.10.2007 (JO OEB 2007, 533) et entré en vigueur le 13.12.2007.

[23] Modifié par décision du Conseil d'administration CA/D 15/07 du 14.12.2007 (JO OEB 2008, 10) et entré en vigueur le 01.04.2009. Cf. communiqué de l'OEB du 26.01.2009, relatif à la structure des taxes 2009 (JO OEB 2009, 118).

	18.[24] Übermittlungsgebühr für eine internationale Anmeldung (Regel 157 Absatz 4)	18.[24] Transmittal fee for an international application (Rule 157, paragraph 4)	18.[24] Taxe de transmission pour une demande internationale de brevet (règle 157, paragraphe 4)	
	- wenn der PCT-Antrag (PCT/RO/101) und die internationale Anmeldung beim Amt als Anmeldeamt online in zeichencodiertem Format eingereicht werden	- where the PCT request (PCT/RO/101) and the international application are filed with the Office as receiving Office online in character-coded format	- lorsque la requête PCT (PCT/RO/101) et la demande internationale sont déposées en ligne dans un format à codage de caractères auprès de l'Office agissant en qualité d'office récepteur	**0**[25]
019	- in allen anderen Fällen	- in all other cases	- dans tous les autres cas	**140**[26]
021	19. Gebühr für die vorläufige Prüfung einer internationalen Anmeldung (Regel 58 PCT, Regel 158 Absatz 2)[27]	19. Fee for the preliminary examination of an international application (Rule 58 PCT and Rule 158, paragraph 2)[27]	19. Taxe d'examen préliminaire d'une demande internationale (règle 58 PCT et règle 158, paragraphe 2)[27]	**1 830**
060	20. Gebühr für ein technisches Gutachten (Artikel 25)	20. Fee for a technical opinion (Article 25)	20. Redevance pour délivrance d'un avis technique (article 25)	**4 175**
062	21.[28] Widerspruchsgebühr (Regel 158 Absatz 3, Regel 40.2 e) PCT, Regel 68.3 e) PCT)	21.[28] Protest fee (Rule 158, paragraph 3, Rule 40.2(e) PCT, Rule 68.3(e) PCT)	21.[28] Taxe de réserve (règle 158, paragraphe 3, règle 40, paragraphe 2e) PCT, règle 68, paragraphe 3e) PCT)	**935**
069	22.[29] Überprüfungsgebühr (Regel 45*bis*.6 c) PCT)	22.[29] Review fee (Rule 45*bis*.6(c) PCT)	22.[29] Taxe de réexamen (règle 45*bis*, paragraphe 6c) PCT)	**935**

[24] Geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018. Siehe Beschluss des Verwaltungsrats CA/D 11/18 vom 12.12.2018 (ABl. EPA 2019, A3) in Verbindung mit der Mitteilung des EPA vom 24.01.2019 über die Anwendung dieser Gebührenbeträge (ABl. EPA 2019, A6).

[25] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[26] Dieser Gebührenbetrag gilt für die Übermittlungsgebühr für eine internationale Anmeldung bis zu dem vom Präsidenten des Amts festzulegenden Datum, ab dem der im ersten Spiegelstrich angegebene Gebührenbetrag Anwendung findet.

[27] Zuletzt geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018. Siehe Beschluss des Verwaltungsrats CA/D 13/19 vom 12.12.2019 über die Ermäßigung dieser Gebühr zugunsten der Staatsangehörigen bestimmter Länder (ABl. EPA 2020, A4).

[28] Geändert durch Beschluss des Verwaltungsrats CA/D 6/11 vom 27.10.2011 (ABl. EPA 2011, 616), in Kraft getreten am 01.04.2012.

[29] Eingefügt durch Beschluss des Verwaltungsrats CA/D 10/09 vom 28.10.2009 (ABl. EPA 2009, 593), in Kraft getreten am 01.07.2010.

[24] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[25] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3) this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[26] This fee level applies for any transmittal fee for an international application until the date to be set by the President of the Office from which the fee level in the first indent will become applicable.

[27] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 13/19 of 12.12.2019 concerning the reduction of this fee in favour of nationals of certain states (OJ EPO 2020, A4).

[28] Amended by decision of the Administrative Council CA/D 6/11 of 27.10.2011 (OJ EPO 2011, 616), which entered into force on 01.04.2012.

[29] Inserted by decision of the Administrative Council CA/D 10/09 of 28.10.2009 (OJ EPO 2009, 593), which entered into force on 01.07.2010.

[24] Modifié par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018. Cf. décision du Conseil d'administration CA/D 11/18 du 12.12.2018 (JO OEB 2019, A3) en liaison avec le communiqué de l'OEB du 24.01.2019 concernant l'application de ces montants de taxes (JO OEB 2019, A6).

[25] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

[26] Ce montant de taxe s'applique à toute taxe de transmission pour une demande internationale de brevet jusqu'à la date fixée par le Président de l'Office à partir de laquelle le montant de taxe visé au premier tiret s'appliquera.

[27] Modifié en dernier lieu par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018. Cf. décision du Conseil d'administration CA/D 13/19 du 12.12.2019 portant réduction de cette taxe pour les ressortissants de certains pays (JO OEB 2020, A4).

[28] Modifié par décision du Conseil d'administration CA/D 6/11 du 27.10.2011 (JO OEB 2011, 616) et entré en vigueur le 01.04.2012.

[29] Inséré par décision du Conseil d'administration CA/D 10/09 du 28.10.2009 (JO OEB 2009, 593) et entré en vigueur le 01.07.2010.

	(2)[30] Für europäische Patentanmeldungen, die vor dem 1. April 2009 eingereicht wurden, und für internationale Anmeldungen, die vor diesem Zeitpunkt in die regionale Phase eingetreten sind, werden die Beträge der Gebühren, die in Artikel 2 Nummern 3, 3a, 7 und 15 der bis zum 31. März 2009 geltenden Gebührenordnung genannt sind, wie folgt festgesetzt:	(2)[30] For European patent applications filed before 1 April 2009 and international applications which entered the regional phase before that date, the amount of the fees specified in Article 2, item 3, item 3a, item 7 and item 15 of the Rules relating to Fees as in force until 31 March 2009 shall be as follows:	(2)[30] Pour les demandes de brevet européen déposées avant le 1er avril 2009 et les demandes internationales entrées dans la phase régionale avant cette date, le montant des taxes visées à l'article 2, point 3, point 3bis, point 7 et point 15 du règlement relatif aux taxes en vigueur jusqu'au 31 mars 2009 est le suivant :	
	3. Benennungsgebühr	3. Designation fee	3. Taxe de désignation	
005	für jeden benannten Vertragsstaat (Artikel 79 Absatz 2) mit der Maßgabe, dass mit der Entrichtung des siebenfachen Betrags dieser Gebühr die Benennungsgebühren für alle Vertragsstaaten als entrichtet gelten	for each contracting state designated (Article 79, paragraph 2), designation fees being deemed paid for all contracting states upon payment of seven times the amount of this fee	pour chaque État contractant désigné (article 79, paragraphe 2), les taxes de désignation étant réputées acquittées pour tous les États contractants dès lors qu'un montant correspondant à sept fois cette taxe a été acquitté	**110**
	3a. Gemeinsame Benennungsgebühr	3a. Joint designation fee	3bis. Taxe de désignation	
005	für die Schweizerische Eidgenossenschaft und das Fürstentum Liechtenstein	for the Swiss Confederation and the Principality of Liechtenstein	conjointe pour la Confédération helvétique et la Principauté du Liechtenstein	**110**
	7.[31] Erteilungsgebühr	7.[31] Fee for grant	7.[31] Taxe de délivrance	
	einschließlich Druckkostengebühr für die europäische Patentschrift (Regel 71 Absatz 3) bei einer Seitenzahl der für den Druck bestimmten Anmeldungsunterlagen von	including fee for printing the European patent specification (Rule 71, paragraph 3), where the application documents to be printed comprise:	du brevet, y compris taxe d'impression du fascicule du brevet européen (règle 71, paragraphe 3), lorsque les pièces de la demande destinées à être imprimées comportent	
	7.1 höchstens 35 Seiten und	7.1 not more than 35 pages and	7.1 35 pages au maximum et	
007	i) wenn ab dem 1. April 2018 alle etwaigen Änderungen und Berichtigungen der Anmeldung sowie die Übersetzung der Ansprüche online in zeichencodiertem Format eingereicht werden	(i) on or after 1 April 2018 all amendments and corrections of the application, if any, and the translation of the claims are filed online in character-coded format	i) qu'à compter du 1er avril 2018, toutes les modifications et corrections apportées le cas échéant à la demande, ainsi que la traduction des revendications sont déposées en ligne dans un format à codage de caractères	**885**[32]

[30] Eingefügt durch Beschluss des Verwaltungsrats CA/D 19/09 vom 28.10.2009 (ABl. EPA 2009, 587), in Kraft getreten am 01.04.2010.

[31] Geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018. Siehe Beschluss des Verwaltungsrats CA/D 11/18 vom 12.12.2018 (ABl. EPA 2019, A3) in Verbindung mit der Mitteilung des EPA vom 24.01.2019 über die Anwendung dieser Gebührenbeträge (ABl. EPA 2019, A6).

[32] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[30] Inserted by decision of the Administrative Council CA/D 19/09 of 28.10.2009 (OJ EPO 2009, 587), which entered into force on 01.04.2010.

[31] Amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018. See decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3) in conjunction with notice from the EPO of 24.01.2019 concerning the application of these fees (OJ EPO 2019, A6).

[32] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3) this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[30] Inséré par décision du Conseil d'administration CA/D 19/09 du 28.10.2009 (JO OEB 2009, 587) et entré en vigueur le 01.04.2010.

[31] Modifié par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018. Cf. décision du Conseil d'administration CA/D 11/18 du 12.12.2018 (JO OEB 2019, A3) en liaison avec le communiqué de l'OEB du 24.01.2019 concernant l'application de ces montants de taxes (JO OEB 2019, A6).

[32] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

	ii) in allen anderen Fällen	(ii) in all other cases	ii) dans tous les autres cas	
007	- wenn die Erteilungsgebühr zwischen dem 1. April 2018 und dem [vom Präsidenten des Amts festzulegendes Datum] entrichtet wird	- where the fee for grant is paid between 1 April 2018 and [date to be set by the President of the Office]	- lorsque la taxe de délivrance du brevet est acquittée entre le 1er avril 2018 et le [date fixée par le Président de l'Office]	**990**[33]
007	- wenn die Erteilungsgebühr ab dem [vom Präsidenten des Amts festzulegendes Datum] entrichtet wird	- where the fee for grant is paid on or after [date to be set by the President of the Office]	- lorsque la taxe de délivrance du brevet est acquittée à compter du [date fixée par le Président de l'Office]	**1 095**[34]
008	7.2 mehr als 35 Seiten Zutreffender Betrag unter Nummer 7.1 zuzüglich **16 EUR** für die 36. und jede weitere Seite	7.2 more than 35 pages The relevant amount of item 7.1 plus **EUR 16** for the 36th and each subsequent page	7.2 plus de 35 pages Le montant correspondant du point 7.1 plus **16 EUR** pour chaque page à partir de la 36e	
	15. Anspruchsgebühr	15. Claims fee	15. Taxe pour chaque revendication	
015 *016*	für den sechzehnten und jeden weiteren Patentanspruch (Regel 45 Absatz 1, Regel 71 Absatz 4, Regel 162 Absatz 1)	for the sixteenth and each subsequent claim (Rule 45, paragraph 1, Rule 71, paragraph 4, Rule 162, paragraph 1)	à partir de la seizième (règle 45, paragraphe 1, règle 71, paragraphe 4, règle 162, paragraphe 1).	**250**

(3)[35] Der Präsident des Amts legt die in Artikel 2 Absätze 1 und 2 genannten Formate fest und kann bestimmen, unter welchen Bedingungen ein in Artikel 2 Absätze 1 und 2 genanntes Dokument als online in zeichencodiertem Format eingereicht gilt.

(4)[36] Gebührenbeträge, die an die Verwendung einer Einrichtung zur elektronischen Nachrichtenübermittlung oder eines in Artikel 2 Absätze 1 und 2 genannten Formats geknüpft sind, finden erst ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

(3)[35] The President of the Office shall determine the formats referred to in Article 2, paragraphs 1 and 2, and may specify the conditions under which a document referred to in Article 2, paragraphs 1 and 2, is deemed to have been filed online in character-coded format.

(4)[36] Fee levels which relate to the use of a means of electronic communication or a format referred to in Article 2, paragraphs 1 and 2, shall not apply until a date set by the President of the Office.

(3)[35] Le Président de l'Office détermine les formats visés à l'article 2, paragraphes 1 et 2 et peut préciser les conditions dans lesquelles un document visé à l'article 2, paragraphes 1 et 2 est réputé avoir été déposé en ligne dans un format à codage de caractères.

(4)[36] Les montants de taxes liés à l'utilisation d'un moyen de communication électronique ou d'un format visé à l'article 2, paragraphes 1 et 2 ne s'appliquent qu'à partir d'une date fixée par le Président de l'Office.

[33] Dieser Gebührenbetrag gilt für die Erteilungsgebühr bis zu dem vom Präsidenten des Amts festzulegenden Datum, ab dem der unter ii) zweiter Spiegelstrich angegebene Gebührenbetrag Anwendung findet.

[34] Gemäß CA/D 11/18, Artikel 2 Satz 1 (ABl. EPA 2019, A3) gilt dieser Gebührenbetrag derzeit nicht. Er findet ab einem vom Präsidenten des Amts festzulegenden Datum Anwendung.

[35] Eingefügt durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018.

[36] Eingefügt durch Beschluss des Verwaltungsrats CA/D 11/18 vom 12.12.2018 (ABl. EPA 2019, A3), in Kraft getreten am 01.04.2019. Siehe Mitteilung des EPA vom 24.01.2019 über die Änderung der Gebührenordnung mit Wirkung vom 01.04.2019 (ABl. EPA 2019, A6).

[33] This fee level applies for the fee for grant until the date to be set by the President of the Office from which the fee level under (ii) second indent will become applicable.

[34] Pursuant to Article 2, sentence 1, CA/D 11/18 (OJ EPO 2019, A3) this fee level does not currently apply. It will be applicable from a date to be set by the President of the Office.

[35] Inserted by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

[36] Inserted by decision of the Administrative Council CA/D 11/18 of 12.12.2018 (OJ EPO 2019, A3), which entered into force on 01.04.2019. See notice from the EPO of 24.01.2019 concerning the amendment of the Rules relating to Fees as of 01.04.2019 (OJ EPO 2019, A6).

[33] Ce montant de taxe s'applique à la taxe de délivrance du brevet jusqu'à la date fixée par le Président de l'Office à partir de laquelle le montant de taxe visé au point ii) second tiret s'appliquera.

[34] Conformément à l'article 2, première phrase de la décision CA/D 11/18 (JO OEB 2019, A3), ce montant de taxe ne s'applique pas actuellement. Il s'appliquera à partir d'une date fixée par le Président de l'Office.

[35] Inséré par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018.

[36] Inséré par décision du Conseil d'administration CA/D 11/18 du 12.12.2018 (JO OEB 2019, A3) et entré en vigueur le 01.04.2019. Cf. communiqué de l'OEB du 24.01.2019 concernant la modification du règlement relatif aux taxes avec effet à compter du 01.04.2019 (JO OEB 2019, A6).

Artikel 3[37]

Vom Präsidenten des Amts festgesetzte Gebühren, Auslagen und Verkaufspreise

(1) Der Präsident des Amts setzt die in der Ausführungsordnung genannten Verwaltungsgebühren und, soweit erforderlich, die Gebühren und Auslagen für andere als in Artikel 2 genannte Amtshandlungen des Amts fest.

(2) Der Präsident des Amts setzt ferner die Verkaufspreise der in den Artikeln 93, 98, 103nd 129 des Übereinkommens genannten Veröffentlichungen fest.

(3) Die in Artikel 2 vorgesehenen und die nach Absatz 1 festgesetzten Gebühren und Auslagen werden im Amtsblatt und auf der Website des Europäischen Patentamts veröffentlicht.

Artikel 4

Fälligkeit der Gebühren

(1) Gebühren, deren Fälligkeit sich nicht aus den Vorschriften des Übereinkommens oder des PCT oder der dazugehörigen Ausführungsordnungen ergibt, werden mit dem Eingang des Antrags auf Vornahme der gebührenpflichtigen Amtshandlung fällig.

(2) Der Präsident des Amts kann davon absehen, Amtshandlungen im Sinn des Absatzes 1 von der vorherigen Zahlung der entsprechenden Gebühr abhängig zu machen.

Article 3[37]

Fees, expenses and prices laid down by the President of the Office

(1) The President of the Office shall lay down the amount of the administrative fees provided for in the Implementing Regulations and, where appropriate, the amount of the fees and expenses for any services rendered by the Office other than those specified in Article 2.

(2) He shall also lay down the prices of the publications referred to in Articles 93, 98, 103 and 129 of the Convention.

(3) The amounts of the fees provided for in Article 2 and of the fees and expenses laid down in accordance with paragraph 1 shall be published in the Official Journal and on the website of the European Patent Office.

Article 4

Due date for fees

(1) Fees in respect of which the due date is not specified in the provisions of the Convention or of the PCT or of the Implementing Regulations thereto shall be due on the date of receipt of the request for the service incurring the fee concerned.

(2) The President of the Office may decide not to make services within the meaning of paragraph 1 dependent upon the advance payment of the corresponding fee.

Article 3[37]

Taxes, redevances et tarifs fixés par le Président de l'Office

(1) Le Président de l'Office fixe le montant des taxes d'administration prévues dans le règlement d'exécution ainsi que le montant des taxes et redevances à payer pour toute prestation de service assurée par l'Office, autre que celles visées à l'article 2.

(2) Il fixe également les tarifs de vente des publications visées aux articles 93, 98, 103et 129 de la convention.

(3) Les montants des taxes prévues à l'article 2 et des taxes et redevances visées au paragraphe 1 sont publiés au Journal officiel ainsi que sur le site Internet de l'Office européen des brevets.

Article 4

Exigibilité des taxes

(1) Les taxes dont la date d'exigibilité ne découle pas des dispositions de la convention, du PCT et de leurs règlements d'exécution sont exigibles à compter du dépôt de la demande d'exécution de la prestation de service assujettie à une taxe.

(2) Le Président de l'Office peut ne pas soumettre la prestation de service visée au paragraphe 1 au paiement préalable de la taxe y afférente.

[37] Siehe Beschluss des Präsidenten des EPA vom 14.01.2022 über die Neufestsetzung der Gebühren und Auslagen des EPA (ABl. EPA 2022, A7) und Beschluss des Präsidenten des EPA vom 02.02.2012 über die Neufestsetzung der Grundgebühr für die europäische Eignungsprüfung (ABl. EPA 2012, 210).

[37] See decision of the President of the EPO of 14.01.2022 revising the Office's fees and expenses (OJ EPO 2022, A7) and decision of the President of the EPO of 02.02.2012 revising the basic fee for the European qualifying examination (OJ EPO 2012, 210).

[37] Cf. décision du Président de l'OEB du 14.01.2022 portant révision du montant des taxes et redevances de l'Office (JO OEB 2022, A7) et décision du Président de l'OEB du 02.02.2012 portant révision du montant du droit de base pour l'examen européen de qualification (JO OEB 2012, 210).

Artikel 5[38]

Entrichtung der Gebühren

(1)[39] Die an das Amt zu zahlenden Gebühren sind durch Einzahlung oder Überweisung auf ein Bankkonto des Amts in Euro zu entrichten.

(2)[40] Der Präsident des Amts kann zulassen, dass die Gebühren auf andere Art als in Absatz 1 vorgesehen entrichtet werden.

Artikel 6

Angaben über die Zahlung

(1) Jede Zahlung muss den Einzahler bezeichnen und die notwendigen Angaben enthalten, die es dem Amt ermöglichen, den Zweck der Zahlung ohne Weiteres zu erkennen.

(2) Ist der Zweck der Zahlung nicht ohne Weiteres erkennbar, so fordert das Amt den Einzahler auf, innerhalb einer vom Amt zu bestimmenden Frist diesen Zweck schriftlich mitzuteilen. Kommt der Einzahler der Aufforderung nicht rechtzeitig nach,

Article 5[38]

Payment of fees

(1)[39] The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.

(2)[40] The President of the Office may allow other methods of paying fees than those set out in paragraph 1.

Article 6

Particulars concerning payments

(1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.

(2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be

Article 5[38]

Paiement des taxes

(1)[39] Les taxes à payer à l'Office doivent être acquittées en euro par versement ou virement à un compte bancaire de l'Office.

(2)[40] Le Président de l'Office peut autoriser le paiement des taxes par d'autres moyens que ceux prévus au paragraphe 1.

Article 6

Données concernant le paiement

(1) Tout paiement doit comporter l'indication du nom de la personne qui l'effectue ainsi que les données nécessaires pour permettre à l'Office d'identifier facilement l'objet du paiement.

(2) Si l'objet du paiement n'est pas facilement identifiable, l'Office invite, dans un délai qu'il détermine, la personne qui a effectué le paiement à communiquer cet objet par écrit. Si elle ne donne pas suite à cette invitation en temps utile, le

[38] Geändert durch Beschluss des Verwaltungsrats CA/D 17/07 vom 25.10.2007 (ABl. EPA 2007, 533), insbesondere durch dessen Artikel 1 Nr. 2; in Kraft getreten am 01.04.2008.

[39] Siehe Mitteilung des EPA vom 13.07.2021 über die Zentrale Gebührenzahlung (ABl. EPA 2021, A61) und Mitteilung des EPA vom 02.03.2022 über die Erweiterung der Funktionen der Zentralen Gebührenzahlung (ABl. EPA 2022, A25). Siehe Mitteilung des EPA vom 20.08.2019 über die Verfahren zur Gebührenrückerstattung (ABl. EPA 2019, A82).

[40] Siehe die Vorschriften über das laufende Konto in der ab 01.10.2019 geltenden Fassung (Zusatzpublikation 4, ABl. EPA 2019), den Beschluss des Präsidenten des EPA vom 04.06.2020 über die Änderung von Anhang A.1 und Anhang A.2 zu den Vorschriften über das laufende Konto (VLK) (ABl. EPA 2020, A77) und die Mitteilung des EPA vom 04.06.2020 über Änderungen bei der Gebührenzahlung über das automatische Abbuchungsverfahren (ABl. EPA 2020, A78), Beschluss des Präsidenten des EPA vom 18.03.2021 über die Änderung der Vorschriften über das laufende Konto (VLK) und von Anhang A.1 zu den VLK – Vorschriften über das automatische Abbuchungsverfahren (VAA) (ABl. EPA 2021, A26) und Beschluss des Präsidenten des EPA vom 13.07.2021 über die Änderung der Vorschriften über das laufende Konto (VLK) (ABl. EPA 2021, A60). Siehe Beschluss des Präsidenten des EPA vom 22.08.2017 (ABl. EPA 2017, A72) und Mitteilung des EPA vom 16.02.2022 (ABl. EPA 2022, A18) über die Zahlung von Gebühren per Kreditkarte.

[38] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), and in particular Article 1, point 2 thereof, which entered into force on 01.04.2008.

[39] See notice from the EPO of 13.07.2021 concerning Central Fee Payment (OJ EPO 2021, A61) and notice from the EPO of 02.03.2022 concerning the extension of the functionalities of Central Fee Payment (OJ EPO 2022, A25). See notice from the EPO of 20.08.2019 concerning the fee refund procedures (OJ EPO 2019, A82).

[40] See arrangements for deposit accounts valid as of 01.10.2019 (supplementary publication 4, OJ EPO 2019), decision of the President of the EPO of 04.06.2020 amending Annex A.1 and Annex A.2 to the arrangements for deposit accounts (ADA) (OJ EPO 2020, A77) and notice from the EPO of 04.06.2020 concerning changes to fee payment via the automatic debiting procedure (OJ EPO 2020, A78), decision of the President of EPO of 18.03.2021 amending the Arrangements for deposit accounts (ADA) and Annex A.1 to the ADA – Arrangements for the automatic debiting procedure (AAD) (OJ EPO 2021, A26) and decision of the President of the EPO of 13.07.2021 concerning revision of the Arrangements for deposit accounts (ADA) (OJ EPO 2021, A60). See decision of the President of the EPO of 22.08.2017 (OJ EPO 2017, A72) and notice from the EPO of 16.02.2022 (OJ EPO 2022, A18) concerning the payment of fees by credit card.

[38] Modifié par décision du Conseil d'administration CA/D 17/07 du 25.10.2007 (JO OEB 2007, 533), et en particulier par son article premier, point 2 ; entré en vigueur le 01.04.2008.

[39] Cf. communiqué de l'OEB du 13.07.2021 concernant le paiement centralisé des taxes (JO OEB 2021, A61) et communiqué de l'OEB du 02.03.2022 concernant l'extension des fonctionnalités du paiement centralisé des taxes (JO OEB 2022, A25). Cf. communiqué de l'OEB du 20.08.2019, relatif aux modalités de remboursement des taxes (JO OEB 2019, A82).

[40] Cf. réglementation applicable aux comptes courants, version applicable à partir du 01.10.2019 (publication supplémentaire 4, JO OEB 2019), décision du Président de l'OEB du 04.06.2020, modifiant l'Annexe A.1 et l'Annexe A.2 à la réglementation applicable aux comptes courants (RCC) (JO OEB 2020, A77), et communiqué de l'OEB du 04.06.2020 relatif aux modifications apportées au paiement des taxes via la procédure de prélèvement automatique (JO OEB 2020, A78), décision du Président de l'OEB du 18.03.2021, modifiant la réglementation applicable aux comptes courants (RCC) ainsi que l'annexe A.1 à la RCC – Réglementation relative à la procédure de prélèvement automatique (RPA) (JO OEB 2021, A26) et décision du Président de l'OEB du 13.07.2021, relative à la révision de la réglementation applicable aux comptes courants (RCC) (JO OEB 2021, A60). Cf. décision du Président de l'OEB du 22.08.2017 (JO OEB 2017, A72) et communiqué de l'OEB du 16.02.2022 (JO OEB 2022, A18) relatif au paiement des taxes par carte de crédit.

so gilt die Zahlung als nicht erfolgt.

Artikel 7[41]

Maßgebender Zahlungstag

(1) Als Tag des Eingangs einer Zahlung beim Amt gilt der Tag, an dem der eingezahlte oder überwiesene Betrag auf einem Bankkonto des Amts tatsächlich gutgeschrieben wird.

(2) Lässt der Präsident des Amts gemäß Artikel 5 Absatz 2 zu, dass die Gebühren auf andere Art als in Artikel 5 Absatz 1 vorgesehen entrichtet werden, so bestimmt er auch den Tag, an dem diese Zahlung als eingegangen gilt.

(3) Gilt eine Gebührenzahlung gemäß den Absätzen 1 und 2 erst nach Ablauf der Frist als eingegangen, innerhalb der sie hätte erfolgen müssen, so gilt diese Frist als eingehalten, wenn dem Amt nachgewiesen wird, dass der Einzahler innerhalb der Frist, in der die Zahlung hätte erfolgen müssen, in einem Vertragsstaat:

i) die Zahlung des Betrags bei einem Bankinstitut veranlasst hat oder

ii) einen Auftrag zur Überweisung des zu entrichtenden Betrags einem Bankinstitut formgerecht erteilt hat.

(4) Das Amt kann den Einzahler auffordern, innerhalb einer vom Amt zu bestimmenden Frist den Nachweis über den Zeitpunkt der Vornahme einer der Handlungen nach Absatz 3 zu erbringen. Kommt der Einzahler dieser Aufforderung nicht nach oder ist der Nachweis ungenügend, so gilt die Zahlungsfrist als versäumt.

[41] Geändert durch Beschluss des Verwaltungsrats CA/D 12/19 vom 12.12.2019 (ABl. EPA 2020, A3), insbesondere durch dessen Artikel 2; in Kraft getreten am 01.04.2020.

considered not to have been made.

Article 7[41]

Date to be considered as the date on which payment is made

(1) The date on which any payment shall be considered to have been made to the Office shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by the Office.

(2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.

(3) Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:

(i) he effected the payment through a banking establishment;

(ii) he duly gave an order to a banking establishment to transfer the amount of the payment.

(4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed.

[41] Amended by decision of the Administrative Council CA/D 12/19 of 12.12.2019 (OJ EPO 2020, A3), in particular Article 2 thereof, which entered into force on 01.04.2020.

paiement est considéré comme nul et non avenu.

Article 7[41]

Date à laquelle le paiement est réputé effectué

(1) La date à laquelle tout paiement est réputé effectué auprès de l'Office est la date à laquelle le montant du versement ou du virement est effectivement porté au crédit d'un compte bancaire de l'Office.

(2) Lorsque le Président de l'Office autorise, conformément aux dispositions de l'article 5, paragraphe 2, le paiement des taxes par d'autres moyens que ceux prévus au paragraphe 1 dudit article, il fixe également la date à laquelle ce paiement est réputé effectué.

(3) Lorsque, en vertu des dispositions des paragraphes 1 et 2, le paiement d'une taxe n'est réputé effectué qu'après l'expiration du délai dans lequel il aurait dû intervenir, ce délai est considéré comme respecté si la preuve est apportée à l'Office que la personne qui a effectué le paiement a rempli dans un État contractant pendant le délai dans lequel le paiement aurait dû intervenir l'une des conditions ci-après :

i) avoir effectué le paiement auprès d'un établissement bancaire ;

ii) avoir donné un ordre de virement, en bonne et due forme, du montant du paiement à un établissement bancaire.

(4) L'Office peut inviter la personne qui a effectué le paiement à apporter la preuve de la date à laquelle l'une des conditions visées au paragraphe 3 a été remplie dans un délai qu'il lui impartit. S'il n'est pas donné suite à cette invitation ou si la preuve apportée n'est pas suffisante, le délai de paiement est considéré comme n'ayant pas été respecté.

[41] Modifié par décision du Conseil d'administration CA/D 12/19 du 12.12.2019 (JO OEB 2020, A3), et en particulier par son article 2 ; entré en vigueur le 01.04.2020.

Artikel 8[42]

Nicht ausreichender Gebührenbetrag

Eine Zahlungsfrist gilt grundsätzlich nur dann als eingehalten, wenn der volle Gebührenbetrag rechtzeitig gezahlt worden ist. Ist nicht die volle Gebühr entrichtet worden, so wird der gezahlte Betrag nach dem Fristablauf zurückerstattet. Das Amt kann jedoch, soweit die laufende Frist es erlaubt, dem Einzahler die Gelegenheit geben, den fehlenden Betrag nachzuzahlen. Es kann ferner, wenn dies der Billigkeit entspricht, geringfügige Fehlbeträge der zu entrichtenden Gebühr ohne Rechtsnachteil für den Einzahler unberücksichtigt lassen.

Artikel 9

Rückerstattung von Recherchengebühren

(1)[43] Die für eine europäische oder eine ergänzende europäische Recherche entrichtete Recherchengebühr wird in voller Höhe zurückerstattet, wenn die europäische Patentanmeldung zu einem Zeitpunkt zurückgenommen oder zurückgewiesen wird oder als zurückgenommen gilt, in dem das Amt mit der Erstellung des Recherchenberichts noch nicht begonnen hat.

(2)[44] Wird der europäische Recherchenbericht auf einen früheren Recherchenbericht gestützt, den das Amt für eine

Article 8[42]

Insufficiency of the amount paid

A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

Article 9

Refund of search fees

(1)[43] The search fee paid for a European or supplementary European search shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the search report.

(2)[44] Where the European search report is based on an earlier search report prepared by the Office on an application

Article 8[42]

Paiement insuffisant du montant de la taxe

Un délai de paiement n'est, en principe, considéré comme respecté que si la totalité du montant de la taxe a été payée dans le délai prévu. Si la totalité de la taxe n'a pas été payée, le montant déjà versé est remboursé après expiration du délai. Toutefois, l'Office peut, pour autant que le délai en cours le permette, donner à la personne qui a effectué le paiement la possibilité de verser ultérieurement le complément. En outre, si cela paraît justifié, l'Office peut ne pas tenir compte des parties minimes non encore payées de la taxe, sans qu'il en résulte pour autant une perte de droits pour la personne qui a effectué le paiement.

Article 9

Remboursement des taxes de recherche

(1)[43] La taxe de recherche acquittée pour une recherche européenne ou une recherche européenne complémentaire est remboursée intégralement si la demande de brevet européen est retirée ou rejetée ou si elle est réputée retirée avant que l'Office n'ait commencé à établir le rapport de recherche.

(2)[44] Lorsque le rapport de recherche européenne est basé sur un rapport de recherche antérieure établi par l'Office pour

[42] Geändert durch Beschluss des Verwaltungsrats CA/D 5/08 vom 09.12.2008 (ABl. EPA 2009, 7), in Kraft getreten am 01.04.2009.

[43] Siehe Mitteilung des EPA vom 29.01.2013 über die Anpassung der in den Artikeln 9 (1) und 11 b) Gebührenordnung vorgesehenen Rückerstattung von Recherchen- und Prüfungsgebühren im Sinne der Entscheidungen J 25/10 und J 9/10 der Juristischen Beschwerdekammer (ABl. EPA 2013, 153).

[44] Siehe Beschluss des Präsidenten des EPA vom 14.01.2022 über die Rückerstattung von Recherchengebühren v (ABl. EPA 2022, A8) und Mitteilung des EPA vom 09.01.2009 über die Kriterien für die Rückerstattung von Recherchengebühren (ABl. EPA 2009, 99) sowie den Beschluss des Präsidenten des EPA vom 14.01.2022 über die Rückerstattung der internationalen Recherchengebühr durch das EPA als Internationale Recherchenbehörde (ABl. EPA 2022, A9).

[42] Amended by decision of the Administrative Council CA/D 5/08 of 09.12.2008 (OJ EPO 2009, 7), which entered into force on 01.04.2009.

[43] See notice from the EPO of 29.01.2013 concerning adjustments to the system for search and examination fee refunds (Articles 9(1) and 11(b) of the Rules relating to Fees) following decisions J 25/10 and J 9/10 of the Legal Board of Appeal (OJ EPO 2013, 153).

[44] See decision of the President of the EPO dated 14.01.2022 on the refund of search fees (OJ EPO 2022, A8), and notice from the EPO dated 09.01.2009 concerning the criteria for the refund of search fees (OJ EPO 2009, 99), as well as decision of the President of the EPO dated 14.01.2022 concerning the refund of the international search fee by the EPO acting as International Searching Authority (OJ EPO 2022, A9).

[42] Modifié par décision du Conseil d'administration CA/D 5/08 du 09.12.2008 (JO OEB 2009, 7) et entré en vigueur le 01.04.2009.

[43] Cf. communiqué de l'OEB du 29.01.2013, concernant l'adaptation du système de remboursement des taxes de recherche et d'examen (articles 9(1) et 11b) du règlement relatif aux taxes), suite aux décisions J 25/10 et J 9/10 de la chambre de recours juridique (JO OEB 2013, 153).

[44] Cf. décision du Président de l'OEB du 14.01.2022 relative au remboursement des taxes de recherche (JO OEB 2022, A8) et communiqué de l'OEB du 09.01.2009, relatif aux critères de remboursement des taxes de recherche (JO OEB 2009, 99), ainsi que décision du Président de l'OEB du 14.01.2022 relative au remboursement de la taxe de recherche internationale par l'OEB agissant en tant qu'administration chargée de la recherche internationale (JO OEB 2022, A9).

Patentanmeldung, deren Priorität beansprucht wird, oder für eine frühere Anmeldung im Sinn des Artikels 76 oder der Regel 17 des Übereinkommens erstellt hat, so erstattet das Amt gemäß einem Beschluss seines Präsidenten dem Anmelder einen Betrag zurück, dessen Höhe von der Art der früheren Recherche und dem Umfang abhängt, in dem sich das Amt bei der Durchführung der späteren Recherche auf den früheren Recherchenbericht stützen kann.

whose priority is claimed or an earlier application within the meaning of Article 76 of the Convention or of Rule 17 of the Convention, the Office shall refund to the applicant, in accordance with a decision of its President, an amount which shall depend on the type of earlier search and the extent to which the Office benefits from the earlier search report when carrying out the subsequent search.

une demande de brevet dont la priorité est revendiquée ou pour une demande antérieure au sens de l'article 76 ou de la règle 17 de la convention, l'Office rembourse au demandeur, conformément à une décision du Président de l'Office, un montant qui est déterminé en fonction du type de recherche antérieure et selon le profit que l'Office peut tirer du rapport de recherche antérieure lorsqu'il effectue la recherche ultérieure.

Artikel 10

Rückerstattung der Gebühr für ein technisches Gutachten

Die Gebühr für ein technisches Gutachten nach Artikel 25 des Übereinkommens wird zu 75 % zurückerstattet, wenn das Ersuchen um das Gutachten zurückgenommen wird, bevor das Amt mit seiner Erstellung begonnen hat.

Artikel 11[45, 46]

Rückerstattung der Prüfungsgebühr

Die Prüfungsgebühr nach Artikel 94 Absatz 1 des Übereinkommens wird

a) in voller Höhe zurückerstattet, wenn die europäische Patentanmeldung zurückgenommen oder zurückgewiesen wird oder als zurückgenommen gilt, bevor die Sachprüfung begonnen hat;

b) zu 50 % zurückerstattet, wenn die europäische Patentanmeldung zurückgenommen wird, nachdem die Sachprüfung begonnen hat und

- bevor die Frist für die Erwiderung auf die erste von der Prüfungsabteilung selbst erlassene Aufforderung nach Artikel 94 Absatz 3 des Übereinkommens abgelaufen ist oder,

Article 10

Refund of the fee for a technical opinion

An amount of 75% of the fee for a technical opinion under Article 25 of the Convention shall be refunded if the request for a technical opinion is withdrawn at a time when the Office has not yet begun to draw up the technical opinion.

Article 11[45, 46]

Refund of examination fee

The examination fee provided for in Article 94, paragraph 1, of the Convention shall be refunded:

(a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before the substantive examination has begun;

(b) at a rate of 50% if the European patent application is withdrawn after substantive examination has begun and

- before expiry of the time limit for replying to the first invitation under Article 94, paragraph 3, of the Convention issued by the Examining Division proper or,

Article 10

Remboursement de la redevance pour la délivrance d'un avis technique

La redevance pour la délivrance d'un avis technique conformément à l'article 25 de la convention est remboursée à 75 % si la demande d'avis technique est retirée avant que l'Office n'ait commencé à établir cet avis.

Article 11[45, 46]

Remboursement de la taxe d'examen

La taxe d'examen prévue à l'article 94, paragraphe 1 de la convention est remboursée :

a) intégralement si la demande de brevet européen est retirée, rejetée ou réputée retirée avant que l'examen quant au fond n'ait commencé ;

b) à 50 % si la demande de brevet européen est retirée après que l'examen quant au fond a commencé et

- avant l'expiration du délai de réponse à la première invitation émise, conformément à l'article 94, paragraphe 3 de la convention, par la division d'examen proprement dite, ou,

[45] Geändert durch Beschluss des Verwaltungsrats CA/D 4/16 vom 29.06.2016 (ABl. EPA 2016, A48), in Kraft getreten am 01.07.2016.

[46] Siehe Mitteilung des EPA vom 30.06.2016 über die Rückerstattung der Prüfungsgebühr (Artikel 11 der Gebührenordnung) (ABl. EPA 2016, A49).

[45] Amended by decision of the Administrative Council CA/D 4/16 of 29.06.2016 (OJ EPO 2016, A48), which entered into force on 01.07.2016.

[46] See notice from the EPO of 30.06.2016 concerning refunds of the examination fee (Article 11 of the Rules relating to Fees) (OJ EPO 2016, A49).

[45] Modifié par décision du Conseil d'administration CA/D 4/16 du 29.06.2016 (JO OEB 2016, A48) et entré en vigueur le 01.07.2016.

[46] Cf. communiqué de l'OEB du 30.06.2016, relatif au remboursement de la taxe d'examen (article 11 du règlement relatif aux taxes) (JO OEB 2016, A49).

- falls die Prüfungsabteilung keine solche Aufforderung erlassen hat, vor dem Datum der Mitteilung nach Regel 71 Absatz 3 des Übereinkommens.

Artikel 12[47]

Rückerstattung von Bagatellbeträgen

Zu viel gezahlte Gebührenbeträge werden nicht zurückerstattet, wenn es sich um Bagatellbeträge handelt und der Verfahrensbeteiligte eine Rückerstattung nicht ausdrücklich beantragt hat. Der Präsident des Amts bestimmt, bis zu welcher Höhe ein Betrag als Bagatellbetrag anzusehen ist.

Artikel 13[48]

Beendigung von Zahlungsverpflichtungen

(1) Ansprüche der Organisation auf Zahlung von Gebühren an das Europäische Patentamt erlöschen nach vier Jahren nach Ablauf des Kalenderjahres, in dem die Gebühr fällig geworden ist.

(2) Ansprüche gegen die Organisation auf Rückerstattung von Gebühren oder von Geldbeträgen, die bei der Entrichtung einer Gebühr zu viel gezahlt worden sind, durch das Europäische Patentamt erlöschen nach vier Jahren nach Ablauf des Kalenderjahres, in dem der Anspruch entstanden ist.

- if no such invitation has been issued by the Examining Division, before the date of the communication under Rule 71, paragraph 3, of the Convention.

Article 12[47]

Refund of insignificant amounts

Where too large a sum is paid to cover a fee, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund. The President of the Office shall determine what constitutes an insignificant amount.

Article 13[48]

Termination of financial obligations

(1) Rights of the Organisation to the payment of a fee to the European Patent Office shall be extinguished after four years from the end of the calendar year in which the fee was due.

(2) Rights against the Organisation for the refunding by the European Patent Office of fees or sums of money paid in excess of a fee shall be extinguished after four years from the end of the calendar year in which the right arose.

- si la division d'examen n'a pas émis une telle invitation, avant la date de la notification prévue à la règle 71, paragraphe 3 de la convention.

Article 12[47]

Remboursement de montants insignifiants

Si la somme versée pour une taxe est supérieure au montant de celle-ci, la différence n'est pas remboursée lorsqu'elle est insignifiante et que la partie à la procédure concernée ne demande pas expressément à être remboursée. Le Président de l'Office détermine jusqu'à quel montant la différence constatée est considérée comme insignifiante.

Article 13[48]

Fin des obligations financières

(1) Le droit de l'Organisation d'exiger le paiement de taxes au profit de l'Office européen des brevets se prescrit par quatre ans à compter de la fin de l'année civile au cours de laquelle la taxe est devenue exigible.

(2) Les droits à l'encontre de l'Organisation en matière de remboursement de taxes ou de trop-perçu par l'Office européen des brevets lors du paiement de taxes se prescrivent par quatre ans à compter de la fin de l'année civile au cours de laquelle le droit a pris naissance.

[47] Siehe Beschluss des Präsidenten des EPA vom 14.02.2020 zur Ausführung des Artikels 12 GebO (ABl. EPA 2020, A17).

[48] Geändert durch Beschluss des Verwaltungsrats CA/D 17/07 vom 25.10.2007 (ABl. EPA 2007, 533), insbesondere durch dessen Artikel 1 Nr. 4; in Kraft getreten am 13.12.2007.

[47] See decision of the President of the EPO of 14.02.2020 implementing Article 12 RFees (OJ EPO 2020, A17).

[48] Amended by decision of the Administrative Council CA/D 17/07 of 25.10.2007 (OJ EPO 2007, 533), and in particular Article 1, point 4 thereof, which entered into force on 13.12.2007.

[47] Cf. décision du Président de l'OEB du 14.02.2020 concernant l'application de l'article 12 du RRT (JO OEB 2020, A17).

[48] Modifié par décision du Conseil d'administration CA/D 17/07 du 25.10.2007 (JO OEB 2007, 533), et en particulier par son article premier, point 4 ; entré en vigueur le 13.12.2007.

(3) Die in den Absätzen 1 und 2 vorgesehene Frist wird im Fall des Absatzes 1 durch eine Aufforderung zur Zahlung der Gebühr und im Fall des Absatzes 2 durch eine schriftliche Geltendmachung des Anspruchs unterbrochen. Diese Frist beginnt mit der Unterbrechung erneut zu laufen und endet spätestens sechs Jahre nach Ablauf des Jahres, in dem sie ursprünglich zu laufen begonnen hat, es sei denn, dass der Anspruch gerichtlich geltend gemacht worden ist; in diesem Fall endet die Frist frühestens ein Jahr nach der Rechtskraft der Entscheidung.

(3) The period laid down in paragraphs 1 and 2 shall be interrupted in the case covered by paragraph 1 by a request for payment of the fee and in the case covered by paragraph 2 by a reasoned claim in writing. On interruption it shall begin again immediately and shall end at the latest six years after the end of the year in which it originally began, unless, in the meantime, judicial proceedings to enforce the right have begun; in this case the period shall end at the earliest one year after the judgment enters into force.

(3) Le délai prévu aux paragraphes 1 et 2 est interrompu dans le cas visé au paragraphe 1 par une invitation à acquitter la taxe, et dans le cas visé au paragraphe 2 par une requête écrite en vue de faire valoir le droit. Ce délai recommence à courir à compter de la date de son interruption ; il expire au plus tard au terme d'une période de six ans calculée à compter de la fin de l'année civile au cours de laquelle il a commencé à courir initialement, à moins qu'une action en justice n'ait été engagée pour faire valoir le droit ; en pareil cas, le délai expire au plus tôt au terme d'une période d'une année calculée à compter de la date à laquelle la décision est passée en force de chose jugée.

(4) Der Präsident des Europäischen Patentamts kann davon absehen, geschuldete Geldbeträge beizutreiben, wenn der beizutreibende Betrag geringfügig oder die Beitreibung zu ungewiss ist.

(4) The President of the European Patent Office may waive action for the enforced recovery of any sum due if the sum to be recovered is minimal or if such recovery is too uncertain.

(4) Le Président de l'Office européen des brevets peut renoncer à procéder au recouvrement par contrainte de toute somme due si celle-ci est minime ou si le recouvrement est trop aléatoire.

Artikel 14

Gebührenermäßigung

(1)[49] Die in Regel 6 Absatz 3 des Übereinkommens vorgesehene Ermäßigung beträgt 30 % der Anmeldegebühr bzw. der Prüfungsgebühr.

(2)[50] Hat das Europäische Patentamt einen internationalen vorläufigen Prüfungsbericht erstellt, so wird die Prüfungsgebühr um 75 % ermäßigt. Wurde der Bericht nach Artikel 34 Absatz 3 c) PCT für bestimmte Teile der internationalen Anmeldung erstellt, so wird die Prüfungsgebühr nicht ermäßigt, wenn sich die Prüfung auf einen nicht im Bericht behandelten Gegenstand erstreckt.

Article 14

Reduction of fees

(1)[49] The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.

(2)[50] Where the European Patent Office has drawn up an international preliminary examination report, the examination fee shall be reduced by 75%. If the report was established on certain parts of the international application in accordance with Article 34, paragraph 3(c), PCT, the fee shall not be reduced if subject-matter not covered by the report is to be examined.

Article 14

Réduction du montant des taxes

(1)[49] La réduction prévue à la règle 6, paragraphe 3 de la convention s'élève à 30 % de la taxe de dépôt ou de la taxe d'examen.

(2)[50] Lorsque l'Office européen des brevets a établi un rapport d'examen préliminaire international, la taxe d'examen est réduite de 75 %. Si le rapport a été établi sur certaines parties de la demande internationale, conformément à l'article 34, paragraphe 3 c) PCT, la taxe n'est pas réduite si l'examen porte sur un objet non couvert par le rapport.

[49] Geändert durch Beschluss des Verwaltungsrats CA/D 19/13 vom 13.12.2013 (ABl. EPA 2014, A4), in Kraft getreten am 01.04.2014. Siehe Mitteilung des EPA vom 10.01.2014 über die Änderung von Regel 6 EPÜ und Artikel 14 (1) GebO (ABl. EPA 2014, A23).

[50] Zuletzt geändert durch Beschluss des Verwaltungsrats CA/D 17/17 vom 13.12.2017 (ABl. EPA 2018, A4), in Kraft getreten am 01.04.2018.

[49] Amended by decision of the Administrative Council CA/D 19/13 of 13.12.2013 (OJ EPO 2014, A4), which entered into force on 01.04.2014. See notice from the EPO of 10.01.2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[50] Last amended by decision of the Administrative Council CA/D 17/17 of 13.12.2017 (OJ EPO 2018, A4), which entered into force on 01.04.2018.

[49] Modifié par décision du Conseil d'administration CA/D 19/13 du 13.12.2013 (JO OEB 2014, A4) et entré en vigueur le 01.04.2014. Cf. communiqué de l'Office européen des brevets du 10.01.2014, relatif à la modification de la règle 6 CBE et de l'article 14(1) RRT (JO OEB 2014, A23).

[50] Modifié en dernier lieu par décision du Conseil d'administration CA/D 17/17 du 13.12.2017 (JO OEB 2018, A4) et entré en vigueur le 01.04.2018.

Artikel 15

Inkrafttreten

Diese Gebührenordnung tritt am 20. Oktober 1977 in Kraft.[51]

GESCHEHEN zu München am 20. Oktober 1977

Für den Verwaltungsrat

Der Präsident

Article 15

Entry into force

These Rules shall enter into force on 20 October 1977.[51]

DONE at Munich, 20 October 1977

For the Administrative Council

The Chairman

Article 15

Entrée en vigueur

Le présent règlement entre en vigueur le 20 octobre 1977.[51]

FAIT à Munich, le 20 octobre 1977

Par le Conseil d'administration

Le Président

[51] Revidiert durch Beschluss des Verwaltungsrats vom 7. Dezember 2006 (CA/D 11/06).

[51] Amended by decision of the Administrative Council of 7 December 2006 (CA/D 11/06).

[51] Révisé par décision du Conseil d'administration du 7 décembre 2006 (CA/D 11/06).

Beschluss des Präsidenten des Europäischen Patentamts vom 14. Januar 2022 über die Neufestsetzung der Gebühren und Auslagen des Europäischen Patentamts – ABl. EPA 2022, A7 (Wiederveröffentlichung)

Artikel 1

Gemäß Artikel 3 (1) der Gebührenordnung werden die in der Ausführungsordnung genannten Verwaltungsgebühren und die Gebühren und Auslagen für andere als in Artikel 2 der Gebührenordnung genannte Amtshandlungen, wie im nachstehenden Auszug aus dem Gebührenverzeichnis angegeben, neu festgesetzt. Der Auszug aus dem Gebührenverzeichnis ist Bestandteil dieses Beschlusses

Artikel 2

Die nach Artikel 1 festgesetzten Gebühren und Auslagen sind für Zahlungen ab 1. April 2022 verbindlich.

Artikel 3

Dieser Beschluss tritt am 1. April 2022 in Kraft.

Geschehen zu München am 14. Januar 2022

António CAMPINOS

Präsident

Decision of the President of the European Patent Office dated 14 January 2022 revising the Office's fees and expenses – OJ EPO 2022, A7 (republication)

Article 1

Pursuant to Article 3(1) of the Rules relating to Fees, the amount of the administrative fees provided for in the Implementing Regulations and the fees and expenses for any services rendered by the European Patent Office other than those specified in Article 2 of the Rules relating to Fees shall be revised as shown in the following extract from the schedule of fees. The extract from the fees schedule shall form part of this decision.

Article 2

The fees and expenses as revised in accordance with Article 1 shall be binding on payments made on or after 1 April 2022.

Article 3

This decision shall enter into force on 1 April 2022.

Done at Munich, 14 January 2022

António CAMPINOS

President

Décision du Président de l'Office européen des brevets, en date du 14 janvier 2022, portant révision du montant des taxes et redevances de l'Office européen des brevets – JO OEB 2022, A7 (republication)

Article premier

Conformément à l'article 3(1) du règlement relatif aux taxes, le montant des taxes d'administration prévues dans le règlement d'exécution ainsi que le montant des taxes et redevances à payer pour toute prestation de service assurée par l'Office européen des brevets, autre que celles visées à l'article 2 du règlement relatif aux taxes, sont révisés. L'extrait suivant du barème des taxes, qui montre les montants concernés, fait partie de la présente décision.

Article 2

Le montant des taxes et redevances révisé conformément à l'article premier est applicable aux paiements effectués à compter du 1er avril 2022.

Article 3

La présente décision entre en vigueur le 1er avril 2022.

Fait à Munich, le 14 janvier 2022

António CAMPINOS

Président

Code **Code** Code	**Gebührenart**	**Nature of fee**	**Nature de la taxe**	EUR **EUR** EUR
	2. Gebühren und Auslagen (Artikel 3 (1) Gebührenordnung)	2. Fees and expenses (Article 3(1) of the Rules relating to Fees)	2. Taxes et redevances (article 3(1) du règlement relatif aux taxes)	
	2.1 Verwaltungsgebühren/ Auslagen	2.1 Administrative fees/ expenses	2.1 Taxes d'administration/ redevances	
022	1. Eintragung von Rechtsübergängen (R. 22 (2) EPÜ)	1. Registration of transfers (R. 22(2) EPC)	1. Inscription de transferts (règle 22(2) CBE)	**110**
023	2. Eintragung von Lizenzen und anderen Rechten oder Löschung einer solchen Eintragung (R. 23 EPÜ)	2. Registration of licences and other rights or cancellation of such a registration (R. 23 EPC)	2. Inscription de licences et d'autres droits, ou radiation d'une telle inscription (règle 23 CBE)	**110**
029	3. Beglaubigte Kopie	3. Certified copy of	3. Copie certifiée conforme	
	- einer europäischen Patentanmeldung oder einer internationalen Anmeldung und einer Bescheinigung des Anmeldezeitpunkts (Prioritätsbeleg) (R. 54 EPÜ; R. 17.1 b) und 21.2 PCT)	- a European patent application or an international application and a certificate stating the filing date (priority document) (R. 54 EPC; R. 17.1(b), R. 21.2 PCT),	- d'une demande de brevet européen ou d'une demande internationale et d'une attestation relative à la date de dépôt (document de priorité) (règle 54 CBE ; règles 17.1.b) et 21.2 PCT),	**110**
	- der Urkunde über das europäische Patent mit beigefügter Patentschrift (R. 74 EPÜ) oder	- the European patent certificate with specification attached (R. 74 EPC) or	- du certificat de brevet européen, avec fascicule de brevet annexé (règle 74 CBE), ou	
	- sonstiger Unterlagen	- other documents	- d'autres pièces	
	4. Gewährung von Online-Akteneinsicht in die Akten europäischer Patentanmeldungen und Patente	4. Online inspection of the files of European patent applications and patents	4. Inspection publique en ligne des dossiers de demandes de brevet européen et de brevets européens	kostenlos **free** gratuit
030	5. Auskunftserteilung aus den Akten einer europäischen Patentanmeldung (R. 146 EPÜ)	5. Communication of information contained in the files of a European patent application (R. 146 EPC)	5. Communication d'informations contenues dans le dossier d'une demande de brevet européen (règle 146 CBE)	**110**
055	6. Zusätzliche Kopie der im europäischen Recherchenbericht aufgeführten Schriften	6. Additional copy of the documents cited in the European search report	6. Copie supplémentaire des documents cités dans le rapport de recherche européenne	**110**
	2.2 Gebühren für verschiedene Recherchen	2.2 Fees and charges for various searches	2.2 Redevances pour recherches diverses	
	1. Gebühr für eine Recherche internationaler Art[1] (Art. 15 (5) PCT)	1. Fee for an international-type search[1] (Art. 15(5) PCT)	1. Taxe pour une recherche de type international[1] (article 15.5 PCT)	
004	- 1.1 Für Erstanmeldungen	- 1.1 For first filings	- 1.1 Pour les premiers dépôts	**1 295**
004	- 1.2 Für alle anderen Fälle	- 1.2 For all other cases	- 1.2 Pour tous les autres cas	**2 025**
066	2. Gebühr für die verspätete Einreichung eines Sequenzprotokolls (R. 13*ter*.1 c) und R. 13*ter*.2 PCT)[2]	2. Fee for the late furnishing of a sequence listing (R. 13*ter*.1(c), R. 13*ter*.2 PCT)[2]	2. Taxe pour remise tardive d'un listage des séquences (règle 13*ter*.1.c) et 13*ter*.2 PCT)[2]	**245**

[1] Diese Gebühr gilt vorbehaltlich abweichender Vereinbarungen zwischen der Europäischen Patentorganisation und einem Vertragsstaat des Europäischen Patentübereinkommens.

[2] Siehe Artikel 4 des Beschlusses des Präsidenten des EPA vom 28. April 2011 (ABl. EPA 2011, 372).

[1] Payable unless different terms have been agreed between the European Patent Organisation and a contracting state to the European Patent Convention.

[2] See Article 4 of the decision of the President of the EPO dated 28 April 2011 (OJ EPO 2011, 372).

[1] Cette taxe est applicable sous réserve d'accords différents entre l'Organisation européenne des brevets et un État partie à la Convention sur le brevet européen.

[2] Cf. l'article 4 de la décision du Président de l'OEB en date du 28 avril 2011 (JO OEB 2011, 372).

Von der WIPO festgesetzte PCT-Gebühren, die an das EPA als RO, ISA, SISA oder IPEA zu entrichten sind

PCT fees fixed by WIPO payable to the EPO as RO, ISA, SISA or IPEA

Taxes du PCT fixées par l'OMPI et payables à l'OEB agissant en qualité d'office récepteur, d'ISA, de SISA ou d'IPEA

Code **Code** Code	Gültig ab 1. April 2022 Gebührenart	**Applicable as from 1 April 2022** **Nature of fee**	Applicable à compter du 1er avril 2022 Nature de la taxe	Betrag **Amount** Montant **(EUR)**
225	1. Internationale Anmeldegebühr (Regel 15.2 PCT)	1. International filing fee (Rule 15.2 PCT)	1. Taxe internationale de dépôt (règle 15.2 PCT)	**1 235**
222	Zusatzgebühr für das 31. und jedes weitere Blatt	Supplement for each sheet of the international application in excess of 30 sheets	Supplément par feuille à compter de la 31e	**14**
063	2.1 Gebühr für verspätete Zahlung (Regel 16*bis*.2 PCT) **50 %** der nicht entrichteten Gebühren jedoch nicht mehr als **617,50 EUR**	2.1 Late payment fee (Rule 16*bis*.2 PCT) **50%** of the unpaid fee(s) but not to exceed **EUR 617.50**	2.1 Taxe pour paiement tardif (règle 16*bis*.2 PCT) **50 %** de la (des) taxe(s) impayée(s) sans excéder **617,50 EUR**	
064	2.2 Gebühr für verspätete Zahlung (Regel 58*bis*.2 PCT) **50 %** der nicht entrichteten Gebühren jedoch nicht mehr als **372,00 EUR**	2.2 Late payment fee (Rule 58*bis*.2 PCT) **50%** of the unpaid fee(s) but not to exceed **EUR 372.00**	2.2 Taxe pour paiement tardif (règle 58*bis*.2 PCT) **50 %** de la (des) taxe(s) impayée(s) sans excéder **372,00 EUR**	
224	3. Bearbeitungsgebühr	3. Handling fee	3. Taxe de traitement	**186**
	4. Ermäßigung für elektronische Einreichung	4. Reduction for filing in electronic form	4. Réduction pour les demandes déposées sous forme électronique	
316	- wenn der Antrag nicht zeichencodiert ist (Web-Einreichung)	- request not being in character-coded format (Web-Form Filing)	- requête n'étant pas en format à codage de caractères (dépôt par formulaire en ligne)	**93**
318	- wenn der Antrag zeichencodiert ist + PDF-Anmeldung	- request in character-coded format + PDF application	- requête en format à codage de caractères + demande PDF	**186**
319	- wenn Antrag, Beschreibung, Ansprüche und Zusammenfassung zeichencodiert sind	- request, description, claims and abstract in character-coded format	- requête, description, revendications et abrégé en format à codage de caractères	**279**
	5. Die internationale Anmeldegebühr gemäß Nummer 1 (ggf. ermäßigt um den in Nummer 4 genannten Betrag) und die Bearbeitungsgebühr gemäß Nummer 3 ermäßigen sich um 90 %, wenn die internationale Anmeldung von einem Anmelder eingereicht wird,	5. The international filing fee under item 1 (where applicable, as reduced under item 4), and the handling fee under item 3 are reduced by 90% if the international application is filed by:	5. La taxe internationale de dépôt prévue au point 1 (compte tenu, le cas échéant, de la réduction prévue au point 4) et la taxe de traitement prévue au point 3 sont réduites de 90 % si la demande internationale est déposée par :	
	a) der eine natürliche Person ist und der die Staatsangehörigkeit eines und den Wohnsitz innerhalb eines Staates besitzt, der als ein Staat aufgelistet ist, dessen Pro-Kopf-Bruttoinlandsprodukt unter 25 000 US-Dollar liegt (entsprechend den jüngsten von den Vereinten Nationen ver-	(a) an applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US$ 25 000 (according to the most recent 10-year average per capita gross domestic product figures at	a) un déposant qui est une personne physique et qui est ressortissant d'un État, et est domicilié dans un État, qui figure sur la liste des États où le produit intérieur brut par habitant est inférieur à 25 000 dollars des États-Unis (déterminé d'après les données les plus récentes	

öffentlichten Zahlen des Pro-Kopf-Bruttoinlandsprodukts im Zehnjahresdurchschnitt, ausgehend von einem konstanten US-Dollar-Wert auf der Basis des Jahres 2005) und dessen Staatsangehörige sowie Personen mit Wohnsitz in diesem Staat, die natürliche Personen sind, nach den jüngsten vom Internationalen Büro veröffentlichten jährlichen Anmeldezahlen im Fünfjahresdurchschnitt weniger als 10 internationale Anmeldungen pro Jahr (pro Million Einwohner) oder weniger als 50 internationale Anmeldungen pro Jahr (in absoluten Zahlen) eingereicht haben, oder	constant 2005 US$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent five-year average yearly filing figures published by the International Bureau; or	publiées par l'Organisation des Nations Unies concernant le produit intérieur brut moyen par habitant sur 10 ans, exprimé en dollars des États-Unis constants par rapport à 2005), et dont les ressortissants et les résidents qui sont des personnes physiques ont déposé moins de 10 demandes internationales par an (pour un million de personnes) ou moins de 50 demandes internationales par an (en chiffres absolus) d'après les données les plus récentes publiées par le Bureau international concernant le nombre moyen de dépôts annuels sur cinq ans ; ou
b) der unabhängig davon, ob es sich um eine natürliche Person handelt oder nicht, die Staatsangehörigkeit beziehungsweise -zugehörigkeit eines und den Wohnsitz beziehungsweise Sitz innerhalb eines Staates besitzt, der als einer der Staaten aufgelistet ist, die von den Vereinten Nationen als am wenigsten entwickelte Länder eingestuft werden,	(b) an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country;	b) un déposant, personne physique ou non, qui est ressortissant d'un État, et est domicilié dans un État, qui figure sur la liste des États classés par l'Organisation des Nations Unies dans la catégorie des pays les moins avancés ;
wobei bei mehreren Anmeldern jeder die in Absatz a oder b genannten Kriterien erfüllen muss. Die in den Absätzen a und b genannten Listen von Staaten sind vom Generaldirektor mindestens alle fünf Jahre gemäß den Weisungen der Versammlung auf den neuesten Stand zu bringen. Die in den Absätzen a und b niedergelegten Kriterien sind von der Versammlung mindestens alle fünf Jahre zu überprüfen.	provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b). The lists of States referred to in sub-items (a) and (b) shall be updated by the Director General at least every five years according to directives given by the Assembly. The criteria set out in sub-items (a) and (b) shall be reviewed by the Assembly at least every five years.	étant entendu que, s'il y a plusieurs déposants, chacun d'eux doit satisfaire aux critères énoncés au point 5.a) ou au point 5.b). Les listes d'États visées aux points 5.a) et 5.b) sont mises à jour par le Directeur général au moins tous les cinq ans conformément aux directives données par l'Assemblée. Les critères énoncés aux points 5.a) et 5.b) sont réexaminés par l'Assemblée au moins tous les cinq ans.

Sonstige Gebühren | Miscellaneous fees | Autres taxes

Code **Code** Code	Gültig ab 1. April 2022 Gebührenart	**Applicable as from 1 April 2022** **Nature of fee**	Applicable à compter du 1er avril 2022 Nature de la taxe	Betrag **Amount** Montant **(EUR)**
	Gebühren für Staaten, die europäische Patente auf Antrag anerkennen	**Fees for states recognising European patents upon request**	**Taxes pour les États qui reconnaissent le brevet européen sur demande**	
	Validierungsgebühr für:	**Validation fee for:**	**Taxe de validation pour :**	
420	Marokko (MA) (ABl. EPA 2015, A18)	Morocco (MA) (OJ EPO 2015, A18)	Maroc (MA) (JO OEB 2015, A18)	**240**
450	Zuschlagsgebühr zur Validierungsgebühr für Marokko (MA) (ABl. EPA 2015, A18)	Surcharge on the validation fee for Morocco (MA) (OJ EPO 2015, A18)	Surtaxe de la taxe de validation pour le Maroc (MA) (JO OEB 2015, A18)	**120**
421	Republik Moldau (MD) (ABl. EPA 2015, A84)	Republic of Moldova (MD) (OJ EPO 2015, A84)	République de Moldavie (MD) (JO OEB 2015, A84)	**200**
451	Zuschlagsgebühr zur Validierungsgebühr für die Republik Moldau (MD) (ABl. EPA 2015, A84)	Surcharge on the validation fee for the Republic of Moldova (MD) (OJ EPO 2015, A84)	Surtaxe de la taxe de validation pour la République de Moldavie (MD) (JO OEB 2015, A84)	**100**
422	Tunesien (TN) (ABl. EPA 2017, A84)	Tunisia (TN) (OJ EPO 2017, A84)	Tunisie (TN) (JO OEB 2017, A84)	**180**
452	Zuschlagsgebühr zur Validierungsgebühr für Tunesien (TN) (ABl. EPA 2017, A84)	Surcharge on the validation fee for Tunisia (TN) (OJ EPO 2017, A84)	Surtaxe de la taxe de validation pour la Tunisie (TN) (JO OEB 2017, A84)	**90**
423	Kambodscha (KH) (ABl. EPA 2018, A15)	Cambodia (KH) (OJ EPO 2018, A15)	Cambodge (KH) (JO OEB 2018, A15)	**180**
453	Zuschlagsgebühr zur Validierungsgebühr für Kambodscha (KH) (ABl. EPA 2018, A15)	Surcharge on the validation fee for Cambodia (KH) (OJ EPO 2018, A15)	Surtaxe de la taxe de validation pour le Cambodge (KH) (JO OEB 2018, A15)	**90**
	Erstreckungsgebühr für:	**Extension fee for:**	**Taxe d'extension pour :**	
408	Bosnien und Herzegowina (BA) (ABl. EPA 2004, 619)	Bosnia-Herzegovina (BA) (OJ EPO 2004, 619)	Bosnie-Herzégovine (BA) (JO OEB 2004, 619)	**102**
410	Montenegro (ME) (ABl. EPA 2010, 10)	Montenegro (ME) (OJ EPO 2010, 10)	Monténégro (ME) (JO OEB 2010, 10)	**102**
400	Zuschlagsgebühr zur Erstreckungsgebühr (ABl. EPA 2009, 603)	Surcharge for extension fees (OJ EPO 2009, 603)	Surtaxe pour taxes d'extension (JO OEB 2009, 603)	**51**

	Erstreckungsgebühr für ehemalige Erstreckungs-staaten, jetzt EPÜ-Vertrags-staaten	**Extension fee for former extension states, now EPC contracting states**	**Taxe d'extension pour anciens États autorisant l'extension, actuellement États parties à la CBE**	
401	Slowenien (SI) für Anmeldungen bis 30.11.2002	Slovenia (SI) for applications up to 30.11.2002	Slovénie (SI) pour les demandes jusqu'au 30.11.2002	**102**
402	Litauen (LT) für Anmeldungen bis 30.11.2004	Lithuania (LT) for applications up to 30.11.2004	Lituanie (LT) pour les demandes jusqu'au 30.11.2004	**102**
403	Lettland (LV) für Anmeldungen bis 30.6.2005	Latvia (LV) for applications up to 30.6.2005	Lettonie (LV) pour les demandes jusqu'au 30.6.2005	**102**
404	Albanien (AL) für Anmeldungen bis 30.4.2010	Albania (AL) for applications up to 30.4.2010	Albanie (AL) pour les demandes jusqu'au 30.4.2010	**102**
405	Rumänien (RO) für Anmel-dungen bis 28.2.2003	Romania (RO) for applications up to 28.2.2003	Roumanie (RO) pour les demandes jusqu'au 28.2.2003	**102**
406	Nordmazedonien (MK) für Anmeldungen bis 31.12.2008	North Macedonia (MK) for applications up to 31.12.2008	Macédoine du Nord (MK) pour les demandes jusqu'au 31.12.2008	**102**
407	Kroatien (HR) für Anmeldungen bis 31.12.2007	Croatia (HR) for applications up to 31.12.2007	Croatie (HR) pour les demandes jusqu'au 31.12.2007	**102**
409	Serbien (RS) für Anmeldungen bis 30.9.2010	Serbia (RS) for applications up to 30.9.2010	Serbie (RS) pour les demandes jusqu'au 30.9.2010	**102**

	Bagatellbetrag	**Insignificant amount**	**Montant insignifiant**	
999	Artikel 12 GebO (ABl. EPA 2020, A17)	Article 12 RFees (OJ EPO 2020, A17)	Article 12 RRT (JO OEB 2020, A17)	**16**
	Grundgebühr für die europäi-sche Eignungsprüfung	**Basic fee for the European qualifying examination**	**Droit de base pour l'examen européen de qualification**	
	für zugelassene Vertreter (Art. 17 VEP, Regel 7 - 9 ABVEP), ABl. EPA 2012, 210	for professional representatives (Art. 17 REE, Rules 7-9 IPRE) OJ EPO 2012, 210	des mandataires agréés (art. 17 REE, règles 7-9 DEREE) JO OEB 2012, 210	**200**

	Beschreibung der Gebührencodes	Description of fee codes	Description des codes des taxes
001	Anmeldegebühr – EP-Direktanmeldung – nicht online	Filing fee – EP direct – not online	Taxe de dépôt – demande EP directe – pas en ligne
001	Anmeldegebühr – EP-Direktanmeldung – online	Filing fee – EP direct – online	Taxe de dépôt – demande EP directe – en ligne
002	Gebühr für eine europäische Recherche – ergänzende Recherche zu vor dem 1.7.2005 eingereichten Anmeldungen	Fee for a European search – supplementary search for applications filed before 1.7.2005	Taxe de recherche européenne/recherche complémentaire pour demandes déposées avant le 1.7.2005
002	Gebühr für eine europäische Recherche – ab dem 1.7.2005 eingereichte Anmeldungen	Fee for a European search – applications filed on or after 1.7.2005	Taxe de recherche européenne – demandes déposées à compter du 1.7.2005
003	Gebühr für eine internationale Recherche	Fee for an international search	Taxe de recherche internationale
005	Benennungsgebühr – für jeden benannten Staat (max. 7) für vor dem 1.4.2009 eingereichte Anmeldungen	Designation fee – for each state designated (max. 7) for applications filed before 1.4.2009	Taxe de désignation – pour chaque État désigné (max. 7) pour demandes déposées avant le 1.4.2009
005	Benennungsgebühr – für alle benannten Vertragsstaaten für ab dem 1.4.2009 eingereichte Anmeldungen	Designation fee – for all contracting states designated for applications filed on or after 1.4.2009	Taxe de désignation – pour tous les États contractants désignés pour demandes déposées à compter du 1.4.2009
006	Prüfungsgebühr – für vor dem 1.7.2005 eingereichte Anmeldungen und für ab dem 1.7.2005 eingereichte internationale Anmeldungen ohne ergänzenden europäischen Recherchenbericht	Examination fee – for applications filed before 1.7.2005 and for international applications filed on or after 1.7.2005 without a supplementary European search report	Taxe d'examen – pour demandes de brevet déposées avant le 1.7.2005 et pour demandes internationales déposées à compter du 1.7.2005 sans rapport complémentaire de recherche européenne
006	Prüfungsgebühr – für ab dem 1.7.2005 eingereichte Anmeldungen	Examination fee – for applications filed on or after 1.7.2005	Taxe d'examen – pour demandes de brevet déposées à compter du 1.7.2005
007	Erteilungs- und Druckkostengebühr (bis höchstens 35 Seiten) oder Erteilungsgebühr einschließlich Veröffentlichungsgebühr	Fee for grant and printing (not more than 35 pages) or fee for grant including fee for publication	Taxe de délivrance et d'impression (de 35 pages au maximum) ou taxe de délivrance y compris taxe de publication
008	Zusätzliche Druckkostengebühr für die 36. und jede weitere Seite	Additional printing fee for 36th and each subsequent page	Taxe d'impression supplémentaire pour chaque page à partir de la 36e
009	Veröffentlichungsgebühr für eine neue europäische Patentschrift	Fee for publishing a new specification of the European patent	Taxe de publication d'un nouveau fascicule du brevet européen
010	Einspruchsgebühr	Opposition fee	Taxe d'opposition
011	Beschwerdegebühr – für eine Beschwerde, die von einer anderen als den in Regel 6 (4) und (5) EPÜ genannten Einheiten eingelegt wird	Fee for appeal – for an appeal filed by an entity other than those referred to in Rule 6(4) and (5) EPC	Taxe de recours – pour un recours formé par une entité autre que celles visées à la règle 6(4) et (5) CBE
011	Beschwerdegebühr – für eine Beschwerde, die von einer natürlichen Person oder einer in Regel 6 (4) und (5) EPÜ genannten Einheit eingelegt wird	Fee for appeal – for an appeal filed by a natural person or an entity referred to in Rule 6(4) and (5) EPC	Taxe de recours – pour un recours formé par une personne physique ou une entité visée à la règle 6(4) et (5) CBE
013	Wiedereinsetzungsgebühr, Wiederherstellungsgebühr (EPÜ, PCT)	Fee for re-establishment, reinstatement, restoration (EPC, PCT)	Taxe de restitutio in integrum, de restauration et de rétablissement des droits (CBE, PCT)

014	Umwandlungsgebühr	Conversion fee	Taxe de transformation
015	Anspruchsgebühr – für den 16. bis 50. Anspruch	Claims fee – for the 16th to the 50th claim	Taxe de revendication – de la 16e à la 50e revendication
015	Anspruchsgebühr – für den 51. und jeden weiteren Anspruch	Claims fee – for the 51st and each subsequent claim	Taxe de revendication – pour chaque revendication à partir de la 51e
016	Anspruchsgebühr nach Regel 71 (4) EPÜ – für den 16. bis 50. Anspruch	Claims fee in accordance with Rule 71(4) EPC – for the 16th to the 50th claim	Taxe de revendication au titre de la règle 71(4) CBE – de la 16e à la 50e revendication
016	Anspruchsgebühr nach Regel 71 (4) EPÜ – für den 51. und jeden weiteren Anspruch	Claims fee in accordance with Rule 71(4) EPC – for the 51st and each subsequent claim	Taxe de revendication au titre de la règle 71(4) CBE – pour chaque revendication à partir de la 51e
017	Antragsgebühr für eine Entscheidung über die Kostenfestsetzung durch die Einspruchsabteilung (Regel 88 (3) EPÜ)	Fee for requesting a decision by the opposition division on the fixing of costs (Rule 88(3) EPC)	Taxe pour requête en décision relative à la fixation des frais par la division d'opposition (règle 88(3) CBE)
018	Beweissicherungsgebühr	Fee for the conservation of evidence	Taxe de conservation de la preuve
019	Übermittlungsgebühr für eine internationale Anmeldung	Transmittal fee for an international application	Taxe de transmission pour demande internationale
020	Anmeldegebühr – Eintritt in die EP-Phase – nicht online	Filing fee – entry into EP phase – not online	Taxe de dépôt – entrée dans la phase EP – pas en ligne
020	Anmeldegebühr – Eintritt in die EP-Phase – online	Filing fee – entry into EP phase – online	Taxe de dépôt – entrée dans la phase EP – en ligne
021	Gebühr für die vorläufige Prüfung einer internationalen Anmeldung	Fee for preliminary examination of international application	Taxe d'examen préliminaire d'une demande internationale
022	Eintragung von Rechtsüber-gängen	Registration of transfer	Inscription des transferts
023	Eintragung oder Löschung von Lizenzen und anderen Rechten	Registration or cancellation of licences and other rights	Inscription ou radiation de licences et d'autres droits
029	Beglaubigte Abschrift (Anmeldung, Prioritätsbeleg, Patenturkunde, sonstige Unterlagen)	Certified copy (application, priority document, patent certificate, other documents)	Copie certifiée (demande de brevet, document de priorité, certificat de brevet, autres pièces)
030	Auskunftserteilung aus den Akten einer europäischen Patentanmeldung	Communication of information from the files of a European patent application	Communication d'informations contenues dans une demande de brevet européen
033	Jahresgebühr für das 3. Jahr	Renewal fee for the 3rd year	Taxe annuelle pour la 3e année
034	Jahresgebühr für das 4. Jahr	Renewal fee for the 4th year	Taxe annuelle pour la 4e année
035	Jahresgebühr für das 5. Jahr	Renewal fee for the 5th year	Taxe annuelle pour la 5e année
036	Jahresgebühr für das 6. Jahr	Renewal fee for the 6th year	Taxe annuelle pour la 6e année
037	Jahresgebühr für das 7. Jahr	Renewal fee for the 7th year	Taxe annuelle pour la 7e année
038	Jahresgebühr für das 8. Jahr	Renewal fee for the 8th year	Taxe annuelle pour la 8e année
039	Jahresgebühr für das 9. Jahr	Renewal fee for the 9th year	Taxe annuelle pour la 9e année
040	Jahresgebühr für das 10. Jahr (konstant ab dem 10. Jahr)	Renewal fee for the 10th year (constant from 10th year on)	Taxe annuelle pour la 10e année (constante à partir de la 10e année)
041	Jahresgebühr für das 11. Jahr	Renewal fee for the 11th year	Taxe annuelle pour la 11e année
042	Jahresgebühr für das 12. Jahr	Renewal fee for the 12th year	Taxe annuelle pour la 12e année
043	Jahresgebühr für das 13. Jahr	Renewal fee for the 13th year	Taxe annuelle pour la 13e année

044	Jahresgebühr für das 14. Jahr	Renewal fee for the 14th year	Taxe annuelle pour la 14e année
045	Jahresgebühr für das 15. Jahr	Renewal fee for the 15th year	Taxe annuelle pour la 15e année
046	Jahresgebühr für das 16. Jahr	Renewal fee for the 16th year	Taxe annuelle pour la 16e année
047	Jahresgebühr für das 17. Jahr	Renewal fee for the 17th year	Taxe annuelle pour la 17e année
048	Jahresgebühr für das 18. Jahr	Renewal fee for the 18th year	Taxe annuelle pour la 18e année
049	Jahresgebühr für das 19. Jahr	Renewal fee for the 19th year	Taxe annuelle pour la 19e année
050	Jahresgebühr für das 20. Jahr	Renewal fee for the 20th year	Taxe annuelle pour la 20e année
055	Zusätzliche Kopie der im Recherchenbericht angeführten Schriften	Additional copy of documents cited in search report	Copie suppl. des documents cités dans le rapport de recherche
056	Zuschlagsgebühr (Regel 82 (3), Regel 95 (3) EPÜ)	Surcharge (Rule 82(3), Rule 95(3) EPC)	Surtaxe (règle 82(3), règle 95(3) CBE)
060	Gebühr für ein technisches Gutachten	Fee for a technical opinion	Redevance pour délivrance d'un avis technique
062	Widerspruchsgebühr – für internationale Anmeldungen	Protest fee – for international applications	Taxe de réserve – pour les demandes internationales
063	Gebühr für verspätete Zahlung (Regel 16*bis*.2 PCT)	Late payment fee (Rule 16*bis*.2 PCT)	Taxe pour paiement tardif (règle 16*bis*.2 PCT)
064	Gebühr für verspätete Zahlung (Regel 58*bis*.2 PCT)	Late payment fee (Rule 58*bis*.2 PCT)	Taxe pour paiement tardif (règle 58*bis*.2 PCT)
066	Gebühr für die verspätete Einreichung eines Sequenzprotokolls (Regel 13*ter*.1, 13*ter*.2 PCT)	Fee for late furnishing of sequence listing (Rule 13*ter*.1, 13*ter*.2 PCT)	Taxe pour remise tardive de listages des séquences (règle 13*ter*.1, 13*ter*.2 PCT)
067	Gebühr für die verspätete Einreichung eines Sequenzprotokolls (Regel 30 (3) EPÜ)	Fee for late furnishing of sequence listing (Rule 30(3) EPC)	Taxe pour production tardive d'un listage de séquences (règle 30(3) CBE)
069	Überprüfungsgebühr für eine ergänzende internationale Recherche	Review fee for a supplementary international search	Taxe de réexamen pour une recherche internationale supplémentaire
093	Zuschlagsgebühr zur Jahresgebühr/3. Jahr	Additional fee for renewal fee for the 3rd year	Surtaxe pour la taxe annuelle/3e année
094	Zuschlagsgebühr zur Jahresgebühr/4. Jahr	Additional fee for renewal fee for the 4th year	Surtaxe pour la taxe annuelle/4e année
095	Zuschlagsgebühr zur Jahresgebühr/5. Jahr	Additional fee for renewal fee for the 5th year	Surtaxe pour la taxe annuelle/5e année
096	Zuschlagsgebühr zur Jahresgebühr/6. Jahr	Additional fee for renewal fee for the 6th year	Surtaxe pour la taxe annuelle/6e année
097	Zuschlagsgebühr zur Jahresgebühr/7. Jahr	Additional fee for renewal fee for the 7th year	Surtaxe pour la taxe annuelle/7e année
098	Zuschlagsgebühr zur Jahresgebühr/8. Jahr	Additional fee for renewal fee for the 8th year	Surtaxe pour la taxe annuelle/8e année
099	Zuschlagsgebühr zur Jahresgebühr/9. Jahr	Additional fee for renewal fee for the 9th year	Surtaxe pour la taxe annuelle/9e année
100	Zuschlagsgebühr zur Jahresgebühr/10. Jahr	Additional fee for renewal fee for the 10th year	Surtaxe pour la taxe annuelle/10e année
101	Zuschlagsgebühr zur Jahresgebühr/11. Jahr	Additional fee for renewal fee for the 11th year	Surtaxe pour la taxe annuelle/11e année
102	Zuschlagsgebühr zur Jahresgebühr/12. Jahr	Additional fee for renewal fee for the 12th year	Surtaxe pour la taxe annuelle/12e année
103	Zuschlagsgebühr zur Jahresgebühr/13. Jahr	Additional fee for renewal fee for the 13th year	Surtaxe pour la taxe annuelle/13e année

104	Zuschlagsgebühr zur Jahresgebühr/14. Jahr	Additional fee for renewal fee for the 14th year	Surtaxe pour la taxe annuelle/14e année
105	Zuschlagsgebühr zur Jahresgebühr/15. Jahr	Additional fee for renewal fee for the 15th year	Surtaxe pour la taxe annuelle/15e année
106	Zuschlagsgebühr zur Jahresgebühr/16. Jahr	Additional fee for renewal fee for the 16th year	Surtaxe pour la taxe annuelle/16e année
107	Zuschlagsgebühr zur Jahresgebühr/17. Jahr	Additional fee for renewal fee for the 17th year	Surtaxe pour la taxe annuelle/17e année
108	Zuschlagsgebühr zur Jahresgebühr/18. Jahr	Additional fee for renewal fee for the 18th year	Surtaxe pour la taxe annuelle/18e année
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111	Gebühr für den Überprüfungsantrag	Fee for petition for review	Taxe de requête en révision
121	Weiterbehandlungsgebühr (verspätete Vornahme von Handlungen gemäß Regel 71 (3) EPÜ)	Fee for further processing (late performance of acts under Rule 71(3) EPC)	Taxe de poursuite de la procédure (retard d'accomplissement des actes au titre de la règle 71(3) CBE)
122	Weiterbehandlungsgebühr (nicht gebührenbezogene Fälle)	Fee for further processing (non-fee-related cases)	Taxe de poursuite de la procédure (cas qui ne concernent pas le paiement de taxes)
123	Weiterbehandlungsgebühr (verspätete Gebühren-zahlung: 50 % der betreffenden Gebühr)	Fee for further processing (late payment of a fee: 50% of the relevant fee)	Taxe de poursuite de la procédure (retard de paiement d'une taxe : 50 % de la taxe concernée)
131	Beschränkungsgebühr	Limitation fee	Taxe de limitation
141	Widerrufsgebühr	Revocation fee	Taxe de révocation
222	PCT-Zusatzgebühr für das 31. und jedes weitere Blatt	PCT charge per sheet in excess of 30	Supplément PCT par feuille à compter de la 31e
224	Bearbeitungsgebühr	Handling fee	Taxe de traitement
225	Internationale Anmeldegebühr	International filing fee	Taxe internationale de dépôt
316	PCT – Ermäßigung für Web-Einreichung	PCT – web-form filing reduction	Réduction PCT – dépôt par formulaire en ligne
318	PCT – PDF-Ermäßigung	PCT – PDF reduction	Réduction PCT – format PDF
319	PCT – XML-Ermäßigung	PCT – XML reduction	Réduction PCT – format XML
400	Zuschlagsgebühr für Erstreckungsgebühren	Surcharge for extension fees	Surtaxe pour les taxes d'extension
401	Erstreckungsgebühr für Slowenien (SI) (EPÜ-Vertrags-staat seit dem 1.12.2002)	Extension fee for Slovenia (SI) (EPC contracting state since 1.12.2002)	Taxe d'extension pour la Slovénie (SI) (État partie à la CBE depuis le 1.12.2002)
402	Erstreckungsgebühr für Litauen (LT) (EPÜ-Vertragsstaat seit dem 1.12.2004)	Extension fee for Lithuania (LT) (EPC contracting state since 1.12.2004)	Taxe d'extension pour la Lituanie (LT) (État partie à la CBE depuis le 1.12.2004)
403	Erstreckungsgebühr für Lettland (LV) (EPÜ-Vertragsstaat seit dem 1.7.2005)	Extension fee for Latvia (LV) (EPC contracting state since 1.7.2005)	Taxe d'extension pour la Lettonie (LV) (État partie à la CBE depuis le 1.7.2005)
404	Erstreckungsgebühr für Albanien (AL) (EPÜ-Vertragsstaat seit dem 1.5.2010)	Extension fee for Albania (AL) (EPC contracting state since 1.5.2010)	Taxe d'extension pour l'Albanie (AL) (État partie à la CBE depuis le 1.5.2010)

405	Erstreckungsgebühr für Rumänien (RO) (EPÜ-Vertragsstaat seit dem 1.3.2003)	Extension fee for Romania (RO) (EPC contracting state since 1.3.2003)	Taxe d'extension pour la Roumanie (RO) (État partie à la CBE depuis le 1.3.2003)
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407	Erstreckungsgebühr für Kroatien (HR) (EPÜ-Vertragsstaat seit dem 1.1.2008)	Extension fee for Croatia (HR) (EPC contracting state since 1.1.2008)	Taxe d'extension pour la Croatie (HR) (État partie à la CBE depuis le 1.1.2008)
408	Erstreckungsgebühr für Bosnien und Herzegowina (BA)	Extension fee for Bosnia and Herzegovina (BA)	Taxe d'extension pour la Bosnie-Herzégovine (BA)
409	Erstreckungsgebühr für Serbien (RS) (Anmeldetag 4.6.2006 - 30.9.2010)	Extension fee for Serbia (RS) (filing date from 4.6.2006 - 30.9.2010)	Taxe d'extension pour la Serbie (RS) (date de dépôt du 4.6.2006 au 30.9.2010)
410	Erstreckungsgebühr für Montenegro (ME)	Extension fee for Montenegro (ME)	Taxe d'extension pour le Monténégro (ME)
420	Validierungsgebühr für Marokko (MA)	Validation fee for Morocco (MA)	Taxe de validation pour le Maroc (MA)
421	Validierungsgebühr für die Republik Moldau (MD)	Validation fee for the Republic of Moldova (MD)	Taxe de validation pour la République de Moldavie (MD)
422	Validierungsgebühr für Tunesien (TN)	Validation fee for Tunisia (TN)	Taxe de validation pour la Tunisie (TN)
423	Validierungsgebühr für Kambodscha (KH)	Validation fee for Cambodia (KH)	Taxe de validation pour le Cambodge (KH)
450	Zuschlagsgebühr zur Validierungsgebühr für Marokko (MA)	Surcharge on the validation fee for Morocco (MA)	Surtaxe de la taxe de validation pour le Maroc (MA)
451	Zuschlagsgebühr zur Validierungsgebühr für die Republik Moldau (MD)	Surcharge on the validation fee for the Republic of Moldova (MD)	Surtaxe de la taxe de validation pour la République de Moldavie (MD)
452	Zuschlagsgebühr zur Validierungsgebühr für Tunesien (TN)	Surcharge on the validation fee for Tunisia (TN)	Surtaxe de la taxe de validation pour la Tunisie (TN)
453	Zuschlagsgebühr zur Validierungsgebühr für Kambodscha (KH)	Surcharge on the validation fee for Cambodia (KH)	Surtaxe de la taxe de validation pour le Cambodge (KH)
501	Zusatzgebühr für die 36. und jede weitere Seite – EP-Anmeldung	Additional filing fee for the 36th and each subsequent page – EP application	Taxe additionnelle pour chaque page à partir de la 36e – demande EP
520	Zusatzgebühr für die 36. und jede weitere Seite – Eintritt in die EP-Phase	Additional filing fee for the 36th and each subsequent page – entry into EP phase	Taxe additionnelle pour chaque page à partir de la 36e – entrée dans la phase européenne
552	Zusatzgebühr für eine Teilanmeldung der 2. Generation	Additional fee for divisional 2nd generation	Taxe additionnelle pour une demande divisionnaire de 2e génération
553	Zusatzgebühr für eine Teilanmeldung der 3. Generation	Additional fee for divisional 3rd generation	Taxe additionnelle pour une demande divisionnaire de 3e génération
554	Zusatzgebühr für eine Teilanmeldung der 4. Generation	Additional fee for divisional 4th generation	Taxe additionnelle pour une demande divisionnaire de 4e génération
555	Zusatzgebühr für eine Teilanmeldung der 5. oder jeder weiteren Generation	Additional fee for divisional 5th generation or subsequent	Taxe additionnelle pour une demande divisionnaire de 5e génération ou de génération ultérieure
999	Bagatellbetrag	Insignificant amount	Montant insignifiant

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Amtsblatt
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Journal officiel

Zusatzpublikation 3 – Amtsblatt EPA 2022
Vorschriften über das laufende Konto (VLK) und ihre Anhänge
(in der ab 10. September 2022 geltenden Fassung)

Supplementary publication 3 – Official Journal EPO 2022
Arrangements for deposit accounts (ADA) and their annexes
(valid as from 10 September 2022)

Publication supplémentaire 3 – Journal officiel OEB 2022
Réglementation applicable aux comptes courants (RCC)
et ses annexes (version applicable à compter du 10 septembre 2022)

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VORSCHRIFTEN ÜBER DAS LAUFENDE KONTO (VLK) UND IHRE ANHÄNGE	ARRANGEMENTS FOR DEPOSIT ACCOUNTS (ADA) AND THEIR ANNEXES	RÉGLEMENTATION APPLICABLE AUX COMPTES COURANTS (RCC) ET SES ANNEXES	
(in der ab 10. September 2022 geltenden Fassung)	(valid as from 10 September 2022)	(version applicable à compter du 10 septembre 2022)	
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Beschluss des Präsidenten des Europäischen Patentamts vom 19. Juli 2022 über die Änderung der Vorschriften über das laufende Konto und ihrer Anhänge

Der Präsident des Europäischen Patentamts,

gestützt auf die Artikel 5 (2) und 7 (2) der Gebührenordnung, beschließt:

Artikel 1

Hiermit erhalten die Vorschriften über das laufende Konto und ihre Anhänge die diesem Beschluss beigefügte Fassung.[1]

Artikel 2

Mit Ausnahme von Punkt 3.2 l) VAA tritt die Neufassung am 10. September 2022 in Kraft.

Punkt 3.2 l) VAA tritt am 1. November 2022 in Kraft.

Artikel 3

Die Neufassung ersetzt die Fassung vom 1. Oktober 2019 (Zusatzpublikation 4, ABl. EPA 2019) in der durch die Beschlüsse des Präsidenten des Europäischen Patentamts vom 4. Juni 2020 (ABl. EPA 2020, A77), vom 18. März 2021 (ABl. EPA 2021, A26) und vom 13. Juli 2021 (ABl. EPA 2021, A60) geänderten Fassung.

Geschehen zu München am 19. Juli 2022

António CAMPINOS

Präsident

[1] Siehe S. 11 ff. Siehe auch Mitteilung des EPA vom 19. Juli 2022 über die Änderung der Vorschriften über das laufende Konto und ihrer Anhänge (S. 2).

Decision of the President of the European Patent Office dated 19 July 2022 concerning the revision of the Arrangements for deposit accounts and their annexes

The President of the European Patent Office,

Having regard to Articles 5(2) and 7(2) of the Rules relating to Fees, has decided as follows:

Article 1

The Arrangements for deposit accounts and their annexes are hereby revised in the texts annexed to this decision.[1]

Article 2

With the exception of point 3.2(l) AAD, the revised texts enter into force on 10 September 2022.

Point 3.2 (l) AAD enters into force on 1 November 2022.

Article 3

The revised texts supersede the texts dated 1 October 2019 (supplementary publication 4, OJ EPO 2019) as amended by decisions of the President of the European Patent Office dated 4 June 2020 (OJ EPO 2020, A77), 18 March 2021 (OJ EPO 2021, A26) and 13 July 2021 (OJ EPO 2021, A60).

Done at Munich, 19 July 2022

António CAMPINOS

President

[1] See p. 11 ff. See also the notice from the EPO dated 19 July 2022 concerning revision of the Arrangements for deposit accounts and their annexes (p. 2 below).

Décision du Président de l'Office européen des brevets, en date du 19 juillet 2022, relative à la révision de la réglementation applicable aux comptes courants ainsi que de ses annexes

Le Président de l'Office européen des brevets,

vu les articles 5(2) et 7(2) du règlement relatif aux taxes, décide :

Article premier

La réglementation applicable aux comptes courants ainsi que ses annexes sont révisées dans les textes joints à la présente décision.[1]

Article 2

À l'exception du point 3.2 (l) RPA, les textes révisés entrent en vigueur le 10 septembre 2022.

Le point 3.2 (l) RPA entre en vigueur le 1er novembre 2022.

Article 3

Les textes révisés remplacent les textes en date du 1er octobre 2019 (publication supplémentaire 4, JO OEB 2019) tels que modifiés par les décisions du Président de l'Office européen des brevets en date du 4 juin 2020 (JO OEB 2020, A77), 18 mars 2021 (JO OEB 2021, A26) et du 13 juillet 2021 (JO OEB 2021, A60).

Fait à Munich, le 19 juillet 2022

António CAMPINOS

Président

[1] Cf. p. 11 s. Cf. également le Communiqué de l'OEB, en date du 19 juillet 2022, relatif à la révision de la réglementation applicable aux comptes courants ainsi que de ses annexes (p. 2).

Mitteilung des Europäischen Patentamts vom 19. Juli 2022 über die Änderung der Vorschriften über das laufende Konto und ihrer Anhänge

Seit der letzten vollständigen Veröffentlichung der Vorschriften über das laufende Konto (VLK) und ihrer Anhänge im Jahr 2019[1] sind mehrere Vorschriften durch verschiedene Beschlüsse des Präsidenten des Europäischen Patentamts geändert worden. Nun sind weitere Änderungen erforderlich, um der vollständigen Bereitstellung der Zentralen Gebührenzahlung und der Außerbetriebnahme der Online-Gebührenzahlung am 10. September 2022 Rechnung zu tragen.[2]

Der erste Abschnitt dieser Mitteilung befasst sich mit den am 10. September 2022 in Kraft tretenden Änderungen der VLK, wobei die wichtigste Änderung in neuen Vorschriften besteht, die die Einführung eines Verfahrens zur direkten Freigabe von Abbuchungsaufträgen und eines Sicherheitsmechanismus für die Auffüllung laufender Konten betreffen. Diese notwendigen Änderungen wurden auch als Gelegenheit genutzt, einige der bestehenden Bestimmungen der VLK neu anzuordnen und aufzuteilen, um die Lesbarkeit zu verbessern, ohne jedoch den Inhalt wesentlich zu ändern.

Der zweite Abschnitt konzentriert sich auf die überarbeiteten Vorschriften für das automatische Abbuchungsverfahren. Insbesondere wurde der Wortlaut der Anhänge A.1 (Vorschriften über das automatische Abbuchungsverfahren (VAA)) und A.2 (Hinweise des EPA zum automatischen Abbuchungsverfahren) überarbeitet, um der vollständigen Bereitstellung der Zentralen Gebührenzahlung und den Änderungen Rechnung zu tragen, die daraus für die Verwaltung automatischer Abbuchungsaufträge entstehen.

[1] Zusatzpublikation 4, Amtsblatt 2019, Vorschriften über das laufende Konto (VLK) und ihre Anhänge (in der ab 1. Oktober 2019 geltenden Fassung).

[2] Siehe Mitteilung des Europäischen Patentamts vom 19. Juli 2022 über die Zentrale Gebührenzahlung.

Notice of the European Patent Office dated 19 July 2022 concerning revision of the Arrangements for deposit accounts and their annexes

Since 2019, when the Arrangements for deposit accounts (ADA) and their annexes were last published in full,[1] several of their provisions have been amended by separate decisions of the President of the European Patent Office. It is now necessary to make further amendments to reflect the full deployment of Central Fee Payment (CFP) and the decommissioning of Online Fee Payment (OFP) on 10 September 2022.[2]

The first section of this notice deals with the amendments to the ADA that will enter into force on 10 September 2022, the main changes being new provisions to implement a process of direct clearing of debit orders and introduce a safety net for replenishments of deposit accounts. The need to make these amendments has also been taken as an opportunity to rearrange and split up a number of existing ADA provisions to improve readability, without, however, substantially changing their content.

The second section focuses on the revision of the provisions governing the automatic debiting procedure. In particular, the texts of Annexes A.1 (Arrangements for the automatic debiting procedure (AAD)) and A.2 (Information from the EPO concerning the automatic debiting procedure (AAD)) to the ADA have been revised to reflect the full deployment of CFP and the changes this will entail for managing automatic debit orders.

[1] Supplementary publication 4, Official Journal 2019, Arrangements for deposit accounts (ADA) and their annexes (valid as from 1 October 2019).

[2] See notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

Communiqué de l'Office européen des brevets, en date du 19 juillet 2022, relatif à la révision de la réglementation applicable aux comptes courants ainsi que de ses annexes

Depuis la dernière publication complète de la réglementation applicable aux comptes courants (RCC) ainsi que de ses annexes,[1] plusieurs dispositions ont été modifiées par différentes décisions du Président de l'Office européen des brevets. Il est désormais nécessaire d'apporter de nouvelles modifications pour refléter le déploiement intégral du paiement centralisé des taxes (CFP), ainsi que la mise hors service du paiement des taxes en ligne (OFP) le 10 septembre 2022.[2]

La première partie du présent communiqué traite des modifications relatives à la RCC qui entreront en vigueur le 10 septembre 2022, les principaux changements consistant en de nouvelles dispositions visant à mettre en œuvre un processus d'exécution directe des ordres de débit et à introduire un filet de sécurité pour l'approvisionnement des comptes courants. À l'occasion de ces modifications nécessaires, il a aussi été procédé au réagencement et à la subdivision d'un certain nombre de dispositions actuelles de la RCC afin de les rendre plus lisibles sans pour autant en modifier de manière significative le contenu.

La deuxième partie se concentre sur la révision des dispositions régissant la procédure de prélèvement automatique. En particulier, les textes des annexes A.1 (Réglementation relative à la procédure de prélèvement automatique (RPA)) et A.2 (Avis de l'OEB concernant la procédure de prélèvement automatique (RPA)) à la RCC ont été révisés afin de refléter le déploiement intégral du CFP et les changements qui en découlent en matière de gestion des ordres de prélèvement automatique.

[1] Publication supplémentaire 4, Journal officiel 2019, Réglementation applicable aux comptes courants (RCC) et ses annexes (version applicable à compter du 1er octobre 2019).

[2] Cf. Communiqué de l'Office européen des brevets, en date du 19 juillet 2022, concernant le paiement centralisé des taxes.

Der dritte Abschnitt gibt einen Überblick über die wichtigsten Bestimmungen, die seit dem Jahr 2019 durch verschiedene Beschlüsse des Präsidenten geändert und nun in eine neue, konsolidierte Fassung der VLK und ihrer Anhänge übernommen wurden.

In Anbetracht der Vielfältigkeit der Änderungen wird den Nutzern geraten, die geänderten Vorschriften sorgfältig und vollständig zu lesen.

I. VLK

1. Direkte Freigabe von Abbuchungsaufträgen

Bisher wurden alle an einem bestimmten Tag eingereichten Abbuchungsaufträge vom EPA zu einem einzigen Zeitpunkt in der Nacht bearbeitet, zusammen mit etwaigen am betreffenden Tag fälligen automatischen Abbuchungsaufträgen. Nun hat das EPA, wie von den Nutzern seit Langem gewünscht, ein Verfahren zur direkten Freigabe von Abbuchungsaufträgen eingeführt.

Gemäß der neuen Nummer 7.2.1 VLK bearbeitet das EPA Abbuchungsaufträge in der Regel sofort nach Eingang, sofern das Guthaben auf dem laufenden Konto zur Entrichtung aller im Auftrag angegebenen Gebühren ausreicht. Automatische Abbuchungsaufträge hingegen werden weiterhin am Ende des maßgebenden Zahlungstags gesammelt bearbeitet. So wird sichergestellt, dass weiterhin automatische Abbuchungsaufträge eingereicht werden können, die ab dem Tag ihrer Einreichung wirksam sind und mit Wirkung vom Datum des Widerrufs widerrufen können.

Kontoinhaber sollten daher unbedingt sicherstellen, dass auch nach Abzug aller im Laufe eines Tages eingereichten und sofort bearbeiteten Abbuchungsaufträge am Ende des betreffenden Tages das Guthaben ihres laufenden Kontos noch für alle an diesem Datum fälligen automatischen Abbuchungsaufträge ausreicht.

The third section gives an overview of the main provisions amended by the various decisions of the President since 2019. These amended provisions are now included in a new, consolidated version of the ADA and their annexes.

Given the varied nature of the changes, users are advised to read the revised and consolidated texts carefully in full.

I. ADA

1. Direct clearing of debit orders

Until now, debit orders filed throughout a given day were all processed by the EPO at a single point in time during the night, together with any automatic debit orders due for that specific day. Responding to a long-standing wish from users, the EPO has now implemented a direct clearing process for debit orders.

New point 7.2.1 ADA therefore states that, as a rule, the EPO will process debit orders immediately upon their receipt, provided that there are sufficient funds in the deposit account to cover all fees included in them. Automatic debit orders, on the other hand, will continue to be processed in one batch at the end of the day marking the decisive payment date. This ensures that users can continue to submit automatic debit orders which are effective as of the date of their submission and revoke them with effect from the date of the notice of revocation.

It is therefore essential that account holders ensure that, even after deduction of all debit orders filed and processed immediately throughout the day, their deposit account will still contain sufficient funds at the end of the day to cover all automatic debit orders due on that date.

La troisième partie donne un aperçu des principales dispositions modifiées par les différentes décisions du Président de l'OEB depuis 2019. Ces dispositions modifiées sont maintenant incluses dans une nouvelle version consolidée de la RCC et de ses annexes.

Compte tenu de la diversité des modifications, il est recommandé aux utilisateurs de lire attentivement l'ensemble des textes révisés et consolidés.

I. Réglementation applicable aux comptes courants (RCC)

1. Exécution directe des ordres de débit

Jusqu'à présent, les ordres de débit déposés au cours d'une journée donnée étaient tous traités par l'OEB à un moment précis de la nuit, en même temps que d'éventuels ordres de prélèvement automatique devant être exécutés à cette même date. En réponse à un souhait exprimé de longue date par les utilisateurs, l'OEB a désormais mis en œuvre un processus d'exécution directe des ordres de débit.

Par conséquent, le nouveau point 7.2.1 RCC dispose que, en règle générale, l'OEB traitera les ordres de débit immédiatement au moment de leur réception, sous réserve que le compte courant soit suffisamment approvisionné pour couvrir toutes les taxes incluses dans ces ordres. En revanche, les ordres de prélèvement automatique continueront d'être traités de manière groupée à la fin de la journée qui correspond à la date à laquelle le paiement est réputé effectué. Il est ainsi garanti que les utilisateurs pourront continuer à déposer des ordres de prélèvement automatique qui sont valables à compter de la date de leur transmission et de révoquer de tels ordres avec effet à compter de la date de l'avis de révocation.

Les titulaires de compte doivent donc veiller impérativement à ce que, même après la déduction de tous les ordres de débit déposés et traités immédiatement au cours d'une journée, leur compte courant reste suffisamment approvisionné à la fin de la journée pour couvrir tous les ordres de prélèvement automatique devant être exécutés à cette date.

Bitte beachten Sie, dass die zur Bearbeitung von Abbuchungsaufträgen benötigte Zeit geringfügig variieren kann, je nachdem, über welchen Dienst sie eingereicht wurden: in der Zentralen Gebührenzahlung eingereichte Abbuchungsaufträge werden sofort verbucht und in der Ansicht **Kontobewegungen** entsprechend angezeigt, während Abbuchungsaufträge, die über ePCT, die Online-Einreichung des EPA und die Online-Einreichung 2.0 eingereicht wurden nur einmal pro Stunde an die Zentrale Gebührenzahlung übermittelt und erst dann verbucht und entsprechend angezeigt[3], werden.

Unabhängig davon, ob Abbuchungsaufträge über ePCT, die Online-Einreichung des EPA, die Online-Einreichung 2.0 oder die Zentrale Gebührenzahlung eingereicht werden, und unabhängig davon, wann sie verbucht werden, gilt die Zahlung jedoch weiterhin als am Eingangstag des Abbuchungsauftrags beim EPA erfolgt, sofern an diesem Tag eine ausreichende Deckung auf dem Konto vorhanden ist (Nr. 10 VLK).

Obgleich Abbuchungsaufträge nun sofort verbucht werden, können sie nach wie vor gemäß dem bestehenden Verfahren am Tag ihres Eingangs ganz oder teilweise widerrufen werden (Nr. 13 VLK). Sofern die Widerrufsmitteilung rechtzeitig und in korrekter Form erfolgt, werden die unmittelbar nach Eingang des Abbuchungsauftrags verbuchten Gebühren auf das betreffende laufende Konto zurückerstattet.

Abbuchungsaufträge mit späterem Zahlungstag können unter Verwendung der entsprechenden Funktionalität in der Zentralen Gebührenzahlung[4] widerrufen werden - da aber Abbuchungsaufträge mit späterem Zahlungstag zu Beginn des als Ausführungstermin angegebenen Tages verbucht werden, kann der Widerruf nur bis zum Ende des Tages erfolgen, der diesem Ausführungstermin vorausgeht (Nr. 13.2 VLK). Als zusätzliche Serviceleistung wird es jedoch weiterhin möglich sein, Abbuchungsaufträge am Tag des Ausführungstermins durch Übermittlung einer unterzeichneten schriftlichen Widerrufsmitteilung gemäß Nr. 13.1 VLK zu widerrufen.

[3] Siehe Mitteilung des Europäischen Patentamts vom 19. Juli 2022 über die Zentrale Gebührenzahlung, Nr. 6.

[4] a. a. O., Nr. 21.

Please note that the time taken to process debit orders might vary slightly depending on the service used to submit them. While any debit orders submitted in CFP are booked immediately and displayed as booked transactions in the **Transactions** tab,[3] debit orders submitted via ePCT, EPO Online Filing and Online Filing 2.0 are transferred to CFP only once an hour and only then booked and displayed as booked transactions.

However, irrespective of whether debit orders are submitted via ePCT, EPO Online Filing, Online Filing 2.0 or CFP and irrespective of when they are booked, the date the EPO receives the debit order will continue to be considered the date on which the payment is made, provided there are sufficient funds in the deposit account on that date (see point 10 ADA).

Although debit orders will now be booked immediately, they can still be revoked in whole or in part on their date of receipt in accordance with the existing procedure (point 13 ADA). Provided that the notice of revocation is submitted in time and in the correct form, the fees booked immediately upon receipt of the debit order will be refunded to the relevant deposit account.

Debit orders with deferred payment dates can be revoked using the functionality for this in CFP[4] but, because debit orders with deferred payment dates are booked at the beginning of their specified execution date, this will be possible only until the end of the day preceding that execution date (see point 13.2 ADA). As an additional service, however, it will still be possible to revoke them on the execution date by submitting a signed written notice of revocation in accordance with point 13.1 ADA.

[3] See notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment, point 6.

[4] Loc cit, point 21.

Veuillez noter que le temps nécessaire au traitement des ordres de débit peut varier légèrement en fonction du service utilisé pour les déposer. Les ordres de débit déposés dans le CFP sont exécutés immédiatement et affichés comme opération exécutée sous l'onglet **Opérations**,[3] tandis que les ordres de débit déposés au moyen d'ePCT, du dépôt en ligne de l'OEB ou du dépôt en ligne 2.0 ne sont transférés au CFP que toutes les heures et ne sont exécutés et affichés comme opération exécutée qu'après ce transfert.

Cela étant, qu'un ordre de débit soit déposé au moyen d'ePCT, du dépôt en ligne de l'OEB, du dépôt en ligne 2.0 ou du CFP, et indépendamment du moment où il est exécuté, la date à laquelle l'OEB reçoit l'ordre de débit continuera d'être considérée comme celle à laquelle le paiement est effectué, pour autant que le compte courant soit suffisamment approvisionné à cette date (voir point 10 RCC).

Même si les ordres de débit seront désormais exécutés immédiatement, ils pourront toujours être révoqués globalement ou partiellement à la date de leur réception comme le prévoit la procédure actuelle (point 13 RCC). À condition que l'avis de révocation soit présenté dans les délais et sous la forme prescrite, les taxes prélevées immédiatement au moment de la réception de l'ordre de débit seront remboursées sur le compte courant concerné.

Les ordres de débit ayant une date d'exécution différée peuvent être révoqués à l'aide de la fonctionnalité prévue à cet effet dans le CFP[4]. Cependant, comme ces ordres de débit sont exécutés au début de la journée à leur date d'exécution indiquée, la révocation ne sera possible que jusqu'à la fin de la journée qui précède cette date d'exécution (voir point 13.2 RCC). À titre de service supplémentaire, il restera toutefois possible de révoquer de tels ordres à la date d'exécution, en présentant un avis de révocation écrit et signé conformément au point 13.1 RCC.

[3] Cf. Communiqué de l'Office européen des brevets, en date du 19 juillet 2022, concernant le paiement centralisé des taxes, point 6.

[4] Loc cit, point 21.

2. Klarstellung der Reihenfolge für die Bearbeitung von Abbuchungsaufträgen

Die Einführung der direkten Freigabe von Abbuchungsaufträgen wurde genutzt, um klarzustellen, in welcher Reihenfolge Abbuchungsaufträge bearbeitet werden (Nrn. 7.3 und 7.4 VLK). Die bestehenden Priorisierungsregeln haben sich dadurch jedoch nicht geändert.

Werden Abbuchungsaufträge für mehrere Anmeldungen und Gebühren eingereicht (entweder durch Aufnahme in den Warenkorb in der Zentralen Gebührenzahlung oder durch Hochladen einer Sammelzahlungsdatei), so werden die Zahlungen in aufsteigender Reihenfolge der Anmeldenummern ("PCT" vor "EP") bearbeitet. Bei Euro-PCT-Anmeldungen ist die EP-Nummer ausschlaggebend. Bei der Abbuchung der einzelnen Gebühren werden die Beschwerdegebühr und die Einspruchsgebühr aufgrund ihrer verfahrensrechtlichen Bedeutung und des Fehlens von Rechtsbehelfen bei Überschreitung der Zahlungsfrist vorrangig behandelt. Alle anderen Gebühren werden in aufsteigender Reihenfolge ihrer Gebührencodes abgebucht.[5]

Diese Reihenfolge der Bearbeitung wird angewendet, solange eine ausreichende Deckung auf dem laufenden Konto vorhanden ist. Reicht das Guthaben des laufenden Kontos nicht für alle Gebühren aus, die für eine Anmeldung angegeben sind (Fehlbetrag), so wird kein weiterer Abbuchungsauftrag bearbeitet. Alle noch ausstehenden Abbuchungsaufträge werden akkumuliert und erst dann freigegeben, wenn das Konto entsprechend aufgefüllt worden ist. In diesem Fall werden Abbuchungsaufträge zuerst nach ihrem maßgebenden Zahlungstag, dem Tag ihres Eingangs oder ihrem späteren Ausführungstermin priorisiert. Im zweiten Schritt werden automatische Abbuchungsaufträge vor allen weiteren Abbuchungsaufträgen verbucht. Vorbehaltlich dieser Reihenfolge werden Abbuchungsaufträge in aufsteigender Reihenfolge der Anmeldenummern ("PCT" vor "EP") und mit der oben beschriebenen Gebührenpriorisierung verbucht. Ausstehende Zahlungen gelten weiterhin als an dem Tag erfolgt, an dem das laufende Konto entspre-

[5] Siehe Beschreibung der Gebührencodes laut Verzeichnis der Gebühren und Auslagen in der ab 1. April 2022 geltenden Fassung (ABl. 2022, Zusatzpublikation 2). Da die Zusatzgebühr für europäische Patentanmeldungen mit mehr als 35 Seiten (Gebührencode 501 oder 520) Teil der Anmeldegebühr ist, wird sie zusammen mit dieser abgebucht.

2. Clarification of the order of processing debit orders

The implementation of direct clearing of debit orders has been taken as an opportunity to clarify the order of priority in which debit orders are processed (see points 7.3 and 7.4 ADA). However, the existing prioritisation rules have not changed as a result.

Where debit orders are filed for multiple applications and fees (either by including them in the cart in CFP or by uploading a batch file), the payments are processed in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number. When booking the individual fees, the appeal fee and the opposition fee are given priority in view of their procedural importance and the lack of any means of legal redress if the time limit for paying them is missed. All other fees are booked in ascending order of their fee codes.[5]

This order of processing is applied for as long as there are sufficient funds in the deposit account. If the account does not contain sufficient funds to cover all the fees indicated for an application (shortfall), no other debit order will be booked. All pending debit orders are accumulated and not cleared until the account has been adequately replenished. In this case, debit orders are first prioritised according to their decisive payment date, their date of receipt or their deferred payment date. Secondly, automatic debit orders are booked before any other debit orders. Subject to this order, the orders are booked in ascending order of application number ("PCT" before "EP") and with a prioritisation of the fees as indicated above. Outstanding payments continue to be considered to have been made on the date on which the deposit account is adequately replenished.

[5] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

2. Clarification de l'ordre de traitement des ordres de débit

À l'occasion de la mise en œuvre de l'exécution directe des ordres de débit, l'ordre de priorité dans lequel les ordres de débit sont traités a été clarifié (cf. points 7.3 et 7.4 RCC). Les dispositions actuelles en matière de priorité restent toutefois inchangées.

Lorsque des ordres de débit sont déposés pour plusieurs demandes et taxes (soit par inclusion dans le panier CFP ou par téléchargement d'un fichier de paiement groupé), les paiements sont traités dans l'ordre croissant des numéros de demande ("PCT" avant "EP"). Concernant les demandes euro-PCT, le numéro pertinent est le numéro EP. Lors du prélèvement des taxes individuelles, la priorité est donnée à la taxe de recours et à la taxe d'opposition compte tenu de leur importance sur le plan procédural et de l'absence de tout moyen de recours en cas d'inobservation du délai de paiement de ces taxes. Toutes les autres taxes sont prélevées dans l'ordre croissant de leurs codes de taxe.[5]

Cet ordre pour le traitement est appliqué tant que le compte courant est suffisamment approvisionné. Si le crédit du compte ne suffit pas à couvrir toutes les taxes indiquées pour une demande (montant restant dû), aucun autre ordre de débit ne sera exécuté. Tous les ordres de débit en suspens sont additionnés et ne sont exécutés qu'une fois le compte suffisamment approvisionné. En pareil cas, une première hiérarchisation de la priorité des ordres de débit est effectuée en fonction de la date à laquelle le paiement est réputé effectué, de la date de réception ou de la date de paiement différée. En deuxième lieu, les ordres de prélèvement automatique sont exécutés avant tous les autres ordres de débit. Sous réserve de cet ordre de traitement, les ordres sont exécutés dans l'ordre croissant des numéros de demande ("PCT" avant "EP"), la priorité étant donnée à certaines taxes comme indiqué plus haut. Les paiements restant dus continuent d'être réputés effectués à la date à laquelle le compte courant est suffisamment

[5] Voir la description des codes de taxe publiée dans le barème des taxes et redevances applicable à compter du 1er avril 2022 (JO OEB 2022, Publication supplémentaire 2). Comme la taxe additionnelle due pour une demande de brevet européen comportant plus de 35 pages (codes de taxe 501 et 520) fait partie de la taxe de dépôt, elle est prélevée avec la taxe de dépôt.

chend aufgefüllt worden ist.

Die gleichen Regeln gelten für die Bearbeitung von automatischen Abbuchungsaufträgen am Ende jedes maßgebenden Zahlungstages (zu den Änderungen in Anhang A.1 zu den VLK siehe unten).

3. Neue Bestimmung über einen Sicherheitsmechanismus für die Auffüllung laufender Konten

Unter Nummer 7.5 wurde eine neue Bestimmung über einen Sicherheitsmechanismus für Fälle eingeführt, in denen vor Ablauf einer Zahlungsfrist zwar Vorkehrungen getroffen wurden, das laufende Konto entsprechend aufzufüllen, die Auffüllung aber nicht rechtzeitig auf dem Bankkonto des EPA einging.

Der neue Sicherheitsmechanismus trägt den Entwicklungen im Bankensektor betreffend Überweisungen Rechnung und berücksichtigt insbesondere die Bearbeitungszeiten bei Überweisungen innerhalb des einheitlichen Euro-Zahlungsverkehrsraums (SEPA).

Vor diesem Hintergrund wurde eine neue Nummer 7.5.1 eingefügt, in der festgelegt wird, dass im Falle eines Fehlbetrags eine Frist für die Zahlung einer Gebühr noch als eingehalten gilt, wenn nachgewiesen werden kann, dass eine entsprechende Auffüllung des laufenden Kontos entweder in Form einer SEPA-Überweisung einen Tag vor Ablauf der Zahlungsfrist oder in Form einer SEPA-Echtzeitüberweisung am letzten Tag der Frist in Auftrag gegeben wurde.

Nutzer aus nicht am SEPA teilnehmenden EPÜ-Vertragsstaaten[6] können gemäß der Bestimmung zum Sicherheitsmechanismus Nachweise dafür vorlegen, dass sie ein Bankinstitut in einem dieser Staaten mindestens drei Tage vor Ablauf der Frist für die Zahlung der Gebühr angewiesen haben, ihr laufendes Konto entsprechend aufzufüllen.

[6] Bei Inkrafttreten der geänderten VLK: Albanien, Serbien und die Türkei.

The same rules are applied for the processing of automatic debit orders at the end of the day of each decisive payment date (see below for the changes to Annex A.1 to the ADA).

3. New safety-net provision for the replenishment of deposit accounts

A new safety-net provision has been introduced in point 7.5 for cases where arrangements were made to adequately replenish the deposit account before expiry of a time limit for making a payment but the replenishment did not reach the EPO bank account in time.

The new safety-net provision takes into account the developments made in the banking sector for transferring money, in particular the times taken to process credit transfers within the Single European Payment Area (SEPA).

In view of these developments, a new point 7.5.1 has been inserted which stipulates that, if there is a shortfall, a period for paying a fee will still be considered to have been observed if it can be shown that an adequate replenishment of the deposit account was ordered either in the form of a SEPA Credit Transfer one day before expiry of the payment period or in the form of a SEPA Instant Credit Transfer on the last day of the period.

For users from EPC contracting states not participating in the SEPA,[6] the safety-net provision allows them to submit evidence showing that they gave a banking establishment in one of these states an order to adequately replenish their deposit account at least three days before expiry of the period for paying the fee.

[6] As at entry into force of the revised ADA: Albania, Serbia and Turkey.

approvisionné.

Ces mêmes règles s'appliquent au traitement des ordres de prélèvement automatique à la fin de la journée pour chaque date à laquelle le paiement est réputé effectué (voir ci-dessous les modifications de l'annexe A.1 à la RCC).

3. Nouvelle disposition prévoyant un filet de sécurité pour le réapprovisionnement des comptes courants

Une nouvelle disposition prévoyant un filet de sécurité a été introduite au point 7.5 RCC pour le cas où des dispositions ont été prises pour réapprovisionner suffisamment le compte courant avant l'expiration d'un délai de paiement mais où le réapprovisionnement n'est pas reçu à temps sur le compte bancaire de l'OEB.

Cette nouvelle disposition prévoyant un filet de sécurité prend en considération les évolutions du secteur bancaire en matière de transferts d'argent, en particulier le temps nécessaire au traitement des virements au sein de l'espace unique de paiement en euros (SEPA).

Compte tenu de ces évolutions, un nouveau point 7.5.1 RCC a été introduit, disposant qu'en cas de montant restant dû, le délai de paiement d'une taxe sera encore considéré comme ayant été observé si la preuve peut être apportée qu'un réapprovisionnement du compte courant avait été ordonné soit sous forme de virement SEPA un jour avant l'expiration du délai de paiement soit sous forme de virement SEPA instantané le dernier jour du délai.

La disposition prévoyant un filet de sécurité permet en outre aux utilisateurs d'États parties à la CBE qui n'appartiennent pas au SEPA[6] de produire des justificatifs attestant du fait qu'ils ont donné à un établissement bancaire dans l'un de ces États l'ordre de réapprovisionner suffisamment leur compte courant au moins trois jours avant l'expiration du délai de paiement de la taxe concernée.

[6] À la date d'entrée en vigueur de la version révisée de la RCC : l'Albanie, la Serbie et la Turquie.

4. Änderungen infolge der vollständigen Bereitstellung der Zentralen Gebührenzahlung

In der Mitteilung des Europäischen Patentamts vom 2. März 2022 über die Erweiterung der Funktionen der Zentralen Gebührenzahlung (ABl. EPA 2022, A25)[7] wurden die Nutzer über die Verbesserungen bei der Verwaltung laufender Konten in der Zentralen Gebührenzahlung informiert. Diese umfassten den einfachen Zugriff auf das Formblatt zum Hinzufügen eines weiteren laufenden Kontos, zum Ändern der Kontodaten oder zum Auflösen eines laufenden Kontos (Nrn. 2.1 und 2.2 VLK), die Möglichkeit, Kontoauszüge selbst zu erzeugen und den Kontostand zu überwachen (Nr. 6.2 VLK) sowie den Zugriff auf einen Verlauf für Gebührenzahlungen, die von der Validierungsfunktion in der Zentralen Gebührenzahlung zurückgewiesen wurden (Nr. 9 VLK).

Da die Online-Gebührenzahlung mit Wirkung vom 10. September 2022 außer Betrieb genommen wird, wurden alle Verweise auf die Online-Gebührenzahlung aus den VLK gestrichen und gegebenenfalls durch Verweise auf die Zentrale Gebührenzahlung ersetzt.

5. Automatische Sammelabbuchungsaufträge

Nummer 7.1.1 VLK wurde überarbeitet, um zu berücksichtigen, dass in der Zentralen Gebührenzahlung nun eine neue Option zum Einreichen von automatischen Abbuchungsaufträgen als Sammelzahlungsdatei zur Verfügung steht.

6. Sonstige redaktionelle Änderungen

Im Interesse einer besseren Lesbarkeit wurde die frühere Nr. 3 VLK, die Bestimmungen zu Auffüllungen, Rückzahlungen vom laufenden Konto und Überweisungen zwischen laufenden Konten enthielt, in gesonderte Bestimmungen zu jedem dieser Themen aufgeteilt.

[7] Alle Informationen in dieser Mitteilung, die für die Nutzer nach wie vor relevant sind, wurden in die Mitteilung des Europäischen Patentamts vom 19. Juli 2022 über die Zentrale Gebührenzahlung übernommen.

4. Changes resulting from the full deployment of CFP

The notice from the European Patent Office dated 2 March 2022 concerning the extension of the functionalities of Central Fee Payment (OJ EPO 2022, A25)[7] informed users about the improvements made for managing deposit accounts in CFP. These included easy access to the form for adding another deposit account, changing the account details or closing a deposit account (points 2.1 and 2.2 ADA), the option to create individual account statements and monitor the account balance (point 6.2 ADA) and access to a history of fee payments rejected by the validation function in CFP (point 9 ADA).

As OFP will be decommissioned with effect from 10 September 2022, all references to it have been deleted from the ADA and, wherever applicable, replaced by CFP.

5. Batch automatic debit orders

Point 7.1.1 ADA has been revised to reflect the new option available in CFP to submit automatic debit orders as a batch file.

6. Other editorial changes

To improve readability, former point 3 ADA, which contained provisions on replenishments, repayments of deposit account balances and transfers between deposit accounts, has been split up into separate provisions on each of these topics.

[7] All information in this notice which is still relevant for users has been included in the notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

4. Changements découlant du déploiement intégral du CFP

Dans le communiqué de l'Office européen des brevets, en date du 2 mars 2022, relatif à l'extension des fonctionnalités du paiement centralisé des taxes (JO OEB 2022, A25)[7], les utilisateurs ont été informés au sujet des améliorations apportées à la gestion des comptes courants dans le CFP. Ces améliorations comprennent un accès aisé au formulaire pour ajouter un nouveau compte courant, pour changer les données du compte ou pour clore un compte courant (points 2.1 et 2.2 RCC), la possibilité de générer des extraits individuels de compte et de surveiller le solde du compte (point 6.2 RCC) ainsi que l'accès à un historique des paiements de taxes rejetés par la fonction de validation dans le CFP (point 9 RCC).

Comme le paiement des taxes en ligne (OFP) sera mis hors service avec effet au 10 septembre 2022, toutes les références à ce mode de paiement ont été supprimées de la RCC et, le cas échéant, remplacées par des références au CFP.

5.Ordres collectifs de prélèvement automatique

Le point 7.1.1 RCC a été révisé pour refléter la nouvelle possibilité prévue dans le CFP de déposer des ordres de prélèvement automatique sous forme de fichier de paiement groupé.

6. Autres modifications rédactionnelles

Pour améliorer la lisibilité, l'ancien point 3 RCC, qui prévoyait des dispositions sur les approvisionnements, les remboursements de soldes de comptes courants et les virements entre comptes courants a été subdivisé en plusieurs dispositions distinctes régissant chacun de ces éléments.

[7] Toutes les informations contenues dans ce communiqué qui sont encore pertinentes pour les utilisateurs figurent dans le communiqué de l'Office européen des brevets, en date du 19 juillet 2022, concernant le paiement centralisé des taxes.

Wenngleich das EPA die Nutzer weiterhin informieren wird, wenn sie Abbuchungsaufträge oder Rückerstattungsanweisungen in einem ungültigen Format einreichen, wurde der ausdrückliche Hinweis auf diese Serviceleistung aus den VLK gestrichen.

Im Hinblick auf die Abschaltung des EPA-Dienstes für die neue Online-Einreichung (CMS) mit Wirkung vom 1. Januar 2022[8] wurden alle Verweise auf CMS aus den VLK und ihren Anhängen gestrichen.

II. Anhänge A.1 und A.2 zu den VLK betreffend das automatische Abbuchungsverfahren

Die Möglichkeit, automatische Abbuchungsaufträge für mehrere Anmeldungen einzureichen, wurde nun in Anhang A.1 der VLK (Nr. 1.1 VAA) und Anhang A.2 der VLK (Hinweis zu Nr. 2 VAA) berücksichtigt.

Die Zentrale Gebührenzahlung als Mittel zur Erteilung und zum Widerruf von Abbuchungsaufträgen wurde in den Nummern 1.2 und 10.1 VAA sowie in Anhang A.2 unter I. hinzugefügt. Alle Verweise auf die Online-Gebührenzahlung, CMS und PCT-SAFE wurden inzwischen gestrichen.

Unter Nummer 3.2 wurde ein neuer Buchstabe l angefügt, um weitere Recherchengebühren für eine europäische Recherche nach Regel 56a (8) EPÜ[9] sowie etwaige Weiterbehandlungsgebühren, die bei verspäteter Zahlung der weiteren Recherchengebühr zu entrichten sind, vom automatischen Abbuchungsverfahren auszunehmen.

Die Verbesserungen der Funktionen zur Verwaltung laufender Konten in der Zentralen Gebührenzahlung (siehe oben) einschließlich der Möglichkeit, aktive automatische Abbuchungsaufträge anzuzeigen, wurden in Anhang A.1 (Nr. 4.1 VAA) ebenfalls berücksichtigt.

[8] Siehe Mitteilung des Europäischen Patentamts vom 14. Mai 2021 über die Abschaltung des EPA-Dienstes für die neue Online-Einreichung (CMS) (ABl. EPA 2021, A43).

[9] Siehe Beschluss des Verwaltungsrats vom 14. Dezember 2021 zur Einfügung einer Regel 56a und zur Änderung der Regeln 56 und 135 der Ausführungsordnung zum Europäischen Patentübereinkommen sowie zur Änderung von Artikel 2 der Gebührenordnung (CA/D 2/21) (ABl. EPA 2022, A3).

Although the EPO will continue the courtesy service of informing users when they submit debit orders or refund instructions in an invalid format, the express reference to this courtesy service has been removed from the ADA.

To reflect the decommissioning of the EPO's filing service new online filing (CMS) with effect from 1 January 2022,[8] all references to CMS have been removed from the ADA and their annexes.

II. Annexes A.1 and A.2 to the ADA concerning the automatic debiting procedure

The option of submitting automatic debit orders for multiple applications has now been reflected in Annex A.1 to the ADA (point 1.1 AAD) and Annex A.2 to the ADA (Re point 2 AAD).

CFP has been added as a means of submitting and revoking automatic debit orders in points 1.2 and 10.1 AAD and point I. of Annex A.2. Meanwhile, all references to OFP, CMS and PCT-SAFE have been removed.

A new point (l) has been added under point 3.2 to exclude from the automatic debiting procedure further search fees for a European search pursuant to Rule 56a(8) EPC[9] and any further processing fee payable if the such further search fee is paid late.

The improvements made to the CFP functions for managing deposit accounts (see above), including the possibility of viewing active automatic debit orders, are likewise reflected in Annex A.1 (point 4.1 AAD).

[8] See notice from the European Patent Office dated 14 May 2021 concerning the decommissioning of the EPO's filing service new online filing (CMS) (OJ EPO 2021, A43).

[9] See decision of the Administrative Council of 14 December 2021 inserting a new Rule 56a and amending Rules 56 and 135 of the Implementing Regulations to the European Patent Convention and amending Article 2 of the Rules relating to Fees (CA/D 2/21) (OJ EPO 2022, A3).

Même si l'OEB continuera d'informer les utilisateurs, à titre de service, lorsqu'ils déposent des ordres de débit ou des instructions de remboursement dans un format non valable, la référence expresse à cette prestation fournie à titre de service a été supprimée de la RCC.

Afin de refléter la mise hors service du nouveau dépôt en ligne de l'OEB (CMS) avec effet au 1er janvier 2022[8], toutes les références au CMS ont été supprimées de la RCC, ainsi que de ses annexes.

II. Annexes A.1 et A.2 à la RCC relatives à la procédure de prélèvement automatique

La possibilité de déposer des ordres de prélèvement automatique pour plusieurs demandes est désormais reflétée dans l'annexe A.1 à la RCC (point 1.1 RPA), ainsi que dans l'annexe A.2 à la RCC ("Concernant le point 2 RPA").

Le CFP a été ajouté comme moyen de déposer et de révoquer des ordres de prélèvement automatique aux points 1.2 et 10.1 RPA ainsi qu'au point I de l'annexe A.2. Par ailleurs, toutes les références à l'OFP, au CMS et à PCT-SAFE ont été supprimées.

Un nouveau point (lettre l) a été ajouté au point 3.2 de la RPA pour exclure de la procédure de prélèvement automatique la nouvelle taxe de recherche pour une recherche européenne au titre de la règle 56bis(8) CBE,[9] ainsi que toute taxe de poursuite de la procédure exigible en cas de paiement tardif de cette nouvelle taxe de recherche.

Les améliorations apportées aux fonctionnalités du CFP pour la gestion des comptes courants (voir plus haut), y compris la possibilité d'afficher les ordres de prélèvement automatique actifs sont également reflétées dans l'annexe A.1 (point 4.1 RPA).

[8] Cf. Communiqué de l'Office européen des brevets, en date du 14 mai 2021, relatif à la mise hors service du CMS (nouveau dépôt en ligne de l'OEB) (JO OEB 2021, A43).

[9] Cf. Décision du Conseil d'administration du 14 décembre 2021 insérant une nouvelle règle 56bis et modifiant la règle 56 et la règle 135 du règlement d'exécution de la Convention sur le brevet européen et modifiant l'article 2 du règlement relatif aux taxes (CA/D 2/21) (JO OEB 2022, A3).

Im Gegensatz zur Bearbeitung normaler Abbuchungsaufträge hat sich an der Bearbeitung automatischer Abbuchungsaufträge im Wesentlichen nichts geändert. Automatische Abbuchungsaufträge werden weiterhin am Ende des maßgebenden Zahlungstags bearbeitet, wie nun der neuen Nummer 4.4 VAA zu entnehmen ist. Die bestehende Reihenfolge für die Bearbeitung automatischer Abbuchungsaufträge in Fällen, in denen mehrere Gebühren für mehrere Anmeldungen automatisch abzubuchen sind, wird in der neuen Nummer 4.5 VAA dargelegt. Fehlbeträge und ihre Auswirkungen auf die Reihenfolge bei der Bearbeitung automatischer Abbuchungsaufträge sind in den geänderten Nummern 6 und 7 VAA geregelt.

Unlike the processing of normal debit orders, the processing of automatic debit orders has in essence remained unchanged. Automatic debit orders will continue to be processed at the end of the day marking the decisive payment date and this has now been specified in a new point 4.4 AAD. At the same time, the existing order of priority for the processing of automatic debit orders in cases where multiple fees for multiple applications are due to be debited automatically has been set out in a new point 4.5 AAD. Shortfalls in funds and their consequences for the order of priority in which automatic debit orders are processed are governed in amended points 6 and 7 AAD.

À la différence du traitement des ordres de débit classiques, le traitement des ordres de prélèvement automatique est pour l'essentiel resté inchangé. Les ordres de prélèvement automatique continueront d'être traités à la fin de la journée qui correspond à la date à laquelle le paiement est réputé effectué, ce qui est désormais précisé dans un nouveau point 4.4. RPA. Par ailleurs, un nouveau point 4.5 RPA expose désormais l'ordre de priorité actuellement appliqué au traitement des ordres de prélèvement automatique dans les cas où plusieurs taxes pour plusieurs demandes doivent être prélevées automatiquement. Les montants restant dus et leurs conséquences sur l'ordre de priorité dans lequel les ordres de prélèvement automatique sont traités sont régis par les points 6 et 7 RPA tels que modifiés.

III. Konsolidierte Fassung mit allen Änderungen seit Oktober 2019

Die VLK und ihre Anhänge wurden konsolidiert, um alle durch verschiedene Beschlüsse des Präsidenten aus den Jahren 2020 und 2021 gesondert geänderten Vorschriften zu integrieren.

Durch den Beschluss des Präsidenten vom 4. Juni 2020 (ABl. EPA 2020, A77)[10] wurden die Nummer 10.3 VAA und der Hinweis "Zu Nr. 10 VAA" in Anhang A.2 geändert, um den Widerruf aller offenen automatischen Abbuchungsaufträge von Amts wegen bei Auflösung des laufenden Kontos zu ermöglichen, die zusätzliche Recherchengebühr nach Regel 40*bis* PCT in Verbindung mit Regel 20.5*bis* PCT bei Berichtigung fälschlicherweise eingereichter Unterlagen vom automatischen Abbuchungsverfahren auszunehmen (Buchstabe k in Nr. 3.2 VAA) und um der Tatsache Rechnung zu tragen, dass die Möglichkeit, auf eine weitere Mitteilung nach Regel 71 (3) EPÜ zu verzichten, abgeschafft wurde.

Durch den Beschluss des Präsidenten vom 18. März 2021 (ABl. EPA 2021, A26) wurden die VLK und ihr Anhang A.1 im Hinblick auf die Einführung der Online-Einreichung 2.0 geändert.

III. Consolidated version with all changes since October 2019

The ADA and their annexes have been consolidated to include all provisions separately amended by the following decisions of the President in 2020 and 2021.

The decision of the President dated 4 June 2020 (OJ EPO 2020, A77)[10] amended points 10.3 AAD and "Re point 10 AAD" in Annex A.2 to allow for ex officio revocation of all pending automatic debit orders when a deposit account is closed, exclude the additional search fee under Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT in the event of correction of an erroneous filing from the automatic debiting procedure (point (k) in point 3.2 AAD) and reflect the abolition of the option to waive the right to a further communication under Rule 71(3) EPC.

The decision of the President dated 18 March 2021 (OJ EPO 2021, A26), amended the ADA and their Annex A.1 to reflect the implementation of Online Filing 2.0.

III. Version consolidée comportant toutes les modifications apportées depuis octobre 2019

Une version consolidée de la RCC et de ses annexes intègre toutes les dispositions modifiées par différentes décisions du Président de l'OEB de 2020 et de 2021, telles qu'énumérées ci-dessous.

La décision du Président de l'OEB, en date du 4 juin 2020 (JO OEB 2020, A77),[10] a modifié le point 10.3 RPA et la rubrique "Concernant le point 10 RPA" de l'annexe A.2 afin de permettre la révocation d'office de tous les ordres de prélèvement automatique en suspens lors de la clôture d'un compte courant, d'exclure de la procédure de prélèvement automatique la taxe de recherche additionnelle au titre de la règle 40bis PCT en liaison avec la règle 20.5bis PCT en cas de correction d'un dépôt erroné (lettre k) du point 3.2 RPA) et de refléter la suppression de la possibilité de renoncer à une nouvelle notification établie au titre de la règle 71(3) CBE.

La décision du Président de l'OEB, en date du 18 mars 2021 (JO OEB 2021, A26), a modifié la RCC et son annexe A.1 afin de refléter le déploiement du dépôt en ligne 2.0.

[10] Siehe Mitteilung des Europäischen Patentamts vom 4. Juni 2020 über Änderungen bei der Gebührenzahlung über das automatische Abbuchungsverfahren (ABl. EPA 2020, A78).

[10] See notice from the European Patent Office dated 4 June 2020 concerning changes to fee payment via the automatic debiting procedure (OJ EPO 2020, A78).

[10] Cf. Communiqué de l'Office européen des brevets, en date du 4 juin 2020, relatif aux modifications apportées au paiement des taxes via la procédure de prélèvement automatique (JO OEB 2020, A78).

Durch den Beschluss des Präsidenten vom 13. Juli 2021 (ABl. EPA 2021, A60) wurden die VLK geändert, um der Einführung der Zentralen Gebührenzahlung Rechnung zu tragen.[11]

Nähere Informationen zu diesen Änderungen sind dem jeweiligen Beschluss in der im Amtsblatt veröffentlichten Fassung zu entnehmen.

IV. Inkrafttreten

Die neue, konsolidierte Fassung tritt am 10. September 2022 in Kraft und ersetzt die Fassung vom 1. Oktober 2019 (Zusatzpublikation 4, ABl. EPA 2019) in der durch die Beschlüsse des Präsidenten des EPA vom 4. Juni 2020 (ABl. EPA 2020, A77), vom 18. März 2021 (ABl. EPA 2021, A26) und vom 13. Juli 2021 (ABl. EPA 2021, A60) geänderten Fassung.

Lastly, the decision of the President dated 13 July 2021 (OJ EPO 2021, A60), amended the ADA to reflect the implementation of CFP.[11]

For more information on these changes, please refer to the relevant decision as published in the Official Journal.

IV. Entry into force

The revised and consolidated texts enter into force on 10 September 2022 and supersede those dated 1 October 2019 (Supplementary publication 4 – OJ EPO 2019) as amended by the decisions of the President of the European Patent Office dated 4 June 2020 (OJ EPO 2020, A77), 18 March 2021 (OJ EPO 2021, A26) and 13 July 2021 (OJ EPO 2021, A60).

Enfin, la décision du Président de l'OEB, en date du 13 juillet 2021 (JO OEB 2021, A60), a modifié la RCC et son annexe A.1 afin de refléter le déploiement du CFP.[11]

Pour en savoir plus sur ces modifications, il convient de se référer aux décisions correspondantes, telles que publiées au Journal officiel.

IV. Entrée en vigueur

Les textes révisés et consolidés, tels que modifiés par les décisions du Président de l'Office européen des brevets en date du 4 juin 2020 (JO OEB 2020, A77), du 18 mars 2021 (JO OEB 2021, A26) et du 13 juillet 2021 (JO OEB 2021, A60), entrent en vigueur le 10 septembre 2022 et remplacent ceux en date du 1er octobre 2019 (Publication supplémentaire 4 - JO OEB 2019).

[11] Siehe Mitteilung des Europäischen Patentamts vom 13. Juli 2021 über die Zentrale Gebührenzahlung (ABl. EPA 2021, A61), die nun durch die Mitteilung des Europäischen Patentamts vom 19 Juli 2022 über die Zentrale Gebührenzahlung aufgehoben wird.

[11] See notice from the European Patent Office dated 13 July 2021 concerning Central Fee Payment (OJ EPO 2021, A61), which is now superseded by notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

[11] Cf. Communiqué de l'Office européen des brevets, en date du 13 juillet 2021, concernant le paiement centralisé des taxes (JO OEB 2021, A61), désormais remplacé par le Communiqué de l'Office européen des brevets, en date du 19 juillet 2022, concernant le paiement centralisé des taxes.

Vorschriften über das laufende Konto (VLK)

INHALT

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1. Allgemeine Bestimmungen

Nach Artikel 5 (2) und 7 (2) der Gebührenordnung (GebO) stellt das EPA interessierten natürlichen oder juristischen Personen sowie Gesellschaften, die nach dem für sie maßgebenden Recht einer juristischen Person gleichgestellt sind, laufende Konten für die Entrichtung der an das EPA zu zahlenden Gebühren zur Verfügung. Die laufenden Konten werden am Sitz des EPA in München ausschließlich in Euro geführt.

Arrangements for deposit accounts (ADA)

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1. General provisions

Under Articles 5(2) and 7(2) of its Rules relating to Fees (RFees), the EPO makes available, for any interested natural or legal person (or bodies equivalent to a legal person under the law applicable to them), deposit accounts for paying fees to the EPO. Deposit accounts are kept in euro only, at EPO headquarters in Munich.

Réglementation applicable aux comptes courants (RCC)

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1. Dispositions générales

En vertu de l'article 5, paragraphe 2, et de l'article 7, paragraphe 2, de son règlement relatif aux taxes (RRT), l'OEB met à la disposition de personnes physiques ou morales ou de sociétés assimilées à des personnes morales en vertu du droit dont elles relèvent, des comptes courants destinés au paiement des taxes à l'OEB. Les comptes courants sont tenus uniquement en euro au siège de l'OEB à Munich.

2. Formvorschriften für die Eröffnung und Auflösung eines laufenden Kontos

2.1 Zur Eröffnung eines laufenden Kontos muss ein Antrag gestellt werden, in dem der künftige Kontoinhaber alle zweckdienlichen Angaben zu seiner Identität, seinem Beruf und seiner Anschrift mitteilt. Zu diesem Zweck ist das Online-Antragsformblatt auszufüllen und abzusenden, das auf der Website des EPA unter **Anmelden eines Patents** -> **Gebühren** -> **Gebührenzahlung und Rückerstattung** verfügbar ist. Der Kontoinhaber muss dem EPA alle Änderungen der Kontaktdaten mitteilen, und zwar ebenfalls mithilfe des Online-Antragsformblatts auf der Website oder alternativ mithilfe des Formblatts, auf das er über seine Kontoübersicht in der Zentralen Gebührenzahlung zugreifen kann. Ebenso kann er mithilfe des Antragsformblatts in der Zentralen Gebührenzahlung ein zusätzliches laufendes Konto eröffnen.

2.2 Das laufende Konto wird aufgelöst, wenn der Kontoinhaber oder seine Rechtsnachfolger einen schriftlichen unterzeichneten Antrag als E-Mail-Anhang an support@epo.org schicken oder ihn zusammen mit dem ausgefüllten Online-Formblatt einreichen, das auf der Website des EPA unter **Anmelden eines Patents** -> **Gebühren** -> **Gebührenzahlung und Rückerstattung** oder in der Kontoübersicht in der Zentralen Gebührenzahlung verfügbar ist. Aus dem schriftlichen Antrag muss hervorgehen, dass der Antragsteller und der Kontoinhaber dieselbe Person sind.

Rechtsnachfolger müssen dem EPA ihre Ansprüche mittels einer Urkunde nachweisen.

2.3 Das EPA behält sich außerdem vor, Konten, bei denen die VLK und insbesondere deren Nummer 6.1 nicht eingehalten werden, von Amts wegen aufzulösen.

2.4 Bei Auflösung des Kontos wird der Guthabensaldo durch Überweisung an den Kontoinhaber oder seine Rechtsnachfolger zurückerstattet, sobald die erforderlichen Kontodaten schriftlich mitgeteilt worden sind.

2. Formalities for opening and closing an account

2.1 A deposit account may be opened at the request of the prospective account holder, who must provide all the necessary particulars about their identity, occupation and address. This is done by completing and submitting the online request form available on the EPO website under **Applying for a patent** -> **Fees** -> **Fee payments and refunds**. Account holders must inform the EPO of any change in their contact details, also using this online request form on the website or, alternatively, the one they can access from their account overview in Central Fee Payment. They can likewise open an additional deposit account using the request form in Central Fee Payment.

2.2 A deposit account may be closed at the signed written request of the deposit account holder or their successors in title, filed by email attachment sent to support@epo.org or submitted together with the completed online form available either on the EPO website under **Applying for a patent** -> **Fees** -> **Fee payments and refunds** or in the account overview in Central Fee Payment. It must be evident from the written request that the requester and the deposit account holder are the same person.

Successors in title must provide the EPO with documentary proof of their entitlement.

2.3 In addition, the EPO reserves the right to close any account which fails to comply with the ADA, especially their point 6.1.

2.4 On closure of the account, the credit balance is refunded by bank transfer to the holder or their successors in title, once the necessary bank account details have been supplied in writing.

2. Formalités d'ouverture et de clôture d'un compte courant

2.1 L'ouverture d'un compte courant est subordonnée au dépôt d'une demande de la personne au nom de laquelle le compte doit être ouvert. Cette personne doit fournir tous les renseignements utiles concernant son identité, sa profession et son adresse. Il convient pour ce faire de remplir et transmettre le formulaire de demande en ligne qui figure sur le site Internet de l'OEB à la rubrique **Demander un brevet** -> **Taxes** -> **Paiements de taxes et remboursements**. Le titulaire du compte courant est tenu d'informer l'OEB de tout changement de coordonnées en utilisant, dans ce cas également, le formulaire de demande en ligne figurant sur le site Internet ou en utilisant le formulaire accessible à partir de l'aperçu de son compte dans le paiement centralisé des taxes. Il peut de même ouvrir un compte courant supplémentaire à l'aide du formulaire de demande dans le paiement centralisé des taxes.

2.2 La clôture d'un compte courant intervient sur demande écrite et signée du titulaire de ce compte ou de ses ayants cause, envoyée sous forme de pièce jointe d'un courrier électronique à l'adresse support@epo.org ou transmise avec le formulaire en ligne complété, disponible soit sur le site Internet de l'OEB à la rubrique **Demander un brevet** -> **Taxes** -> **Paiements de taxes et remboursements**, soit dans l'aperçu du compte dans le paiement centralisé des taxes. Il doit ressortir clairement de la demande écrite que l'auteur de la demande et le titulaire du compte courant sont une seule et même personne.

Les ayants cause doivent fournir à l'OEB des preuves de leur habilitation.

2.3 L'OEB se réserve toutefois le droit de procéder à la clôture d'office de tout compte pour lequel les dispositions de la RCC, en particulier son point 6.1, ne seraient pas respectées.

2.4 En cas de clôture du compte, le solde créditeur est remboursé par exécution d'un virement bancaire au profit du titulaire du compte ou de ses ayants cause, dès que les renseignements nécessaires relatifs au compte bancaire ont été fournis par écrit.

2.5 Ein laufendes Konto kann auf Antrag des ursprünglichen Kontoinhabers durch Auswahl der entsprechenden Option in dem unter Nummer 2.1 erwähnten Online-Antragsformblatt wieder eröffnet werden.

3. Auffüllungen

3.1 Nach Eröffnung des laufenden Kontos wird dem Kontoinhaber die Nummer des Kontos mitgeteilt. Er hat dann eine erste Zahlung zu leisten, die er entsprechend seinen Bedürfnissen und mit Rücksicht darauf bestimmt, in welchen Abständen er das Konto aufzufüllen beabsichtigt, sodass eine ausreichende Deckung des Kontos sichergestellt ist.

3.2 Zahlungen zur Auffüllung des laufenden Kontos haben in Euro auf das Bankkonto des EPA zu erfolgen.[1] Im Verwendungszweck der Überweisung sind folgende Angaben zu machen: "Auffüllung" (oder kurz "Auff") oder "Deposit", gefolgt von der achtstelligen Nummer (beginnend mit 28) des betreffenden laufenden Kontos beim EPA.[2]

3.3 Mit Wirkung des Tages der Gutschrift auf dem Bankkonto des EPA wird der gezahlte Betrag dem laufenden Konto gutgeschrieben.

4. Rückzahlungen vom laufenden Konto

4.1 Rückzahlungen vom laufenden Konto sind aus verschiedenen Gründen möglich, wie z. B. Auflösung des laufenden Kontos oder Beendigung der Tätigkeit als zugelassener Vertreter vor dem EPA.

4.2 Rückzahlungen vom laufenden Konto können nur an den Kontoinhaber erfolgen. Dazu muss ein unterzeichneter begründeter Antrag mit allen für die Überweisung erforderlichen Angaben zur Bankverbindung eingereicht werden. Das EPA kann weitere Nachweise zur Bestätigung verlangen, dass die die Rückzahlung beantragende Person bevollmächtigt ist, im Namen des Kontoinhabers zu handeln, und dass das angegebene Bankkonto dem Inhaber des laufenden Kontos gehört.

[1] Das nachfolgende Konto bei der Commerzbank in Deutschland steht für Einzahlungen und Überweisungen zur Verfügung:
Nr. 3 338 800 00 (BLZ 700 800 00),
IBAN DE20 7008 0000 0333 8800 00,
BIC DRESDEFF700, Commerzbank AG,
Leopoldstraße 230, 80807 München,
Deutschland.

[2] Beispiele: "Auffüllung 28XXXXXX", "Auff 28XXXXXX" oder "Deposit 28XXXXXX".

2.5 A deposit account can be reopened at the request of the original account holder, made by selecting the appropriate option in the online request form referred to in point 2.1.

3. Replenishments

3.1 Once the deposit account has been opened, its number is communicated to the holder, who must then make an initial payment commensurate with their requirements and the intended frequency of replenishment, so as to ensure that there are sufficient funds in the account.

3.2 Payments to replenish deposit accounts must be made in euro into the EPO bank account.[1] The payment must include the following information in the reference field of the bank transfer: "replenishment" (or "repl" for short) or "deposit", followed by the eight-digit number (starting with 28) of the EPO deposit account concerned.[2]

3.3 Replenishments are credited to the deposit account on the date on which the payment is actually entered in the EPO bank account.

4. Repayments of deposit account balances

4.1 Repayments of deposit account balances are possible for various reasons, e.g. closure of the deposit account or ceasing to work as a European patent attorney.

4.2 Such repayments can only be made to the deposit account holder. For this purpose, a signed substantiated request containing all bank details necessary for the transfer must be filed. The EPO may request further evidence to confirm that the person requesting repayment is authorised to act on behalf of the deposit account holder and that the bank account provided belongs to the deposit account holder.

[1] The following account with the Commerzbank in Germany is available for payments and transfers:
Nr. 3 338 800 00 (BLZ 700 800 00),
IBAN DE20 7008 0000 0333 8800 00,
BIC DRESDEFF700, Commerzbank AG,
Leopoldstrasse 230, 80807 München, Germany.

[2] E.g. "replenishment 28XXXXXX", "repl 28XXXXXX" or "deposit 28XXXXXX".

2.5 Un compte courant peut être rouvert à la demande de la personne qui en était titulaire à l'origine. Il convient à cette fin de cocher la case correspondante sur le formulaire de demande en ligne mentionné au point 2.1.

3. Approvisionnements

3.1 Dès qu'un compte courant est ouvert, son numéro est notifié au titulaire, qui doit ensuite verser une provision initiale en fonction de ses besoins et du calendrier de réapprovisionnement de compte qu'il envisage de suivre, afin de garantir l'approvisionnement suffisant du compte.

3.2 Les versements destinés à approvisionner le compte courant doivent être effectués en euro sur le compte bancaire de l'OEB.[1] Ils doivent être accompagnés des informations suivantes dans le champ de référence du virement bancaire : la mention "approvisionnement" (ou l'abréviation "appro") ou "dépôt", suivie du numéro à huit chiffres (commençant par 28) du compte courant concerné de l'OEB.[2]

3.3 Le montant du versement est inscrit au crédit du compte courant avec effet à compter du jour du versement effectif sur le compte bancaire de l'OEB.

4. Remboursements de soldes de comptes courants

4.1 Le solde d'un compte courant peut être remboursé pour diverses raisons, comme la clôture du compte courant ou la cessation d'activité en tant que mandataire en brevets européens.

4.2 Le solde d'un compte courant ne peut être remboursé qu'au titulaire de ce compte. Une requête motivée et signée contenant tous les renseignements bancaires nécessaires au virement doit être présentée à cette fin. L'OEB peut demander des preuves supplémentaires pour confirmer que la personne requérant le remboursement est habilitée à agir pour le compte du titulaire du compte courant et que le compte bancaire indiqué appartient au titulaire du compte courant.

[1] Le compte suivant, ouvert auprès de la Commerzbank en Allemagne, peut être utilisé pour les versements et les virements :
N° 3 338 800 00 (code banque 700 800 00),
IBAN DE20 7008 0000 0333 8800 00, BIC DRESDEFF700, Commerzbank AG,
Leopoldstrasse 230, 80807 Munich, Allemagne.

[2] P. ex. "approvisionnement 28XXXXXX", "appro 28XXXXXX" ou "dépôt 28XXXXXX".

5. Überweisungen zwischen laufenden Konten

5.1 Überweisungen zwischen laufenden Konten beim EPA sind nur möglich, wenn der Kontoinhaber dieselbe juristische oder natürliche Person ist. Dazu muss er dem EPA einen unterzeichneten Antrag vorlegen. Das EPA kann weitere Nachweise zur Bestätigung der Identität des Kontoinhabers verlangen.

5.2 Anträge gemäß den Nummern 4.2 und 5.1 sind zu stellen, indem sie als E-Mail-Anhang an support@epo.org geschickt werden oder indem sie zusammen mit dem ausgefüllten Online-Kontaktformular auf der Website des EPA unter *forms.epo.org/service-support/contact-us/contact0-form_de.html* eingereicht werden.[3]

6. Funktionieren des laufenden Kontos

6.1 Der Kontoinhaber hat dafür zu sorgen, dass auf dem Konto stets eine ausreichende Deckung vorhanden ist.

6.2 Über die Zentrale Gebührenzahlung können Kontoinhaber ihre offenen automatischen und Einzelabbuchungsaufträge sowie die Kontobewegungen einsehen, Kontoauszüge erstellen und den Kontostand überwachen.[4] Darüber hinaus erhält der Kontoinhaber nach Abschluss des Geschäftsjahres per Post eine Saldenbestätigung mit dem Abschlusssaldo des laufenden Kontos. Werden Fehler festgestellt, so muss der Kontoinhaber dies dem EPA unverzüglich mitteilen. Das EPA überprüft diese Angaben und nimmt erforderliche Korrekturen rückwirkend zum ursprünglichen maßgebenden Zahlungstag vor.

[3] Unter "Anliegen" und "Betreff" wählen Sie bitte im jeweiligen Auswahlmenü "Gebührenzahlung und Rückerstattung" und "Laufendes Konto" aus.

[4] Näheres siehe EPA-Website unter **Anmelden eines Patents** -> **Online-Dienste** -> **Gebühren zahlen und Gebührenrückerstattung einlösen** -> **Nutzung der Zentralen Gebührenzahlung** oder Mitteilung des EPA vom 19. Juli 2022 über die Zentrale Gebührenzahlung.

5. Transfers between deposit accounts

5.1 Transfers between deposit accounts held at the EPO are possible only if the deposit account holder is the same legal entity or natural person. For this purpose, the deposit account holder must submit a signed request to the EPO. The EPO may request further evidence to confirm the account holder's identity.

5.2 The requests under points 4.2 and 5.1 must be filed by email attachment sent to support@epo.org, or by submission together with the completed online contact form available on the EPO website at *forms.epo.org/service-support/contact-us/contact0-form.html.*[3]

6. Conditions of operating the account

6.1 The account holder must ensure that the account contains sufficient funds at all times.

6.2 Account holders can inspect their pending single and automatic debit orders and transactions performed, create their statements and monitor their account balances via Central Fee Payment.[4] Additionally, once the financial year has closed, a balance confirmation stating the year-end balance of the deposit account is sent by post to the deposit account holder. Any errors noted must be notified to the EPO without delay. The EPO checks this information and makes any corrections necessary, retroactively to the original decisive payment date.

[3] Under "Topic" and "Subject", please select "Fee payment and refund" and "Deposit account" from the respective drop-down menus.

[4] For details, see **Applying for a patent** -> **Online services** -> **Pay fees and claim refunds** -> **Using Central Fee Payment** on the EPO website or notice from the EPO dated 19 July 2022 concerning Central Fee Payment.

5. Virements entre comptes courants

5.1 Il n'est possible d'effectuer des virements entre comptes courants ouverts auprès de l'OEB que si les comptes en question sont détenus par une seule et même personne physique ou morale. À cette fin, le titulaire des comptes courants concernés doit envoyer une demande signée à l'OEB. L'OEB peut demander des preuves supplémentaires pour confirmer l'identité du titulaire des comptes courants concernés.

5.2 Les requêtes et les demandes visées respectivement au point 4.2 et au point 5.1 doivent être présentées sous forme de pièce jointe d'un courrier électronique adressé à support@epo.org, ou transmises avec le formulaire en ligne de contact complété, disponible sur le site Internet de l'OEB à l'adresse *forms.epo.org/service-support/contact-us/contact0-form_fr.html*[3].

6. Conditions de fonctionnement du compte courant

6.1 Il appartient au titulaire du compte de prendre en temps utile toutes les dispositions nécessaires pour que le compte soit en permanence suffisamment approvisionné.

6.2 Les titulaires de compte peuvent consulter leurs ordres de débit uniques et leurs ordres de prélèvement automatique en suspens, ainsi que les opérations effectuées, créer leurs extraits de compte et suivre le solde de leur compte au moyen du paiement centralisé des taxes.[4] De plus, après la clôture de l'exercice, ils reçoivent par courrier une confirmation de solde indiquant le solde de fin d'année du compte courant. Toute erreur doit être immédiatement communiquée à l'OEB. L'OEB procède aux vérifications nécessaires et effectue, le cas échéant, une contre-passation d'écritures avec effet à la date à laquelle le paiement avait initialement été réputé effectué.

[3] Dans les rubriques "Demande" et "Thème", veuillez sélectionner "Paiement des taxes et remboursement" et "Compte courant" dans les menus déroulants.

[4] Pour plus de précisions, consulter, sur le site Internet de l'OEB, la rubrique **Demander un brevet** -> **Services en ligne** -> **Payer des taxes et demander un remboursement** -> **Paiement centralisé des taxes** ou le communiqué de l'OEB, en date du 19 juillet 2022, concernant le paiement centralisé des taxes.

6.3 Ein laufendes Konto, dessen Saldo gleich Null ist und für das in den vergangenen vier Jahren keine Kontobewegungen verzeichnet wurden, wird von Amts wegen aufgelöst.

Ein laufendes Konto, das einen positiven Saldo aufweist und für das in den vergangenen vier Jahren keine Kontobewegungen verzeichnet wurden, wird von Amts wegen in den Status "inaktiv" versetzt.

7. Belastung des laufenden Kontos

Das laufende Konto kann vorbehaltlich der Nummer 16 nur mit Beträgen für Gebühren belastet werden, die in Verbindung mit europäischen und PCT-Verfahren an das EPA zu entrichten sind.

7.1 Arten von Abbuchungsaufträgen und zulässige Wege der Einreichung

7.1.1 Die Belastung des laufenden Kontos erfolgt ausschließlich auf der Grundlage eines vom Kontoinhaber oder vom bevollmächtigten Vertreter unterzeichneten elektronischen Abbuchungsauftrags. Die Unterschrift kann mittels alphanumerischer Signatur, Faksimile-Signatur sowie unter Verwendung einer fortgeschrittenen elektronischen Signatur[5] erfolgen oder, wenn die Zahlung über die Zentrale Gebührenzahlung erfolgt, durch Authentifizierung per Smartcard.

Beim Abbuchungsauftrag kann es sich handeln um:

– einen Abbuchungsauftrag für einzelne Gebühren für eine oder mehrere Patentanmeldungen, d. h. einen Einzel- oder einen Sammelabbuchungsauftrag, oder

– einen automatischen Abbuchungsauftrag[6] für eine oder mehrere Patentanmeldungen, mit dem das EPA zur automatischen Abbuchung von anfallenden Verfahrensgebühren ermächtigt wird.

[5] Näheres siehe Beschluss des Präsidenten vom 14. Mai 2021 über die elektronische Einreichung von Unterlagen (ABl. EPA 2021, A42).

[6] Siehe Nummer 14 VLK, die Vorschriften über das automatische Abbuchungsverfahren (Anhang A.1 in dieser Zusatzpublikation) und die Hinweise des EPA zum automatischen Abbuchungsverfahren (Anhang A.2, a. a. O.).

6.3 A deposit account showing a zero balance with no transactions recorded in the last four years will be closed *ex officio* by the EPO.

A deposit account showing a positive balance with no transactions recorded in the last four years will be set *ex officio* to inactive by the EPO.

7. Debiting the account

Subject to point 16, deposit accounts may be debited only in respect of fees payable to the EPO in connection with European and PCT proceedings.

7.1 Types of debit orders and accepted means of filing

7.1.1 Debiting occurs only on the basis of an electronic debit order signed by the account holder or the authorised representative. The signature may take the form of a text string signature, a facsimile signature, an enhanced electronic signature,[5] or authentication with smart card if payment is made via Central Fee Payment.

The debit order may be

– a debit order for individual fees for one or more patent applications, i.e. a single or a batch debit order, or

– an automatic debit order[6] for one or more patent applications, authorising the EPO to debit fees automatically as the proceedings progress.

[5] For further details, see decision of the President dated 14 May 2021 concerning the electronic filing of documents, OJ EPO 2021, A42.

[6] See point 14 ADA, the Arrangements for automatic debiting (Annex A.1 in this supplementary publication) and the information from the EPO concerning the automatic debiting procedure (Annex A.2, loc. cit.).

6.3 L'OEB clôture d'office un compte courant dont le solde est nul et pour lequel aucune opération n'a été effectuée au cours des quatre dernières années.

L'OEB déclare d'office inactif un compte courant dont le solde est positif et pour lequel aucune opération n'a été effectuée au cours des quatre dernières années.

7. Débit du compte courant

Sous réserve des dispositions du point 16, les opérations de débit du compte courant ne peuvent se rapporter qu'aux taxes dues à l'OEB au titre de procédures européennes et PCT.

7.1 Types d'ordres de débit et moyens de dépôt autorisés

7.1.1 Le débit d'un compte courant a uniquement lieu sur la base d'un ordre de débit électronique signé par le titulaire du compte ou le mandataire habilité. La signature peut revêtir la forme d'une signature alphanumérique ("text string signature"), d'une image en fac-similé ("facsimile signature") ou d'une signature électronique avancée ("enhanced electronic signature")[5]. Une authentification par carte à puce peut également faire office de signature si le paiement est effectué au moyen du paiement centralisé des taxes.

Il existe différents types d'ordres de débit, à savoir :

– les ordres de débit portant sur le versement de taxes individuelles pour une seule demande de brevet (ordre unique de débit) ou plusieurs demandes de brevet (ordre collectif de débit), ou

– les ordres de prélèvement automatique[6] pour une ou plusieurs demandes de brevet, autorisant l'OEB à prélever automatiquement les taxes au fur et à mesure du déroulement de la procédure.

[5] Pour plus de détails, voir la Décision du Président de l'OEB, en date du 14 mai 2021, relative au dépôt électronique de documents (JO OEB 2021, A42).

[6] Voir le point 14 RCC, la réglementation relative à la procédure de prélèvement automatique (Annexe A.1 de la présente publication supplémentaire) et l'avis de l'OEB concernant la procédure de prélèvement automatique (Annexe A.2, loc. cit.).

7.1.2 Der Abbuchungsauftrag ist in einem elektronisch verarbeitbaren Format (XML) auf einem der folgenden Wege einzureichen:

– über die Online-Einreichung des EPA mit den Formblättern EPA 1001E, 1200E, 2300E oder 1038E oder die Online-Einreichung 2.0 mit den Formblättern EPA 1001E, 1200E oder 1038E;

– über die Online-Einreichung des EPA oder ePCT unter Nutzung der Funktion der PCT-Gebührenberechnung und -zahlung oder die Online-Einreichung 2.0 unter Nutzung der Funktion der PCT-Gebührenberechnung und -zahlung[7] mit den Formblättern PCT/RO/101 und PCT/IPEA/401;

– Zentrale Gebührenzahlung.

7.1.3 Abbuchungsaufträge, die auf anderem Weg, z. B. auf Papier, per Fax, über die Web-Einreichung des EPA oder in einem anderen Format, etwa als PDF-Anhang oder über das Anmerkungsfeld der Online-Formblätter eingereicht werden, sind ungültig und werden daher nicht ausgeführt. Die Rechtsfolge der Einreichung eines ungültigen Abbuchungsauftrags ist unter Nummer 10.3 dargelegt.

7.2 Bearbeitung von Abbuchungsaufträgen

7.2.1 In der Regel bearbeitet das EPA Abbuchungsaufträge sofort nach Eingang, sofern auf dem Konto eine ausreichende Deckung vorhanden ist. Gemäß Nummer 4.4 VAA werden automatische Abbuchungsaufträge am Ende des Tages bearbeitet, der den maßgebenden Zahlungstag darstellt.

7.2.2 Inhaber laufender Konten sollten dafür sorgen, dass ihr Konto stets für sämtliche eingereichten Abbuchungsaufträge ausreichend gedeckt ist.

7.3 Reihenfolge der Bearbeitung von Abbuchungsaufträgen

Abbuchungsaufträge für Zahlungen für mehrere Anmeldungen werden in aufsteigender Reihenfolge der Anmeldenummern bearbeitet ("PCT" vor "EP"). Bei Euro-PCT-Anmeldungen ist die EP-Nummer ausschlaggebend.

[7] Alle Gebührenzahlungen für das PCT-Verfahren im EPA können über das Plug-in PCT-SFD der Online-Einreichung oder der Online-Einreichung 2.0 eingegeben werden.

7.1.2 The debit order must be filed in an electronically processable format (xml) via one of the following:

– EPO Online Filing using EPO Forms 1001E, 1200E, 2300E or 1038E, or Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E;

– EPO Online Filing or ePCT using the PCT fee calculation and payment feature, or Online Filing 2.0 using the PCT fee calculator and payment feature[7] with Forms PCT/RO/101 and PCT/IPEA/401;

– Central Fee Payment.

7.1.3 Debit orders submitted in any other way, e.g. on paper, by fax, via the EPO web-form filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be carried out. The legal consequence of filing an invalid debit order is laid down in point 10.3.

7.2 Processing of debit orders

7.2.1 As a rule, the EPO processes debit orders immediately upon their receipt, provided there are sufficient funds in the deposit account. Automatic debit orders are processed at the end of the day marking the decisive payment date in accordance with point 4.4 AAD.

7.2.2 Deposit account holders should ensure that their account always contains sufficient funds to cover all debit orders submitted.

7.3 Order of priority for processing debit orders

Debit orders for payments for multiple applications are processed in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number.

[7] The payment of all fees related to PCT proceedings at the EPO may be indicated via the PCT-SFD plug-in in Online Filing and Online Filing 2.0.

7.1.2 L'ordre de débit doit être déposé dans un format permettant un traitement électronique (XML), en utilisant l'un des moyens suivants :

– dépôt en ligne de l'OEB, à l'aide des formulaires OEB 1001E, 1200E, 2300E ou 1038E, ou dépôt en ligne 2.0, à l'aide des formulaires OEB 1001E, 1200E ou 1038E ;

– dépôt en ligne de l'OEB ou ePCT avec la fonction de calcul et de paiement des taxes au titre du PCT, ou dépôt en ligne 2.0 avec la fonction de calcul et de paiement des taxes au titre du PCT[7] à l'aide des formulaires PCT/RO/101 et PCT/IPEA/401 ;

– paiement centralisé des taxes.

7.1.3 Les ordres de débit déposés d'une autre manière, par exemple sur papier, par télécopie, au moyen du service de dépôt par formulaire en ligne de l'OEB, ou dans un autre format, par exemple en tant que pièce jointe au format PDF, ou en utilisant le champ d'annotation dans les formulaires en ligne, ne sont pas valables et ne seront donc pas exécutés. Voir le point 10.3 pour la conséquence juridique qui découle du dépôt d'un ordre de débit non valable.

7.2 Traitement des ordres de débit

7.2.1 En règle générale, l'OEB traite les ordres de débit immédiatement au moment de leur réception, sous réserve que le compte courant soit suffisamment approvisionné. Les ordres de prélèvement automatique sont traités à la fin de la journée qui correspond à la date à laquelle le paiement est réputé effectué conformément au point 4.4 RPA.

7.2.2 Les titulaires d'un compte courant doivent veiller à ce que le compte soit toujours suffisamment approvisionné pour tous les ordres de débit donnés.

7.3 Ordre de priorité du traitement des ordres de débit

Les ordres de débit pour des paiements afférents à plusieurs demandes sont traités dans l'ordre croissant des numéros de dépôt ("PCT" avant "EP"). Concernant les demandes euro-PCT, le numéro pertinent est le numéro EP.

[7] Le paiement de toutes les taxes relatives aux procédures PCT à l'OEB peut être indiqué à l'aide du plugiciel PCT-SFD dans le cadre du dépôt en ligne et du dépôt en ligne 2.0.

Einzelne Gebühren werden in der folgenden Reihenfolge abgebucht, solange auf dem Konto eine ausreichende Deckung vorhanden ist:

a) Beschwerdegebühr (011)

b) Einspruchsgebühr (010)

c) alle anderen Gebühren in aufsteigender Reihenfolge ihrer Gebührencodes[8].

7.4 Fehlbetrag

7.4.1 Reicht das Guthaben des laufenden Kontos am Tag des Eingangs eines Abbuchungsauftrags bzw. an einem gemäß Nummer 10.2 angegebenen späteren Ausführungstermin nicht für alle Gebühren aus, die für eine Anmeldung angegeben sind (Fehlbetrag), wird kein weiterer Abbuchungsauftrag bearbeitet, bis das Konto entsprechend aufgefüllt ist. Der Kontoinhaber wird per E-Mail oder Post entsprechend unterrichtet.

7.4.2 Nach der Auffüllung des laufenden Kontos bearbeitet das EPA alle noch ausstehenden Abbuchungsaufträge in der Reihenfolge des maßgebenden Zahlungstags, des Eingangs oder des gemäß Nummer 10.2 angegebenen späteren Ausführungstermins und in der folgenden Reihenfolge:

a) automatische Abbuchungsaufträge,

b) alle weiteren Abbuchungsaufträge.

Vorbehaltlich dessen werden Abbuchungsaufträge in Einklang mit Nummer 7.3 verbucht.

7.4.3 Ausstehende Zahlungen gelten als an dem Tag erfolgt, an dem das laufende Konto entsprechend aufgefüllt worden ist.

[8] Siehe die Beschreibung der Gebührencodes laut Verzeichnis der Gebühren und Auslagen in der ab 1. April 2022 geltenden Fassung (ABl. EPA 2022, Zusatzpublikation 2). Da die Zusatzgebühr für europäische Patentanmeldungen mit mehr als 35 Seiten (Gebührencode 501 oder 520) Teil der Anmeldegebühr ist, wird sie zusammen mit dieser abgebucht.

Individual fees are booked in the following order of priority, for as long as sufficient funds are available:

(a) appeal fee (011)

(b) opposition fee (010)

(c) all other fees in ascending order of their fee codes.[8]

7.4 Insufficient funds (shortfall)

7.4.1 If, on the date of receipt of the debit order or on any later date of execution specified under point 10.2, the account does not contain sufficient funds to cover all the fees indicated for an application (shortfall), no other debit order is booked until the account is adequately replenished. The account holder is informed accordingly by email or post.

7.4.2 Once the deposit account is replenished, the EPO processes any pending debit orders in the order of their decisive payment date, their date of receipt or their later date of execution specified under point 10.2 and in the following order of priority:

(a) automatic debit orders,

(b) any other debit orders.

Subject to this, debit orders are booked in accordance with point 7.3.

7.4.3 Outstanding payments are considered to have been made on the date on which the deposit account is duly replenished.

[8] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

Les taxes individuelles sont prélevées selon l'ordre de priorité suivant, tant que le compte est suffisamment approvisionné :

a) taxe de recours (011)

b) taxe d'opposition (010)

c) toutes les autres taxes dans l'ordre croissant de leurs codes de taxe.[8]

7.4 Montant restant dû

7.4.1 Si, à la date de réception de l'ordre de débit ou à toute date ultérieure d'exécution demandée conformément au point 10.2, le crédit du compte courant ne suffit pas à couvrir toutes les taxes indiquées pour une demande (montant restant dû), aucun autre ordre de débit n'est exécuté tant que le compte n'est pas dûment approvisionné. Le titulaire du compte en est informé par courrier électronique ou par voie postale.

7.4.2 Une fois que le compte courant a été approvisionné, l'OEB traite les ordres de débit en suspens dans l'ordre de la date à laquelle le paiement est réputé effectué, de leur date de réception ou de leur date ultérieure d'exécution demandée conformément au point 10.2, et dans l'ordre de priorité suivant :

a) ordres de prélèvement automatique,

b) autres ordres de débit.

Sous réserve de ce qui précède, les ordres de débit sont exécutés conformément au point 7.3.

7.4.3 Les paiements restant dus sont réputés effectués à la date à laquelle le compte courant est dûment approvisionné.

[8] Voir la description des codes de taxe publiée dans le barème des taxes et redevances applicable à compter du 1er avril 2022 (JO OEB 2022, publication supplémentaire 2). Comme la taxe additionnelle due pour une demande de brevet européen comportant plus de 35 pages (codes de taxes 501 et 520) fait partie de la taxe de dépôt, elle est prélevée avec la taxe de dépôt.

7.5 Sicherheitsmechanismus für Auffüllungen von laufenden Konten

7.5.1 Gilt eine Zahlung gemäß Nummer 7.4.3 erst nach Ablauf der Frist als erfolgt, innerhalb derer sie hätte erfolgen müssen, so geht das EPA davon aus, dass die Frist eingehalten wurde, wenn innerhalb einer vom EPA festzulegenden Frist nachgewiesen wird, dass

a) eine Überweisung im einheitlichen Euro-Zahlungsverkehrsraum (SEPA) zur entsprechenden Auffüllung des laufenden Kontos mindestens einen Tag vor Ablauf der Frist zur Entrichtung der Gebühr veranlasst wurde;

b) eine SEPA-Echtzeitüberweisung zur entsprechenden Auffüllung des laufenden Kontos spätestens am letzten Tag der Frist zur Entrichtung der Gebühr veranlasst wurde;

c) eine andere Art von Überweisung zur entsprechenden Auffüllung des laufenden Kontos bei einem Bankinstitut in einem EPÜ-Vertragsstaat, der nicht am SEPA-Verfahren teilnimmt[9], mindestens drei Tage vor Ablauf der Frist zur Entrichtung der Gebühr veranlasst wurde.

7.5.2 Wird kein Nachweis vorgelegt oder ist der Nachweis ungenügend, so gilt die Frist zur Entrichtung der Gebühr als versäumt. Der Verfahrensbeteiligte[10] kann dann eines der nach dem EPÜ oder dem PCT zur Verfügung stehenden Rechtsmittel nutzen.

8. Annullierung von Abbuchungsaufträgen von Amts wegen

8.1 Abbuchungsaufträge, die zwei Monate nach dem Tag ihres Eingangs oder nach dem gemäß Nummer 10.2 angegebenen Tag noch anhängig sind, werden vom EPA nicht ausgeführt, wenn bei Ablauf dieser Frist eine der nachfolgenden Bedingungen erfüllt ist:

a) die im Abbuchungsauftrag angegebene Gebühr wurde über einen anderen Zahlungsweg entrichtet,

b) die Patentanmeldung, für die der betreffende Abbuchungsauftrag erteilt wurde, gilt als endgültig abgeschlossen im Sinne von Nummer 9.2.

[9] Zum Zeitpunkt des Inkrafttretens: Albanien, Serbien und die Türkei.

[10] Ein Verfahrensbeteiligter kann z. B. der Anmelder, der Einsprechende, der Beschwerdeführer oder, falls der Verfahrensbeteiligte vertreten wird, der internationale oder europäische Vertreter sein.

7.5 Safety-net provision for replenishments of deposit accounts

7.5.1 Where a payment is considered under point 7.4.3 to have been made only after expiry of a period in which it should have been made, the EPO will deem that period to have been observed if evidence is provided within a period to be specified by it that

(a) a SEPA ("Single European Payment Area") Credit Transfer for adequate replenishment of the deposit account was ordered at least one day before expiry of the period for paying the fee;

(b) a SEPA Instant Credit Transfer for adequate replenishment of the deposit account was ordered at the latest on the last day of the period for paying the fee;

(c) any other type of order for adequate replenishment of the deposit account was given to a banking establishment located in an EPC contracting state not participating in the SEPA[9] at least three days before expiry of the period for paying the fee.

7.5.2 If no evidence is provided or if the evidence is insufficient, the period for paying the fee will be deemed not to have been observed. The party to the proceedings[10] may then make use of any of the legal remedies available under the EPC or the PCT.

8. Ex-officio cancellation of debit orders

8.1 Debit orders still pending two months after the date of receipt or after the date specified under point 10.2 will not be executed by the EPO, if, on expiry of this period, any of the following conditions is met:

(a) the fee specified in the debit order was paid by another means of payment

(b) the patent application for which the debit order concerned was received is considered definitively closed within the meaning of point 9.2.

[9] As at the date of entry of force: Albania, Serbia and Turkey.

[10] A party to the proceedings may be e.g. an applicant, opponent, appellant or, if the party is represented, its international agent or European representative.

7.5 Filet de sécurité pour les réapprovisionnements des comptes courants

7.5.1 Lorsqu'un paiement est considéré, en vertu du point 7.4.3, comme n'ayant été effectué qu'après l'expiration d'un délai dans lequel il aurait dû être effectué, l'OEB considère ce délai comme ayant été observé si, dans un délai qu'il impartit, la preuve est apportée :

a) qu'un virement SEPA ("espace unique de paiement en euros") visant à réapprovisionner suffisamment le compte courant a été ordonné au moins un jour avant l'expiration du délai de paiement de la taxe concernée ;

b) qu'un virement SEPA instantané visant à réapprovisionner suffisamment le compte courant a été ordonné au plus tard le dernier jour du délai de paiement de la taxe concernée ;

c) que tout autre type d'ordre visant à réapprovisionner suffisamment le compte courant a été donné à un établissement bancaire situé dans un État partie à la CBE qui n'appartient pas au SEPA[9] au moins trois jours avant l'expiration du délai de paiement de la taxe concernée.

7.5.2 Si aucune preuve n'est apportée ou si la preuve apportée est insuffisante, le délai de paiement de la taxe sera réputé ne pas avoir été observé. La partie à la procédure[10] pourra alors faire usage des voies de droit prévues par la CBE ou le PCT.

8. Annulation d'office d'ordres de débit

8.1 Les ordres de débit qui sont encore en suspens deux mois après leur date de réception ou après la date demandée conformément au point 10.2 ne sont pas exécutés par l'OEB si, à l'expiration de ce délai, l'une des conditions suivantes est remplie :

a) la taxe indiquée dans l'ordre de débit a été acquittée par un autre mode de paiement ;

b) la demande de brevet pour laquelle l'ordre de débit concerné a été reçu est considérée comme définitivement close au sens du point 9.2.

[9] À la date d'entrée en vigueur de la version révisée de la RCC : l'Albanie, la Serbie et la Turquie.

[10] Le terme de "partie à la procédure" désigne par exemple un demandeur, un opposant, un requérant ou, si la partie est représentée, son mandataire international ou européen.

8.2 Diese Abbuchungsaufträge werden in der Zentralen Gebührenzahlung aus der Liste der offenen Abbuchungsaufträge gelöscht.

8.2 Such debit orders will be removed from the list of pending orders in Central Fee Payment.

8.2 De tels ordres de débit sont supprimés de la liste des ordres en suspens dans le paiement centralisé des taxes.

9. Validierung und Zurückweisung von Zahlungen bei der Zentralen Gebührenzahlung

9.1 In einem Sammel- oder Einzelabbuchungsauftrag enthaltene Aufträge betreffend

a) die Zahlung von Jahresgebühren für endgültig abgeschlossene europäische Patentanmeldungen oder erteilte Patente,

b) die Zahlung von Jahresgebühren vor dem frühestmöglichen wirksamen Zahlungstag nach Regel 51 (1) EPÜ,

c) die doppelte Zahlung von Gebühren mit Ausnahme der in Anhang A.3 zu den VLK genannten oder

d) die Zahlung von Gebühren für einen Rechtsübergang in Bezug auf endgültig abgeschlossene europäische Patentanmeldungen

werden automatisch zurückgewiesen.

9.2 Für die oben genannten Zwecke gilt eine europäische Patentanmeldung als endgültig abgeschlossen, wenn die Anmeldung zurückgenommen wird oder wenn der Rechtsverlust oder die Zurückweisung der Anmeldung rechtskräftig geworden ist, d. h. insbesondere wenn

a) die Anmeldung als zurückgenommen gilt oder zurückgewiesen wird und kein Rechtsmittel eingelegt wurde, mit Ausnahme eines Antrags auf Wiedereinsetzung in den vorigen Stand,

b) die Entscheidung über das Rechtsmittel negativ ist und keine Beschwerde eingelegt wurde oder

c) die Entscheidung über die Beschwerde negativ ist oder die Beschwerde zurückgenommen wird.

9.3 Nach der Validierung wird vom System eine Mitteilung generiert, dass der Abbuchungsauftrag nicht ausgeführt werden konnte; gespeichert wird diese Mitteilung in **Zurückgewiesene Zahlungen** unter **Gebührenzahlung** oder unter **Verwaltung des laufenden Kontos** -> **Zurückweisungen**. Die Bestätigung der Zurückweisung wird außerdem in den öffentlichen Teil der elektronischen Akte des EPA aufgenommen.

9. Validation and rejection of payments in Central Fee Payment

9.1 Debit orders included in batch or individual debit orders that relate to:

(a) the payment of renewal fees for definitively closed European patent applications or granted patents

(b) the payment of renewal fees made before the earliest valid payment date under Rule 51(1) EPC

(c) double-payment of fees except those listed in Annex A.3 to the ADA

(d) the payment of fees for transfer of rights for definitively closed European patent applications

will be automatically rejected.

9.2 For the above purposes, a European patent application is considered to be definitively closed if the application is withdrawn or if the loss of rights or the refusal of the application has become final, i.e. in particular if

(a) the application is deemed to be withdrawn or refused and no means of redress, except a request for re-establishment of rights, has been filed,

(b) the decision on the means of redress is negative and no appeal has been filed, or

(c) the decision on the appeal is negative or the appeal is withdrawn.

9.3 A message confirming that the debit order could not be carried out is generated by the system after validation and stored in the **Rejected fee payment history** under **Fees** or under **Deposit account management** -> **Rejections**. The confirmation of rejection is also uploaded to the public part of the EPO's electronic file.

9. Validation et rejet des paiements dans le paiement centralisé des taxes

9.1 Les ordres de débit qui sont inclus dans des ordres collectifs ou uniques de débit et qui ont pour objet :

a) le paiement de taxes annuelles afférentes à des demandes de brevet européen définitivement closes ou à des brevets européens délivrés ;

b) le paiement de taxes annuelles effectué avant la première date de paiement valable en vertu de la règle 51(1) CBE ;

c) le double paiement de taxes, à l'exception de celles énumérées dans l'Annexe A.3 à la RCC ;

d) le paiement de taxes de transfert de droits afférentes à des demandes de brevet européen définitivement closes ;

seront automatiquement rejetés.

9.2 Une demande de brevet européen est considérée aux fins précitées comme définitivement close si la demande est retirée ou si la perte de droits ou le rejet de la demande est définitif, notamment :

a) si la demande est réputée retirée ou est rejetée et qu'il n'a été présenté aucun moyen de recours, hormis une requête en restitutio in integrum,

b) si la décision concernant le moyen de recours est négative et qu'aucun recours n'a été formé, ou

c) si la décision concernant le recours est négative ou si le recours est retiré.

9.3 Un message confirmant que l'ordre de débit n'a pu être exécuté est généré par le système après validation et enregistré dans l'**Historique des paiements de taxes rejetés** sous **Taxes** ou sous **Gestion des comptes courants** -> **Rejets**. La confirmation du rejet est également chargée dans la partie publique du dossier électronique de l'OEB.

10. Zahlungstag

10.1 Sofern am Eingangstag des Abbuchungsauftrags beim EPA eine ausreichende Deckung auf dem Konto vorhanden ist, gilt die Zahlung als an diesem Tag erfolgt.

10.2 Im Abbuchungsauftrag kann angegeben werden, dass ein Zahlungsauftrag zu einem späteren Termin als dem Eingangstag ausgeführt werden soll. In diesem Fall gilt die Zahlung als am angegebenen Ausführungstermin erfolgt. Zahlungsaufträge mit späterem Ausführungstermin können bis zu 40 Tage nach dem Eingangstag ausgeführt werden.

10.3 Wird ein Abbuchungsauftrag auf einem nicht zulässigen Einreichungsweg oder in einem ungültigen Format eingereicht, so gilt der Eingangstag nicht als Zahlungstag. Wenn dies bedeutet, dass eine Frist zur Entrichtung einer Gebühr abgelaufen ist, kann der Verfahrensbeteiligte eines der nach dem EPÜ oder dem PCT zur Verfügung stehenden Rechtsmittel nutzen.

11. Nichtverfügbarkeit der zulässigen elektronischen Einreichungswege für Abbuchungsaufträge

Endet eine Zahlungsfrist an einem Tag, an dem einer der zulässigen Einreichungswege für Abbuchungsaufträge gemäß Nummer 7.1.2 beim EPA nicht verfügbar ist,[11] so verlängert sich die Zahlungsfrist bis zum nächstfolgenden Tag, an dem alle für die betreffende Anmeldungsart vorgesehenen Wege wieder zur Verfügung stehen. Bei einer allgemeinen Nichtverfügbarkeit der elektronischen Einreichung und anderer Online-Dienste oder einer ähnlichen Ursache im Sinne der Regel 134 (5) EPÜ oder der Regel 82*quater*.1 PCT verlängern sich die Zahlungsfristen gemäß diesen Bestimmungen.

[11] Siehe auch Mitteilung des EPA vom 22. Oktober 2020 über die Verfahren und Absicherungen nach dem EPÜ und dem PCT bei einer Nichtverfügbarkeit der Mittel zur elektronischen Einreichung und anderer Online-Dienste (ABl. EPA 2020, A120).

10. Payment date

10.1 Provided there are sufficient funds in the deposit account on the date the EPO receives the debit order, that date will be considered as the date on which the payment is made.

10.2 The debit order may specify that a payment order is to be executed at a later date than the submission date. In that case, the payment date is deemed to be the execution date specified. Payment orders with a deferred execution date may be executed up to 40 days after the submission date.

10.3 If a debit order is submitted via a non-accepted means of filing or in an invalid format, the date of receipt will not be regarded as the payment date. If this means that a time limit for paying a fee has expired, the party to the proceedings may make use of any of the legal remedies available under the EPC or the PCT.

11. Unavailability of the accepted electronic means of filing debit orders

If a payment period expires on a day on which one of the accepted means of filing debit orders under point 7.1.2 is not available at the EPO,[11] the payment period is extended to the first day thereafter on which all such means as are available for the type of application concerned can be accessed again. In the event of a general unavailability of electronic filing and other online services, or if other like reasons within the meaning of Rule 134(5) EPC or Rule 82*quater*.1 PCT arise, payment periods are extended in accordance with these provisions.

[11] See also notice from the EPO dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services (OJ EPO 2020, A120).

10. Date de paiement

10.1 Si le compte courant est suffisamment approvisionné à la date à laquelle l'OEB reçoit l'ordre de débit, cette date est celle à laquelle le règlement est réputé effectué.

10.2 Il peut être demandé dans l'ordre de débit que celui-ci soit exécuté à une date ultérieure à la date de transmission. Dans ce cas, le paiement est réputé effectué à la date d'exécution demandée. Les ordres de paiement qui doivent être exécutés à une date ultérieure peuvent être exécutés jusqu'à quarante jours après la date de transmission.

10.3 Si un ordre de débit est déposé par un moyen non autorisé ou dans un format non valable, la date à laquelle il est reçu n'est pas celle à laquelle le paiement est réputé effectué. Si cela signifie qu'un délai de paiement d'une taxe a expiré, la partie à la procédure peut faire usage des voies de droit prévues par la CBE ou le PCT.

11. Non-disponibilité des moyens électroniques autorisés pour le dépôt d'ordres de débit

Si un délai de paiement expire un jour où l'un des moyens autorisés en vertu du point 7.1.2 pour le dépôt d'ordres de débit n'est pas disponible à l'OEB[11], le délai en question est prorogé jusqu'au premier jour suivant où tous les moyens disponibles pour le type de demande concerné sont de nouveau accessibles. En cas d'indisponibilité générale du dépôt électronique ou d'autres services en ligne, ou pour d'autres raisons semblables au sens de la règle 134(5) CBE ou de la règle 82*quater*.1 PCT, les délais de paiement sont prorogés conformément à ces dispositions.

[11] Voir également le communiqué de l'OEB, en date du 22 octobre 2020, relatif aux procédures et aux garanties applicables au titre de la CBE et du PCT en cas d'indisponibilité des moyens de dépôt électronique et d'autres services en ligne (JO OEB 2020, A120).

12. Einreichung nach Artikel 75 (1) b) EPÜ bei einer zuständigen nationalen Behörde

12.1 Wird die europäische Patentanmeldung nach Artikel 75 (1) b) EPÜ bei einer zuständigen nationalen Behörde eingereicht, so kann auf einem der zulässigen Wege gemäß Nummer 7.1.2 ein Abbuchungsauftrag über die Gebühren, die bei Einreichung der Anmeldung entrichtet werden können, eingereicht werden, und zwar unabhängig davon, wie die Anmeldung selbst eingereicht wird. Zur Vermeidung eines möglichen Rechtsverlusts muss der Abbuchungsauftrag in diesem Fall spätestens bei Ablauf der einschlägigen Frist nach dem EPÜ bzw. PCT eingereicht werden. Sofern die Anmeldung bei der zuständigen nationalen Behörde auf Papier eingereicht wird, kann der Abbuchungsauftrag zusammen mit den Rückerstattungsanweisungen der Anmeldung beigefügt werden, wobei das obligatorische Formblatt EPA 1020 zu verwenden ist.

12.2 Geht ein gemäß Nummer 12.1 erteilter Abbuchungsauftrag (Formblatt EPA 1020) erst nach Ablauf der für die Entrichtung der Gebühren vorgesehenen Frist beim EPA ein, so gilt diese Frist als eingehalten, wenn der Nachweis vorliegt oder dem EPA erbracht wird, dass der Abbuchungsauftrag gleichzeitig mit der Anmeldung bei der zuständigen nationalen Behörde eingereicht worden ist, sofern zum Zeitpunkt des Fristablaufs eine ausreichende Deckung auf dem Konto vorhanden war.

12.3 Geht ein gemäß Nummer 12.1 erteilter Abbuchungsauftrag (Formblatt EPA 1020) bei der zuständigen nationalen Behörde vor dem Tag ein, an dem eine Erhöhung der in Artikel 2 GebO festgelegten Gebührenbeträge wirksam wird, beim EPA jedoch erst an oder nach diesem Tag, so gilt die Zahlung am Tag des Eingangs des Auftrags bei der zuständigen nationalen Behörde als eingegangen, sofern an diesem Tag eine ausreichende Deckung auf dem Konto vorhanden war.

12.4 Für internationale Anmeldungen, die gemäß Artikel 151 Satz 2 EPÜ und Artikel 75 (2) b) EPÜ über ein nationales Amt eines EPÜ-Vertragsstaats beim EPA als Anmeldeamt eingereicht werden, gelten die Nummern 12.1 und 12.2 entsprechend.

12. Filings under Article 75(1)(b) EPC with a competent national authority

12.1 If a European patent application is filed under Article 75(1)(b) EPC with a competent national authority, a debit order for fees which can be paid on filing can be submitted using one of the means accepted under point 7.1.2, irrespective of how the application itself is filed. In that case, to avoid any loss of rights the debit order must be filed at the latest on expiry of the relevant time limit under the EPC or, where applicable, under the PCT. The debit order, together with refund instructions, may also be included with the application using mandatory Form 1020, but only if the application is filed on paper with the competent national authority.

12.2 If a debit order (Form 1020) under point 12.1 is received by the EPO after expiry of the period for paying the fees, such period is considered to have been observed if evidence is available or is supplied to the EPO that the debit order was filed with the competent national authority together with the application, provided the account contained sufficient funds on the date on which the period expired.

12.3 If a debit order (Form 1020) under point 12.1 is received by the competent national authority before the date on which an increase in the amounts of fees pursuant to Article 2 RFees takes effect but is received by the EPO on or after that date, the date of receipt at the competent national authority is considered to be the date on which the payment is made, provided the account contained sufficient funds on that date.

12.4 For international applications filed with the EPO as receiving Office via a national office of an EPC contracting state pursuant to Article 151, second sentence, EPC and Article 75(2)(b) EPC, points 12.1 and 12.2 apply *mutatis mutandis*.

12. Dépôts effectués, conformément à l'article 75(1)b) CBE, auprès d'un service national compétent

12.1 Si une demande de brevet européen est déposée, conformément à l'article 75(1)b) CBE, auprès d'un service national compétent, un ordre de débit concernant les taxes pouvant être acquittées lors du dépôt peut être donné à l'aide d'un des moyens autorisés en vertu du point 7.1.2, indépendamment de la manière dont la demande proprement dite est déposée. Dans ce cas, afin d'éviter toute perte de droits, l'ordre de débit doit être déposé au plus tard à l'expiration du délai applicable en vertu de la CBE ou, le cas échéant, du PCT. L'ordre de débit peut également être joint, avec des instructions de remboursement, à la demande de brevet à l'aide du formulaire obligatoire 1020, mais uniquement dans le cas où la demande de brevet est déposée sur papier auprès du service national compétent.

12.2 Si un ordre de débit (formulaire 1020) donné conformément au point 12.1 parvient à l'OEB après l'expiration du délai prévu pour le paiement des taxes, ce délai est considéré comme respecté si la preuve existe ou est apportée à l'OEB que l'ordre de débit a été déposé auprès du service national compétent en même temps que la demande, à condition toutefois que le compte soit suffisamment approvisionné à la date d'expiration du délai.

12.3 Si un ordre de débit (formulaire 1020) donné conformément au point 12.1 parvient au service national compétent avant la date d'entrée en vigueur d'une augmentation du montant des taxes visées à l'article 2 RRT, mais qu'il est reçu par l'OEB à cette date ou après celle-ci, la date à laquelle l'ordre est parvenu au service national compétent est celle à laquelle le règlement est réputé effectué, à condition toutefois que le compte soit suffisamment approvisionné à cette date.

12.4 Les points 12.1 et 12.2 s'appliquent *mutatis mutandis* aux demandes internationales qui sont déposées auprès de l'OEB agissant en qualité d'office récepteur, par l'intermédiaire d'un office national d'un État partie à la CBE, conformément à l'article 151, deuxième phrase CBE et à l'article 75(2)b) CBE.

13. Widerruf eines Abbuchungsauftrags

13.1 Ein Abbuchungsauftrag kann an seinem Eingangstag durch eine unterzeichnete schriftliche Mitteilung des Einzahlers ganz oder teilweise widerrufen werden, die als E-Mail-Anhang an support@epo.org geschickt wird, oder durch Ausfüllen und Absenden des Online-Kontaktformulars auf der Website des EPA unter *forms.epo.org/service-support/contact-us/contact0-form_de.html* zusammen mit dem unterzeichneten schriftlichen Antrag.[12] In der Widerrufsmitteilung anzugeben sind die Nummer des laufenden Kontos, das Aktenzeichen der Patentanmeldung sowie bei einem Teilwiderruf alle betreffenden Gebühren und Auslagen.

13.2 Ein Abbuchungsauftrag mit einem späteren Ausführungstermin gemäß Nummer 10.2 kann in der Zentralen Gebührenzahlung bis spätestens einen Tag vor dem als Ausführungstermin angegebenen Tag ganz oder teilweise widerrufen werden. Er kann aber auch noch am als Ausführungstermin angegebenen Tag widerrufen werden, wenn das Verfahren nach Nummer 13.1 befolgt wird.

13.3 Ein Widerruf oder Teilwiderruf ist nicht wirksam, wenn er nach dem Tag des Eingangs des Abbuchungsauftrags oder nach dem gemäß Nummer 13.2 angegebenen Tag beim EPA eingeht oder wenn er auf einem anderen Weg eingereicht wird als in Nummer 13.1 angegeben.

14. Automatisches Abbuchungsverfahren

Das Amt bietet Inhabern eines laufenden Kontos die Möglichkeit, durch einen automatischen Abbuchungsauftrag automatische Abbuchungen zu veranlassen. Die Bedingungen für dieses Verfahren, insbesondere die Verfahrens- und Gebührenarten, für die das Verfahren zugelassen ist, sind in den Vorschriften für das automatische Abbuchungsverfahren (VAA) festgelegt.[13]

[12] Unter "Anliegen" und "Betreff" wählen Sie bitte im jeweiligen Auswahlmenü "Gebührenzahlung und Rückerstattung" und "Widerruf des Abbuchungsauftrags" aus.

[13] Siehe Anhang A.1 in dieser Zusatzpublikation. Siehe auch Anhang A.2 in dieser Zusatzpublikation (Hinweise des EPA zum automatischen Abbuchungsverfahren).

13. Revoking a debit order

13.1 A debit order may be revoked in whole or in part on its date of receipt by signed written notice from the person making the payment filed by email attachment sent to support@epo.org, or by submission together with the completed online contact form available on the EPO website at *forms.epo.org/service-support/contact-us/contact0-form.html*.[12] The notice of revocation of a debit order must indicate the number of the deposit account, the number of the patent application and, in the case of partial revocation, it must specify each fee or expense concerned.

13.2 A debit order with a deferred payment date pursuant to point 10.2 may be revoked in whole or in part in Central Fee Payment until one day before the date specified as the execution date at the latest. However, it may still be revoked on the date specified as the execution date by following the procedure under point 13.1.

13.3 The notice of revocation or partial revocation is not effective if it is received by the EPO after the date of receipt of the debit order or the date specified under point 13.2 or if it is submitted in a form other than specified in point 13.1.

14. Automatic debiting procedure

Deposit account holders may have their accounts debited automatically on the basis of an automatic debit order. The conditions applicable, and in particular the types of proceedings and fees covered, are laid down in the Arrangements for the automatic debiting procedure (AAD).[13]

[12] Under "Topic" and "Subject", please select "Fee payment and refund" and "Revocation of debit order" from the respective drop-down menus.

[13] See Annex A.1 in this supplementary publication. See also Annex A.2 in this supplementary publication for information from the EPO concerning the automatic debiting procedure.

13. Révocation d'un ordre de débit

13.1 Un ordre de débit peut être révoqué globalement ou partiellement à la date de sa réception par un avis écrit et signé de la personne qui effectue le paiement. Il convient à cet effet d'envoyer ledit avis sous forme de pièce jointe d'un courrier électronique à l'adresse support@epo.org, ou de le transmettre avec le formulaire en ligne de contact complété, disponible sur le site Internet de l'OEB à l'adresse *forms.epo.org/service-support/contact-us/contact0-form_fr.html*.[12] L'avis de révocation d'un ordre de débit doit indiquer le numéro du compte courant, le numéro de la demande de brevet et, en cas de révocation partielle, chaque taxe ou redevance concernée.

13.2 Un ordre de débit comportant une date de paiement différée conformément au point 10.2 peut être révoqué globalement ou partiellement dans le paiement centralisé des taxes au plus tard un jour avant la date indiquée comme date d'exécution. Cependant, il peut encore être révoqué à la date indiquée comme date d'exécution en suivant la procédure prévue au point 13.1.

13.3 L'avis de révocation ou de révocation partielle n'est pas valable s'il est reçu par l'OEB après la date de réception de l'ordre de débit ou après la date indiquée conformément au point 13.2 ou s'il est transmis sous une autre forme que celle prévue au point 13.1.

14. Procédure de prélèvement automatique

L'OEB donne aux titulaires d'un compte courant la possibilité de faire procéder automatiquement au prélèvement sur leur compte en donnant un ordre de prélèvement automatique. Les conditions de fonctionnement de cette procédure, en particulier le type de procédures et de taxes pour lesquelles elle est autorisée, font l'objet de la réglementation relative à la procédure de prélèvement automatique (RPA).[13]

[12] Dans les rubriques "Demande" et "Thème", veuillez sélectionner "Paiement des taxes et remboursement" et "Révocation d'un ordre de débit" dans les menus déroulants.

[13] Cf. Annexe A.1 de la présente publication supplémentaire. Cf. également Annexe A.2 de la présente publication supplémentaire pour l'avis de l'OEB concernant la procédure de prélèvement automatique.

15. Rückerstattung von Gebühren

15.1 Gebührenrückerstattungen werden grundsätzlich auf dasjenige laufende Konto vorgenommen, das der Anmelder, Patentinhaber oder Beschwerdeführer (falls Anmelder oder Patentinhaber)[14] in seinen Rückerstattungsanweisungen genannt hat.

15.2 Rückerstattungsanweisungen sind in einem elektronisch verarbeitbaren Format auf einem der folgenden zulässigen Einreichungswege einzureichen: über die Online−Einreichung des EPA und die Online−Einreichung 2.0 mit den Formblättern EPA 1001E, 1200E oder 1038E und über ePCT mit dem PCT-Formblatt PCT/RO/101, PCT-SFD (Online-Einreichung des EPA) oder PCT/IPEA/401 (Online-Einreichung des EPA und Online Einreichung 2.0).

15.3 Rückerstattungsanweisungen, die auf anderem Weg, z. B. auf Papier, per Fax, über die Web-Einreichung des EPA oder in einem anderen Format, etwa als PDF-Anhang oder über das Anmerkungsfeld der Online-Formblätter eingereicht werden, sind ungültig und werden daher nicht ausgeführt. Solange keine gültigen Anweisungen vorliegen, wird der Verfahrensbeteiligte aufgefordert, etwaige Rückerstattungen online einzulösen.[15]

15.4 Ist eine nicht vom Anmelder, Patentinhaber oder Beschwerdeführer (falls Anmelder oder Patentinhaber) zu entrichtende Gebühr wie beispielsweise die Einspruchsgebühr zurückzuerstatten, so prüft das EPA von Amts wegen, ob die Rückerstattung auf ein laufendes Konto erfolgen kann. Anderenfalls fordert es die Person, die die Zahlung geleistet hat, auf, die Rückerstattung online einzulösen.

[14] Falls der Verfahrensbeteiligte vertreten wird, gilt dies für seinen internationalen oder europäischen Vertreter.

[15] Siehe Mitteilung des EPA vom 20. August 2019 über die geänderten Verfahren zur Gebührenrückerstattung (ABl. EPA 2019, A82).

15. Refund of fees

15.1 Fees will be refunded to any deposit account that the applicant, proprietor or appellant (if applicant or proprietor)[14] indicates in its refund instructions.

15.2 Refund instructions must be filed in an electronically processable format, via one of the following accepted means of filing: EPO Online Filing and Online Filing 2.0 using
EPO Forms 1001E, 1200E or 1038E, and ePCT using
PCT Form PCT/RO/101, PCT-SFD (EPO Online Filing) or PCT/IPEA/401 (EPO Online Filing and Online Filing 2.0).

15.3 Refund instructions submitted in any other way, e.g. on paper, by fax, via the EPO web-form filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be processed. Until valid instructions are filed, the party concerned will be invited to claim any refunds online.[15]

15.4 In the case of a refund of fees not payable by the applicant, proprietor or appellant (if applicant or proprietor), e.g. the opposition fee, the EPO will establish *ex officio* whether the refund can be credited to a deposit account. Otherwise, it will invite the person who made the payment to claim the refund online.

[14] If the party is represented, its international agent or European representative.

[15] See notice from the EPO dated 20 August 2019 concerning the revised fee refund procedures (OJ EPO 2019, A82).

15. Remboursement de taxes

15.1 Les taxes sont remboursées sur tout compte courant indiqué par le demandeur, le titulaire du brevet ou le requérant (s'il s'agit du demandeur ou du titulaire du brevet)[14] dans ses instructions de remboursement.

15.2 Les instructions de remboursement doivent être déposées dans un format permettant un traitement électronique, via l'un des moyens de dépôt autorisés : dépôt en ligne de l'OEB et dépôt en ligne 2.0, à l'aide des formulaires OEB 1001E, 1200E ou 1038E, et ePCT à l'aide du formulaire PCT/RO/101, PCT-SFD (dans le cadre du dépôt en ligne de l'OEB) ou PCT/IPEA/401 (dans le cadre du dépôt en ligne de l'OEB et du dépôt en ligne 2.0).

15.3 Les instructions de remboursement déposées d'une autre manière, par exemple sur papier, par télécopie, au moyen du service de dépôt par formulaire en ligne de l'OEB, ou dans un autre format, par exemple en tant que pièce jointe au format PDF, ou en utilisant le champ d'annotation dans les formulaires en ligne, ne sont pas valables et ne seront donc pas traitées. La partie concernée sera invitée à demander en ligne tout remboursement tant que des instructions valables n'ont pas été déposées.[15]

15.4 Si le remboursement concerne une taxe qui ne doit pas être acquittée par le demandeur, par le titulaire du brevet ou par le requérant (s'il s'agit du demandeur ou du titulaire du brevet), par exemple la taxe d'opposition, l'OEB examinera d'office si le remboursement peut être effectué sur un compte courant. Si tel n'est pas le cas, il invitera la personne qui a effectué le paiement à demander en ligne le remboursement.

[14] Si la partie est représentée, son mandataire international ou européen.

[15] Voir le communiqué de l'OEB, en date du 20 août 2019, concernant la révision des modalités de remboursement des taxes (JO OEB 2019, A82).

16. Abbuchung von Jahresbeiträgen von Mitgliedern des Instituts der beim Europäischen Patentamt zugelassenen Vertreter

16.1 In Ausführung der Verwaltungsvereinbarung vom 5. April 1993 zwischen dem Europäischen Patentamt und dem Institut der beim Europäischen Patentamt zugelassenen Vertreter (epi)[16] können laufende Konten nach Maßgabe der folgenden Bestimmungen gegen Vorlage eines vom epi unterzeichneten Abbuchungsauftrags mit Jahresbeiträgen von epi-Mitgliedern belastet werden. Dem Abbuchungsauftrag liegen eine oder mehrere dem epi erteilte Einzugsermächtigungen des Kontoinhabers zugrunde, die dem EPA nicht vorgelegt werden.

16.2 Abbuchungsaufträge nach Nummer 16.1 werden jährlich nur mit Wirkung vom 25. Februar und 25. Juni als festen Abbuchungstagen ausgeführt; Regel 134 (1) EPÜ über die Verlängerung von Fristen findet keine Anwendung. Sie werden dem EPA in Form eines vom EPA festgelegten Datenträgers übermittelt und umfassen alle einem laufenden Konto zu belastenden Jahresbeiträge in einem Gesamtbetrag. Der Abbuchungstag gilt als Zahlungstag.

16.3 Reicht am Abbuchungstag das Guthaben eines laufenden Kontos nach vorrangiger Berücksichtigung der Gebühren oder Auslagen für Veröffentlichungen und Dienstleistungen des EPA für den Abbuchungsauftrag des epi nicht aus, so wird er nicht ausgeführt und an das epi zurückgegeben.

16.4 Die Nummern 7.1 bis 7.4.3, 9 bis 11 und 13 finden auf Abbuchungsaufträge nach Nummer 16.1 keine Anwendung.

[16] Siehe Anhang B.1 in dieser Zusatzpublikation.

16. Debiting annual subscriptions of members of the Institute of Professional Representatives before the European Patent Office

16.1 Under the Administrative Agreement of 5 April 1993 between the European Patent Office and the Institute of Professional Representatives before the European Patent Office (epi),[16] deposit accounts may be debited with epi members' annual subscriptions as specified below upon submission of a debit order signed by the epi and based on one or more direct debiting mandates issued to the epi by the account holder and not submitted to the EPO.

16.2 Debit orders under point 16.1 are carried out with effect from the fixed debiting dates of 25 February and 25 June each year only; Rule 134(1) EPC on the extension of time limits does not apply. They are transmitted to the EPO on a data carrier specified by the EPO and comprise, in one overall sum, all annual subscriptions to be debited from a deposit account. The date of payment is that on which the account is debited.

16.3 If, after priority has been given to fees or expenses in respect of EPO publications or services, a deposit account does not contain sufficient funds on the debiting date to cover the epi debit order, the order is not carried out and is returned to the epi.

16.4 Points 7.1 to 7.4.3, 9 to 11 and 13 do not apply to the debit orders under point 16.1.

[16] See Annex B.1 in this supplementary publication.

16. Prélèvement des cotisations annuelles des membres de l'Institut des mandataires agréés près l'Office européen des brevets

16.1 En vertu de l'accord administratif en date du 5 avril 1993 entre l'Office européen des brevets et l'Institut des mandataires agréés près l'Office européen des brevets (epi),[16] les comptes courants peuvent être débités des cotisations annuelles des membres de l'epi conformément aux dispositions ci-après, sur présentation d'un ordre de débit signé par l'epi. L'ordre de débit est fondé sur une ou plusieurs autorisations de débit données à l'epi par le titulaire du compte, qui ne sont pas présentées à l'OEB.

16.2 Les ordres de débit visés au point 16.1 ne sont exécutés que les 25 février et 25 juin de chaque année, dates de prélèvement fixes ; la règle 134(1) CBE régissant la prorogation des délais n'est pas applicable. Les ordres de débit sont transmis à l'OEB sur un support de données déterminé par l'OEB et correspondent au montant total de toutes les cotisations annuelles dont un compte courant doit être débité. La date de débit est réputée être la date de paiement.

16.3 Si, à la date de débit, le crédit du compte courant ne suffit pas pour couvrir l'ordre de débit de l'epi, après règlement prioritaire des taxes ou des redevances afférentes à des publications ou à des prestations de l'OEB, l'ordre de débit n'est pas exécuté et il est retourné à l'epi.

16.4 Les points 7.1 à 7.4.3, 9 à 11 et 13 ne s'appliquent pas aux ordres de débit visés au point 16.1.

[16] Cf. Annexe B.1 de la présente publication supplémentaire.

Anhang A.1 zu den VLK Vorschriften über das automatische Abbuchungsverfahren (VAA)[1]

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11. Beendigung des automatischen Abbuchungsverfahrens

1. Automatisches Abbuchungsverfahren und Erteilung automatischer Abbuchungsaufträge

1.1 Das laufende Konto kann gegen Vorlage eines vom Kontoinhaber oder in seinem Namen unterzeichneten automatischen Abbuchungsauftrags für eine oder mehrere bestimmte europäische oder internationale Patentanmeldungen belastet werden (automatisches Abbuchungsverfahren). Durch die Erteilung eines automatischen Abbuchungsauftrags ermächtigt der Kontoinhaber das EPA zur automatischen Abbuchung von im Verfahren anfallenden Gebühren.

[1] Siehe auch die Hinweise des EPA zum automatischen Abbuchungsverfahren in Anhang A.2 in dieser Zusatzpublikation.

Annex A.1 to the ADA Arrangements for the automatic debiting procedure (AAD)[1]

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1. Automatic debiting procedure and filing of automatic debit orders

1.1 A deposit account may be debited on the basis of an automatic debit order for one or more specific European or international patent applications signed by or on behalf of the account holder (automatic debiting procedure). By filing an automatic debit order, the deposit account holder authorises the EPO to debit fees automatically as the proceedings progress.

[1] See also the information from the EPO concerning the automatic debiting procedure in Annex A.2 in this supplementary publication.

Annexe A.1 à la RCC - Réglementation relative à la procédure de prélèvement automatique (RPA)[1]

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1. Procédure de prélèvement automatique et dépôt des ordres de prélèvement automatique

1.1 Un compte courant peut être débité sur présentation d'un ordre de prélèvement automatique, concernant une ou plusieurs demande(s) de brevet européen ou demande(s) internationale(s) particulière(s), qui a été signé par le titulaire du compte ou au nom de celui-ci (procédure de prélèvement automatique). En déposant un ordre de prélèvement automatique, le titulaire du compte courant autorise l'OEB à prélever automatiquement les taxes au fur et à mesure du déroulement de la procédure.

[1] Cf. également Avis de l'OEB concernant la procédure de prélèvement automatique (Annexe A.2 de la présente publication supplémentaire).

1.2 Der automatische Abbuchungsauftrag ist in einem elektronisch verarbeitbaren Format (XML) auf einem der folgenden Wege einzureichen:

– für europäische Anmeldungen oder Patente und für internationale Anmeldungen vor dem EPA als Bestimmungsamt oder ausgewähltem Amt: über die Online-Einreichung des EPA oder die Online-Einreichung 2.0 mit den Formblättern EPA 1001E, 1200E oder 1038E oder über die Zentrale Gebührenzahlung;

– für internationale Anmeldungen vor dem EPA als Anmeldeamt, internationaler Recherchenbehörde oder mit der internationalen vorläufigen Prüfung beauftragter Behörde: über die Online-Einreichung des EPA, die Zentrale Gebührenzahlung oder ePCT unter Nutzung der Funktion der PCT-Gebührenberechnung und -zahlung oder Online-Einreichung 2.0 unter Nutzung der Funktion der PCT-Gebührenberechnung und -zahlung[2] mit den Formblättern PCT/RO/101 und PCT/IPEA/401.

Die Nummern 7.1.3 und 10.3 VLK gelten entsprechend.

1.3 Ein Abbuchungsauftrag kann im Namen des Anmelders oder Patentinhabers oder dessen Vertreters (Anwalts) erteilt werden. Seine Einschränkung auf bestimmte Gebührenarten oder auf einen bestimmten Zeitraum ist nicht möglich. Die in Nummer 7.1.1 VLK festgelegten Erfordernisse für die Unterzeichnung des Abbuchungsauftrags gelten entsprechend.

2. Zugelassene Verfahrensarten

2.1 Das automatische Abbuchungsverfahren ist für alle europäischen und PCT-Verfahren vor dem EPA zugelassen, soweit sie nicht gemäß Nummer 2.4 ausdrücklich ausgenommen sind.

[2] Alle Gebührenzahlungen für das PCT-Verfahren vor dem EPA können über das Plug-in PCT-SFD der Online-Einreichung des EPA oder der Online-Einreichung 2.0 eingegeben werden.

1.2 An automatic debit order must be filed in an electronically processable format (xml) via one of the following:

– for European patent applications or patents and international applications before the EPO as designated or elected Office: via EPO Online Filing or Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E, or via Central Fee Payment;

– for international applications before the EPO as receiving Office, International Searching Authority or International Preliminary Examining Authority: via EPO Online Filing, Central Fee Payment or ePCT using the PCT fee calculation and payment feature, or via Online Filing 2.0 using the PCT fee calculator and payment feature[2] with Forms PCT/RO/101 and PCT/IPEA/401.

Points 7.1.3 and 10.3 ADA apply *mutatis mutandis*.

1.3 An automatic debit order may be filed on behalf of the applicant or patent proprietor or his representative (agent). It may not be restricted to specific types of fees or to a specific period of time. The requirements applicable to the signature of the debit order laid down in point 7.1.1 ADA apply *mutatis mutandis*.

2. Types of proceedings covered

2.1 Automatic debiting is allowed for all types of European and PCT proceedings before the EPO, except those expressly indicated in point 2.4 below.

[2] The payment of all fees related to the PCT procedure before the EPO may be indicated via the PCT-SFD plug-in in EPO Online Filing or Online Filing 2.0.

1.2 Tout ordre de prélèvement automatique doit être déposé dans un format permettant un traitement électronique (xml), par l'un des moyens suivants :

– pour les demandes de brevet européen ou les brevets européens et les demandes internationales traitées par l'OEB en qualité d'office désigné ou élu : au moyen du dépôt en ligne de l'OEB ou du dépôt en ligne 2.0, à l'aide des formulaires OEB 1001E, 1200E ou 1038E, ou au moyen du paiement centralisé des taxes

– pour les demandes internationales traitées par l'OEB agissant en qualité d'office récepteur, d'administration chargée de la recherche internationale ou d'administration chargée de l'examen préliminaire international : au moyen du dépôt en ligne de l'OEB, du paiement centralisé des taxes, ou d'ePCT avec la fonction de calcul et de paiement des taxes au titre du PCT, ou au moyen du dépôt en ligne 2.0 avec la fonction de calcul et de paiement des taxes au titre du PCT [2] à l'aide des formulaires PCT/RO/101 et PCT/IPEA/401.

Les points 7.1.3 et 10.3 RCC sont applicables.

1.3 L'ordre de prélèvement automatique peut être donné au nom du demandeur ou du titulaire du brevet, ou de son mandataire. Il n'est pas possible de limiter l'ordre de prélèvement automatique à certains types de taxes ni à une période déterminée. Les exigences énoncées au point 7.1.1 RCC en matière de signature d'un ordre de débit sont applicables.

2. Procédures pour lesquelles le prélèvement automatique est autorisé

2.1 La procédure de prélèvement automatique est autorisée dans toutes les procédures européennes et PCT devant l'OEB, à l'exception de celle expressément indiquée au point 2.4 ci-dessous.

[2] Le paiement de toutes les taxes relatives aux procédures PCT à l'OEB peut être indiqué à l'aide du plugiciel PCT-SFD dans le cadre du dépôt en ligne et du dépôt en ligne 2.0.

2.2 Ein in der internationalen Phase erteilter automatischer Abbuchungsauftrag hat im Verfahren vor dem EPA als Bestimmungsamt oder ausgewähltem Amt keine Wirkung. Für eine in die europäische Phase eintretende internationale Anmeldung muss ein separater automatischer Abbuchungsauftrag erteilt werden.[3]

2.3 Für europäische Patente in Beschränkungs- oder Widerrufsverfahren und daran anschließenden Beschwerde- oder Überprüfungsverfahren muss ein neuer automatischer Abbuchungsauftrag erteilt werden.

2.4 Für internationale Anmeldungen vor dem EPA als für die ergänzende internationale Recherche bestimmter Behörde steht das automatische Abbuchungsverfahren nicht zur Verfügung.

3. Zugelassene Gebührenarten

3.1 Vorbehaltlich der Nummer 3.2 ist das automatische Abbuchungsverfahren für alle im europäischen und im PCT-Verfahren anfallenden Gebühren sowie für folgende vom Präsidenten des EPA gemäß Artikel 3 GebO festgesetzten Gebühren zugelassen:

a) Verwaltungsgebühr für eine zusätzliche Kopie der im europäischen Recherchenbericht, im internationalen Recherchenbericht oder im internationalen vorläufigen Prüfungsbericht genannten Unterlagen (Art. 20 (3) PCT, R. 44.3 b) und 71.2 b) PCT),

b) Verwaltungsgebühr für eine beglaubigte Abschrift einer europäischen Anmeldung oder einer internationalen Anmeldung (Prioritätsbeleg) (R. 17.1 PCT, R. 54 EPÜ, Art. 3 GebO), allerdings nur für die beglaubigte Abschrift einer Anmeldung, deren Priorität in einer internationalen Anmeldung beansprucht wird, für die das EPA als Anmeldeamt tätig ist,

c) Verwaltungsgebühr für die verspätete Einreichung von Sequenzprotokollen (R. 13*ter*.1 c) und 13*ter*.2 PCT).

[3] Siehe auch Nummer 11.2 VAA.

2.2 An automatic debit order filed during the international phase has no effect in proceedings before the EPO as designated or elected Office. A separate automatic debit order must be filed for international applications entering the European phase.[3]

2.3 A new automatic debit order must be filed for European patents in limitation and revocation proceedings and any subsequent appeal or review proceedings.

2.4 Automatic debiting is not available for international applications before the EPO as Supplementary International Searching Authority.

3. Fee types covered

3.1 Subject to point 3.2 below, the automatic debiting procedure covers all fees in European and PCT proceedings and the following administrative fees laid down by the President of the EPO under Article 3 RFees:

(a) administrative fee for an additional copy of the documents cited in the European search report, the international search report or international preliminary examination report (Article 20(3) PCT, Rules 44.3(b) and 71.2(b) PCT)

(b) administrative fee for a certified copy of a European patent application or an international application (priority document) (Rule 17.1 PCT, Rule 54 EPC, Article 3 RFees), but only if the certified copy requested is of an application the priority of which is claimed in an international application for which the EPO is acting as receiving Office

(c) administrative fee for the late furnishing of sequence listings (Rule 13*ter*.1(c) and 13*ter*.2 PCT).

[3] See also point 11.2 AAD.

2.2 Un ordre de prélèvement automatique déposé pendant la phase internationale ne produit aucun effet dans les procédures devant l'OEB agissant en qualité d'office désigné ou élu. Un ordre de prélèvement automatique distinct doit être donné pour les procédures relatives aux demandes internationales entrant dans la phase européenne[3].

2.3 Un nouvel ordre de prélèvement automatique doit être déposé pour les procédures de limitation ou de révocation, et toutes procédures ultérieures de recours ou de révision, relatives à des brevets européens.

2.4 Le prélèvement automatique n'est pas disponible pour la procédure relative aux demandes internationales traitées par l'OEB agissant en qualité d'administration chargée de la recherche internationale supplémentaire.

3. Taxes pouvant être acquittées par prélèvement automatique

3.1 Sous réserve du point 3.2 ci-dessous, toutes les taxes au titre des procédures européennes et PCT, ainsi que les taxes d'administration ci-dessous, dont le montant est fixé par le Président de l'OEB conformément à l'article 3 RRT, peuvent être acquittées au moyen de la procédure de prélèvement automatique :

a) la taxe d'administration pour une copie supplémentaire des documents cités dans le rapport de recherche européenne, le rapport de recherche internationale ou le rapport d'examen préliminaire international (article 20.3) PCT, règles 44.3.b) et 71.2.b) PCT),

b) la taxe d'administration pour une copie certifiée conforme d'une demande de brevet européen ou d'une demande internationale (document de priorité) (règle 17.1 PCT, règle 54 CBE, article 3 RRT), mais uniquement pour la copie certifiée conforme d'une demande dont la priorité est revendiquée dans une demande internationale pour laquelle l'OEB agit en qualité d'office récepteur,

c) la taxe d'administration pour remise tardive de listages de séquences (règle 13ter.1.c) et 13ter.2 PCT).

[3] Cf. également point 11.2 RCC.

3.2 Für folgende Gebührenarten steht das automatische Abbuchungsverfahren nicht zur Verfügung:

a) alle vom Präsidenten des Amts gemäß Artikel 3 GebO festgesetzten Gebühren, Auslagen und Verkaufspreise, soweit sie nicht in Nummer 3.1 ausdrücklich genannt sind,

b) alle nicht vom Anmelder oder Patentinhaber zu entrichtenden Gebühren, insbesondere die Einspruchsgebühr,

c) die Umwandlungsgebühr (Art. 135 (3) und 140 EPÜ),

d) die Kostenfestsetzungsgebühr (R. 88 (3) EPÜ),

e) die Beweissicherungsgebühr (R. 123 (3) EPÜ),

f) die Gebühr für ein technisches Gutachten (Art. 25 EPÜ),

g) die Gebühr für die ergänzende internationale Recherche (R. 45*bis*.3 a) PCT),

h) die Überprüfungsgebühr für eine ergänzende internationale Recherche (R. 45*bis*.6 c) PCT),

i) die Bearbeitungsgebühr für die ergänzende Recherche (R. 45*bis*.2 PCT),

j) die Gebühr für die verspätete Zahlung in Bezug auf eine ergänzende internationale Recherche (R. 45*bis*.4 c) PCT),

k) die zusätzliche Recherchengebühr bei Berichtigung fälschlicherweise eingereichter Unterlagen (Regel 40*bis* PCT in Verbindung mit Regel 20.5*bis* PCT),

l) die weitere Recherchengebühr für eine europäische Recherche gemäß Regel 56a (8) EPÜ und bei deren verspäteter Entrichtung die Weiterbehandlungsgebühr.

3.2 Automatic debiting is not available for the following fees:

(a) any of the fees, expenses and prices laid down by the President of the EPO under Article 3 RFees, other than the administrative fees expressly referred to in point 3.1 above

(b) all fees not payable by the applicant or patent proprietor, notably the opposition fee

(c) conversion fee (Articles 135(3) and 140 EPC)

(d) fee for the awarding of costs (Rule 88(3) EPC)

(e) fee for the conservation of evidence (Rule 123(3) EPC)

(f) fee for a technical opinion (Article 25 EPC)

(g) fee for a supplementary international search (Rule 45*bis*.3(a) PCT)

(h) review fee relating to a supplementary international search (Rule 45*bis*.6(c) PCT)

(i) supplementary search handling fee (Rule 45*bis*.2 PCT)

(j) late payment fee relating to a supplementary international search (Rule 45*bis*.4(c) PCT)

(k) additional search fee in the event of correction of an erroneous filing (Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT)

(l) further search fee for a European search pursuant to Rule 56a(8) EPC and any further processing fee due in the event of late payment of that fee.

3.2 Le prélèvement automatique n'est pas disponible pour les taxes suivantes :

a) les taxes, redevances et tarifs fixés par le Président de l'OEB conformément à l'article 3 RRT, à l'exception des taxes d'administration expressément indiquées au point 3.1 ci-dessus,

b) les taxes, notamment la taxe d'opposition, qui ne sont pas dues par le demandeur ou le titulaire du brevet,

c) la taxe de transformation (articles 135(3) et 140 CBE),

d) la taxe de fixation des frais (règle 88(3) CBE),

e) la taxe de conservation de la preuve (règle 123(3) CBE),

f) la redevance pour délivrance d'un avis technique (article 25 CBE),

g) la taxe de recherche internationale supplémentaire (règle 45*bis*.3.a) PCT),

h) la taxe de réexamen concernant une recherche internationale supplémentaire (règle 45*bis*.6.c) PCT),

i) la taxe de traitement de la recherche supplémentaire (règle 45*bis*.2 PCT),

j) la taxe pour paiement tardif concernant une recherche internationale supplémentaire (règle 45*bis*.4.c) PCT),

k) la taxe de recherche additionnelle en cas de correction d'un dépôt erroné (règle 40*bis* PCT en liaison avec la règle 20.5*bis* PCT),

l) la nouvelle taxe de recherche pour une recherche européenne (règle 56bis(8) CBE) et toute taxe de poursuite de la procédure exigible en cas de paiement tardif de cette taxe.

4. Automatische Abbuchung von Gebühren

4.1 Beginnend mit dem Tag des Eingangs des automatischen Abbuchungsauftrags beim EPA bucht dieses, dem jeweiligen Verfahrensstand entsprechend, alle vom automatischen Abbuchungsverfahren erfassten Gebührenarten des in dem betreffenden Abbuchungsauftrag bezeichneten Verfahrens unter Zuerkennung eines rechtzeitigen Zahlungstags vom laufenden Konto des Kontoinhabers ab, sofern sie ab dem Tag des Eingangs des Auftrags zu entrichten sind und soweit auf dem Konto eine ausreichende Deckung vorhanden ist. Die Gebühren, die in den nächsten 40 Tagen abgebucht werden, werden in der Ansicht **Kontobewegungen** in der Zentralen Gebührenzahlung angezeigt.

4.2 Jede Abbuchung wird auf der Grundlage der Unterlagen ausgeführt, die der Anmeldung zum Zeitpunkt der Ausführung der Abbuchung zugrunde liegen. Das EPA berücksichtigt zugunsten und zulasten des Kontoinhabers alle dem EPA zu diesem Zeitpunkt bekannten gebührenrechtlich relevanten Faktoren in der Weise, dass alle Rechte aus der Anmeldung gewahrt bleiben.

4.3 Die Abbuchung erfolgt in Euro in Höhe des Betrags, der am maßgebenden Zahlungstag der jeweiligen Gebühr gültig ist.

4.4 Das EPA bearbeitet automatische Abbuchungsaufträge am Ende des Tages, der den maßgebenden Zahlungstag im Sinne der Nummer 5 darstellt. Da alle anderen Abbuchungsaufträge den ganzen Tag über unmittelbar nach ihrem Eingang bearbeitet werden (siehe Nummer 7.2.1 VLK), sollten Inhaber laufender Konten dafür sorgen, dass auf ihrem Konto am Ende des maßgebenden Zahlungstags eine ausreichende Deckung für alle automatischen Abbuchungsaufträge vorhanden ist.

4.5 Sollen Gebühren für mehrere Anmeldungen zur gleichen Zeit automatisch vom selben laufenden Konto abgebucht werden, bearbeitet das EPA diese automatischen Abbuchungsaufträge in aufsteigender Reihenfolge der Anmeldenummer ("PCT" vor "EP"). Bei Euro-PCT-Anmeldungen ist die EP-Nummer ausschlaggebend.

4. Automatic debiting of fees

4.1 As from the date of receipt of the automatic debit order at the EPO, and as the proceedings progress, the EPO debits the account holder's deposit account in respect of all fees for which automatic debiting is allowed as they arise in respect of the proceedings specified in the automatic debit order in question, and treats them as paid in time, provided they fall due on or after the date of receipt of the order and the deposit account contains sufficient funds. The fees to be debited over the next 40 days are shown in the **Transactions** tab in Central Fee Payment.

4.2 Each debit occurs on the basis of the application documents available when it is effected. The EPO takes into consideration, to the account holder's benefit or detriment, all factors known to it at that time which have a legal bearing on the fees, doing so in such a way as to safeguard all rights arising from the application.

4.3 The debit is effected in euro in the amount applicable for the fee in question on the date to be considered the date on which payment is made (hereinafter "decisive payment date").

4.4 The EPO processes automatic debit orders at the end of the day marking the decisive payment date within the meaning of point 5. Since all other debit orders are processed immediately upon receipt throughout the day (see point 7.2.1 ADA), deposit account holders should ensure that their account contains sufficient funds on the decisive payment date to cover all automatic debit orders due at the end of the day.

4.5 If fees for multiple applications are to be debited automatically from the same deposit account at the same time, the EPO processes these automatic debit orders in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number.

4. Prélèvement automatique des taxes

4.1 À partir du jour où il a reçu l'ordre de prélèvement automatique du titulaire du compte, l'OEB débite au fur et à mesure le compte courant du titulaire (dans la mesure où il est suffisamment approvisionné), de toutes les taxes (pouvant faire l'objet d'un prélèvement automatique) dues à compter de la réception de l'ordre de prélèvement dans le cadre de la procédure indiquée dans cet ordre de prélèvement, en attribuant à chaque fois une date de paiement respectant le délai prescrit. Les taxes qui doivent être débitées dans les quarante jours qui suivent apparaissent sous l'onglet **Opérations** du paiement centralisé des taxes.

4.2 Chaque prélèvement est effectué sur la base des pièces de la demande à la date du prélèvement. L'OEB tient compte de toutes les données pertinentes en matière de taxes, telles qu'il les connaît à la date du prélèvement automatique, qu'elles jouent en faveur du titulaire du compte ou à son détriment, et ce de manière à préserver tous les droits attachés à la demande.

4.3 Le montant prélevé sera le montant en euro de la taxe d'après les barèmes en vigueur à la date à laquelle le paiement est réputé effectué.

4.4 L'OEB traite les ordres de prélèvement automatique à la fin de la journée qui correspond à la date à laquelle le paiement est réputé effectué au sens du point 5. Étant donné que tous les autres ordres de débit sont traités immédiatement au moment de leur réception tout au long de la journée (voir point 7.2.1 RCC), les titulaires de comptes courants doivent veiller à ce que le crédit de leur compte à la date à laquelle le paiement est réputé effectué suffit à couvrir tous les ordres de prélèvement automatique devant être exécutés à cette date.

4.5 Si des taxes pour plusieurs demandes de brevet doivent être prélevées sur le même compte courant au même moment, l'OEB traite ces ordres de prélèvement dans l'ordre croissant des numéros de demande ("PCT" avant "EP"). Concernant les demandes euro-PCT, le numéro pertinent est le numéro EP.

Einzelne Gebühren werden in der folgenden Reihenfolge abgebucht, solange ausreichende Deckung vorhanden ist:

a) Beschwerdegebühr (011)

b) alle anderen Gebühren in aufsteigender Reihenfolge ihrer Gebührencodes.[4]

5. Maßgebender Zahlungstag

5.1 Für die Zwecke des Artikels 7 (2) GebO gelten im automatischen Abbuchungsverfahren Zahlungen in europäischen und in PCT-Verfahren als eingegangen:

a) am letzten Tag der für die Entrichtung der jeweiligen Gebühr geltenden Frist (außer in den unter b) bis f) und in Nummer 5.2 genannten Fällen);

b) am letzten Tag der Nachfrist für die Zahlung einer Gebühr und einer etwaigen zusätzlichen Gebühr, Zuschlagsgebühr oder Gebühr für verspätete Zahlung (außer in den unter f) zweiter und dritter Spiegelstrich genannten Fällen) bei[5]

– Gebühren, für die im Falle ihrer verspäteten Entrichtung die Entrichtung mit einer zusätzlichen Gebühr, Zuschlagsgebühr oder Gebühr für verspätete Zahlung möglich ist;

c) am Tag des Eingangs des jeweiligen (Verfahrens-)Antrags bei

– Gebühren für eine internationale Anmeldung, die am Tag des Antrags auf vorzeitige Bearbeitung nach Artikel 23 (2) oder 40 (2) PCT fällig werden, vorausgesetzt, die in Artikel 20 PCT genannten Unterlagen stehen dem EPA zur Verfügung;[6] wenn der Antrag an einem Tag eingeht, an dem das EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist, ist der maßgebende Zahlungstag der nächste Tag, an dem es dazu geöffnet ist.

Individual fees are booked in the following order of priority, for as long as sufficient funds are available:

(a) appeal fee (011)

(b) all other fees in ascending order of their fee codes.[4]

5. Decisive payment date

5.1 For the purposes of Article 7(2) RFees, payments under the automatic debiting procedure in European and PCT proceedings are considered to have been received:

(a) on the last day of the specific period for paying the fee (except in the cases provided for under (b)-(f) and point 5.2 below);

(b) on the last day of the additional period for paying a fee and any additional fee, surcharge or late payment fee (except in the cases provided for under (f) below, second and third subsections) for[5]

– fees that may be paid late with an additional fee, surcharge or late payment fee;

(c) on the date of receipt of the relevant (procedural) request for

– fees falling due for an international application on the date of the request for early processing under Article 23(2) or 40(2) PCT, provided that the documents under Article 20 PCT are available to the EPO;[6] if the request is received on a day on which the EPO is not open for the receipt of documents, the decisive payment date will be the next day it is open for this.

Les taxes individuelles sont prélevées selon l'ordre de priorité suivant, tant que le compte est suffisamment approvisionné :

a) taxe de recours (011)

b) toutes les autres taxes dans l'ordre croissant de leurs codes de taxe. [4]

5. Date à laquelle le paiement est réputé effectué

5.1 Aux fins de l'article 7(2) RRT, les paiements effectués dans le cadre de la procédure de prélèvement automatique au titre des procédures européennes et PCT sont réputés reçus :

a) le dernier jour du délai en question (à l'exception des cas prévus aux points b)-f) et au point 5.2 ci-dessous) ;

b) le dernier jour du délai supplémentaire prévu pour le paiement d'une taxe et de toute surtaxe ou taxe pour paiement tardif (à l'exception des cas prévus au point f) ci-dessous, deuxième et troisième alinéas)[5] pour

– les taxes pouvant être acquittées tardivement avec une surtaxe ou une taxe pour paiement tardif ;

c) à la date de réception de la requête (procédurale) concernée pour

– les taxes venant à échéance pour une demande internationale à la date de la requête en traitement anticipé en vertu de l'article 23.2) ou de l'article 40.2) PCT, à condition que les documents visés à l'article 20 PCT soient à la disposition de l'OEB[6] ; si la requête est reçue un jour où l'OEB n'est pas ouvert pour recevoir des documents, la date à laquelle le paiement est réputé effectué est le premier jour suivant où l'OEB est ouvert pour recevoir des documents.

[4] Siehe die Beschreibung der Gebührencodes laut Verzeichnis der Gebühren und Auslagen in der ab 1. April 2022 geltenden Fassung (ABl. EPA 2022, Zusatzpublikation 2). Da die Zusatzgebühr für europäische Patentanmeldungen mit mehr als 35 Seiten (Gebührencode 501 oder 520) Teil der Anmeldegebühr ist, wird sie zusammen mit dieser abgebucht.

[5] Dies gilt insbesondere, wenn der automatische Abbuchungsauftrag nach Ablauf der Frist zur Zahlung der Gebühr, aber innerhalb der Nachfrist oder einer sonstigen vom EPA zur Nachholung der versäumten Zahlung gesetzten Frist im EPA eingegangen ist.

[6] Siehe Mitteilung des EPA vom 21. Februar 2013 über den Antrag auf vorzeitige Bearbeitung, ABl. EPA 2013, 156.

[4] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

[5] This applies, in particular, if an automatic debit order is received by the EPO after expiry of the period for paying the fee but within the additional period for doing so or any further time limit set by the EPO for completing the missing payment.

[6] See notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156).

[4] Voir la description des codes de taxes publiée dans le barème des taxes et redevances applicable à compter du 1er avril 2022 (JO OEB 2022, Publication supplémentaire 2). Comme la taxe additionnelle due pour une demande de brevet européen comportant plus de 35 pages (codes de taxes 501 et 520) fait partie de la taxe de dépôt, elle est prélevée avec la taxe de dépôt.

[5] Cela s'applique, en particulier, si l'OEB reçoit un ordre de prélèvement automatique après l'expiration du délai de paiement de la taxe mais dans le délai supplémentaire prévu à cet effet ou dans un autre délai fixé par l'OEB pour l'exécution du paiement manquant.

[6] Cf. Communiqué de l'OEB, en date du 21 février 2013, concernant la requête en traitement anticipé (JO OEB 2013, 156).

– der Prüfungsgebühr, wenn der Anmelder auf das Recht auf eine Aufforderung nach Regel 70 (2) EPÜ verzichtet oder eine beschleunigte Prüfung nach dem PACE-Programm beantragt hat,[7]

– der Wiedereinsetzungs-, Beschränkungs- oder Widerrufsgebühr, Beschwerdegebühr und Gebühr für den Antrag auf Überprüfung,

– der Gebühr für die Wiederherstellung des Prioritätsrechts (R. 26*bis*.3 d) PCT),

– der Gebühr für die vorläufige Prüfung (R. 58 PCT, R. 158 (2) EPÜ) und der Bearbeitungsgebühr (R. 57 PCT),

– den Verwaltungsgebühren gemäß Nummer 3.1 a) und b);

d) am Tag des Eingangs der Übersetzung der Ansprüche[8] bei

– der Erteilungs- und Veröffentlichungsgebühr[9] für die europäische Patentschrift (R. 71 (3) EPÜ),

– der Anspruchsgebühr (R. 71 (4) EPÜ)

– der Veröffentlichungsgebühr[10] für eine neue europäische Patentschrift (R. 82 (2) bzw. 95 (3) EPÜ);

e) am Tag ihrer Fälligkeit bei[11]

– den Jahresgebühren (R. 51 (1) EPÜ ggf. in Verbindung mit Regel 159 (1) g) EPÜ);

– the examination fee, where the applicant has waived his right to the invitation under Rule 70(2) EPC or requested accelerated examination under the PACE programme[7]

– the fee for re-establishment of rights, limitation or revocation, and appeal or petition for review

– the fee for restoration of the right of priority (Rule 26*bis*.3(d) PCT)

– the fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC) and the handling fee (Rule 57 PCT)

– the administrative fees under point 3.1(a) and (b) above;

(d) on the date of receipt of the translation of the claims[8] for

– the fee for grant and publishing[9] the European patent specification (Rule 71(3) EPC)

– the claims fees (Rule 71(4) EPC)

– the fee for publishing[10] a new European patent specification (Rules 82(2) or 95(3) EPC)

(e) on their due date for[11]

– the renewal fees (Rule 51(1) EPC, if appropriate, in conjunction with Rule 159(1)(g) EPC);

– la taxe d'examen, lorsque le demandeur a renoncé à son droit de recevoir l'invitation visée à la règle 70(2) CBE ou qu'il a requis un examen accéléré au titre du programme PACE[7]

– la taxe de restitutio in integrum, de limitation ou de révocation, et de recours ou de requête en révision

– la taxe de restauration du droit de priorité (règle 26*bis*.3.d) PCT)

– la taxe d'examen préliminaire (règle 58 PCT, règle 158(2) CBE) et la taxe de traitement (règle 57 PCT)

– les taxes d'administration visées au point 3.1 a) et b) ci-dessus ;

d) à la date de réception de la traduction des revendications[8] pour

– la taxe de délivrance et de publication[9] du fascicule du brevet européen (règle 71(3) CBE)

– les taxes de revendication (règle 71(4) CBE)

– la taxe de publication[10] d'un nouveau fascicule du brevet européen (règle 82(2) ou règle 95(3) CBE) ;

e) à la date d'exigibilité[11] pour

– les taxes annuelles (règle 51(1) CBE, le cas échéant ensemble la règle 159(1)g) CBE) ;

[7] Dies gilt für den Fall, dass vor Ablauf der Frist nach Regel 70 (1) bzw. 159 (1) EPÜ ein PACE-Antrag gestellt und gegebenenfalls der vorbehaltlose Verzicht auf die Aufforderung nach Regel 70 (2) EPÜ erklärt wird. Näheres siehe Mitteilungen des EPA vom 30. November 2015 über das Programm zur beschleunigten Bearbeitung europäischer Patentanmeldungen ("PACE") (ABl. EPA 2015, A93) und über Möglichkeiten der Beschleunigung des europäischen Patenterteilungsverfahrens (ABl. EPA 2015, A94).

[8] Übersetzung der geänderten Ansprüche für die Zwecke von Nummer 5.1 d) dritter Spiegelstrich.

[9] Erteilungs- und Druckkostengebühr für vor dem 1. April 2009 eingereichte europäische Anmeldungen sowie für vor diesem Zeitpunkt in die europäische Phase eingetretene internationale Anmeldungen.

[10] Druckkostengebühr für vor dem 1. April 2009 eingereichte europäische Anmeldungen sowie für vor diesem Zeitpunkt in die europäische Phase eingetretene internationale Anmeldungen.

[11] In den in Regel 51 (3) bis (5) EPÜ vorgesehenen Fällen werden die Jahresgebühren gemäß Nummer 5.1 a) VAA automatisch abgebucht.

[7] If a PACE request and, if appropriate, an unconditional waiver of the invitation under Rule 70(2) EPC is filed before the date of expiry of the period under Rule 70(1) or 159(1) EPC. For further details, see notice from the EPO dated 30 November 2015 concerning the programme for accelerated prosecution of European patent applications ("PACE") (OJ EPO 2015, A93) and notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[8] For the purposes of point 5.1(d), third subsection, AAD, translation of amended claims.

[9] For European patent applications filed and international applications entering the European phase before 1 April 2009, fee for grant and printing.

[10] If the European patent was filed or the international application entered the European phase before 1 April 2009, this is the fee for printing.

[11] In cases provided for in Rule 51(3)-(5) EPC, renewal fees will be automatically debited according to point 5.1(a) AAD.

[7] Si une requête PACE et, le cas échéant, une renonciation inconditionnelle à l'invitation émise en vertu de la règle 70(2) CBE sont présentées avant la date d'expiration du délai prévu à la règle 70(1) ou à la règle 159(1) CBE. Pour plus de détails, cf. Communiqué de l'OEB, en date du 30 novembre 2015, relatif au programme de traitement accéléré des demandes de brevet européen ("PACE"), (JO OEB 2015, A93) et Communiqué de l'OEB, en date du 30 novembre 2015, relatif aux moyens d'accélérer la procédure de délivrance européenne (JO OEB 2015, A94).

[8] Traduction des revendications modifiées aux fins du point 5.1 d), troisième alinéa RPA.

[9] Taxe de délivrance et d'impression pour les demandes de brevet européen déposées avant le 1er avril 2009 et pour les demandes internationales entrées dans la phase européenne avant cette date.

[10] Pour une demande de brevet européen déposée avant le 1er avril 2009, ou pour une demande internationale qui est entrée dans la phase européenne avant cette date, il s'agit de la taxe d'impression.

[11] Dans les cas prévus à la règle 51(3)-(5) CBE, les taxes annuelles seront prélevées automatiquement conformément au point 5.1 a) RPA.

f) am Tag des Eingangs des automatischen Abbuchungsauftrags bei

– der Wiedereinsetzungs-, Beschränkungs- oder Widerrufsgebühr, Beschwerdegebühr und Gebühr für den Antrag auf Überprüfung, wenn der Abbuchungsauftrag nach Stellung des Antrags auf Wiedereinsetzung, Beschränkung oder Widerruf eingeht,

– den nach den Regeln 14.1 c), 15.3 und 16.1 f) PCT fälligen Gebühren, wenn der Abbuchungsauftrag nach Ablauf der Frist zur Zahlung dieser Gebühren eingeht, aber vor Versand der Aufforderung nach Regel 16*bis*.1 a) PCT zur Entrichtung dieser Gebühren mit einer Gebühr für verspätete Zahlung (R. 16*bis*.2 PCT),

– den nach den Regeln 57.3 und 58.1 b) PCT fälligen Gebühren, wenn der Abbuchungsauftrag nach Ablauf der Frist zur Zahlung dieser Gebühren eingeht, aber vor Versand der Aufforderung nach Regel 58*bis*.1 a) PCT zur Entrichtung dieser Gebühren mit einer Gebühr für verspätete Zahlung (R. 58*bis*.2 PCT),

– der Gebühr für die Wiederherstellung des Prioritätsrechts (R. 26*bis*.3 d) PCT), wenn der Abbuchungsauftrag nach Einreichung des Antrags eingeht.

5.2 Für die Zwecke des Artikels 7 (2) GebO gilt die Weiterbehandlungsgebühr als eingegangen:

a) am letzten Tag der Frist für den Antrag auf Weiterbehandlung,

– wenn es sich bei der versäumten Handlung um die Nichtentrichtung einer Gebühr handelt,

– wenn bis zum Ablauf der maßgebenden Frist mehr als eine Handlung versäumt wurde, wobei mindestens eine die Nichtentrichtung einer Gebühr und eine die Nichtvornahme einer Verfahrenshandlung ist und vorbehaltlich der Vornahme dieser Verfahrenshandlung; die Gebühr, deren Nichtentrichtung die versäumte Handlung war, gilt als am selben Tag wie die entsprechende Weiterbehandlungsgebühr eingegangen;

b) am Tag der Vornahme der versäumten Handlung,

– wenn es sich bei der versäumten Handlung um die Nichtvornahme einer anderen Verfahrenshandlung als der Entrichtung einer Gebühr handelt;

(f) on the date of receipt of the automatic debit order for

– the fee for re-establishment, limitation or revocation, and appeal or petition for review if the order is received after the request for re-establishment, appeal or petition has been filed

– fees due under Rules 14.1(c), 15.3 and 16.1(f) PCT if the order is received after the expiry of the period for paying any such fees but before the invitation under Rule 16*bis*.1(a) PCT to pay them together with a late payment fee (Rule 16*bis*.2 PCT) has been sent

– fees due under Rules 57.3 and 58.1(b) PCT if the order is received after the expiry of the period for paying any such fees, but before the invitation under Rule 58*bis*.1(a) PCT to pay these fees together with a late payment fee (Rule 58*bis*.2 PCT) has been sent

– the fee for restoration of the right of priority (Rule 26*bis*.3(d) PCT) if the order is received after the request has been filed.

5.2 For the purposes of Article 7(2) RFees, the fee for further processing is considered to have been received:

(a) on the last day of the period for requesting further processing

– where the omitted act was the non-payment of a fee

– where, by expiry of the relevant period, there was more than one omitted act, at least one of which was the non-payment of a fee and one of which was the non-performance of a procedural act, subject to completion of the latter. The fee the non-payment of which constitutes the omitted act is considered to have been received on the same date as the corresponding fee for further processing;

(b) on the date of completion of the omitted act

– where the omitted act was the non-performance of a procedural act other than payment of a fee;

f) à la date de réception de l'ordre de prélèvement automatique pour

– la taxe de restitutio in integrum, de limitation ou de révocation, et de recours ou de requête en révision si l'ordre de prélèvement automatique est reçu après que la requête en restitutio in integrum a été présentée, que le recours a été formé ou que la requête en révision a été présentée

– les taxes dues au titre des règles 14.1.c), 15.3 et 16.1.f) PCT si l'ordre de prélèvement automatique est reçu après l'expiration du délai de paiement de ces taxes, mais avant l'envoi de l'invitation au titre de la règle 16*bis*.1.a) PCT à payer le montant de ces taxes, majoré de la taxe pour paiement tardif (règle 16*bis*.2 PCT)

– les taxes dues au titre des règles 57.3 et 58.1.b) PCT si l'ordre de prélèvement automatique est reçu après l'expiration du délai de paiement de ces taxes, mais avant l'envoi de l'invitation au titre de la règle 58*bis*.1.a) PCT à payer le montant de ces taxes, majoré de la taxe pour paiement tardif (règle 58*bis*.2 PCT)

– la taxe de restauration du droit de priorité (règle 26*bis*.3.d) PCT) si l'ordre de prélèvement automatique est reçu après que la requête a été présentée.

5.2 Aux fins de l'article 7(2) RRT, la taxe de poursuite de la procédure est réputée reçue

a) le dernier jour du délai prévu pour requérir la poursuite de la procédure

– lorsque le défaut de paiement d'une taxe constituait l'acte non accompli

– lorsque plusieurs actes n'ont pas été accomplis à l'expiration du délai concerné, dont au moins l'un était le défaut de paiement d'une taxe et l'un était la non-exécution d'un acte de procédure, et sous réserve de l'accomplissement dudit acte de procédure. La taxe dont le défaut de paiement constitue l'acte non accompli est réputée reçue à la même date que la taxe correspondante de poursuite de la procédure ;

b) à la date d'exécution de l'acte non accompli

– lorsque la non-exécution d'un acte de procédure autre que le paiement d'une taxe constituait l'acte non accompli ;

c) am Tag des Eingangs des automatischen Abbuchungsauftrags,

– wenn der automatische Abbuchungsauftrag nach dem Tag der Vornahme der versäumten Handlung eingeht;

d) am Tag des Eingangs des automatischen Abbuchungsauftrags bzw. der Übersetzung der Ansprüche,

– wenn es sich bei der versäumten Handlung um die Nichtvornahme der Verfahrenshandlungen nach Regel 71 (3) oder (4) EPÜ handelt.

5.3 Gebühren, die zur Vornahme einer versäumten Handlung im Rahmen eines Antrags auf Wiedereinsetzung zu entrichten sind, werden vom automatischen Abbuchungsverfahren nicht erfasst und sind vom Anmelder oder Patentinhaber oder dessen Vertreter in eigener Verantwortlichkeit über einen anderen in der Gebührenordnung zugelassenen Zahlungsweg zu entrichten.

6. Fehlbetrag

Reicht das Guthaben des Kontos am maßgebenden Zahlungstag nicht zur Zahlung aller automatisch abzubuchender Gebühren wie unter Nummer 4.5 beschrieben aus (Fehlbetrag), wird kein weiterer Abbuchungsauftrag bearbeitet, bis das Konto entsprechend aufgefüllt ist. Der Kontoinhaber wird per E-Mail oder Post entsprechend unterrichtet.

Nummer 8 VLK gilt entsprechend für automatisch abzubuchende Gebühren, wenn sie zwei Monate nach dem maßgebenden Zahlungstag noch anhängig sind.

7. Auffüllung des laufenden Kontos nach Mitteilung des Fehlbetrags

7.1 Wird das laufende Konto so aufgefüllt, dass alle Gebühren entrichtet werden können, führt das EPA alle ausstehenden Abbuchungsaufträge gemäß Nummer 7.4.2 VLK aus und fährt dann mit der automatischen Abbuchung aller Gebühren in der unter Nummer 4.5 angegebenen Reihenfolge fort.

7.2 Die ausstehende Zahlung gilt als an dem Tag erfolgt, an dem das laufende Konto entsprechend aufgefüllt worden ist.

(c) on the date of receipt of the automatic debit order

– where the automatic debit order is received after the date of completion of the omitted act;

(d) on the date of receipt of the automatic debit order or the translations of the claims, as appropriate

– where the omitted acts are the procedural steps under Rule 71(3) or (4) EPC.

5.3 Fees which must be paid in order to complete the omitted act for a request for re-establishment are not covered by the automatic debiting procedure and must be paid by the applicant, patent proprietor or representative on his own responsibility using another means of payment allowed under the RFees.

6. Insufficient funds (shortfall)

If, on the decisive payment date, the account does not contain sufficient funds to cover all the fees to be debited automatically as specified under point 4.5 (shortfall), no other debit order is booked until the account is duly replenished. The account holder is informed accordingly by email or post.

Point 8 ADA applies *mutatis mutandis* to fees to be debited automatically if they are still pending two months after their decisive payment date.

7. Replenishing the account after communication of insufficient funds

7.1 If the deposit account is sufficiently replenished to enable each fee to be paid, the EPO debits any pending debit orders in accordance with point 7.4.2 ADA and continues to book each fee automatically in the order specified under point 4.5.

7.2 The outstanding payment is considered to have been made on the date on which the deposit account is duly replenished.

c) à la date de réception de l'ordre de prélèvement automatique

– lorsque l'ordre de prélèvement automatique est reçu après la date à laquelle l'acte non accompli a été exécuté ;

d) à la date de réception de l'ordre de prélèvement automatique ou, le cas échéant, des traductions des revendications,

– lorsque les actes de procédure prévus à la règle 71(3) ou (4) CBE constituaient les actes non accomplis.

5.3 Les taxes qui doivent être acquittées pour exécuter l'acte non accompli dans le cas d'une requête en restitutio in integrum ne peuvent pas être payées au moyen de la procédure de prélèvement automatique et doivent être réglées par le demandeur, le titulaire du brevet ou son mandataire sous sa propre responsabilité, par un autre mode de paiement autorisé par le règlement relatif aux taxes.

6. Montant restant dû

Si, à la date à laquelle le paiement est réputé effectué, le crédit du compte ne suffit pas à couvrir toutes les taxes devant être prélevées automatiquement comme décrit au point 4.5 (montant restant dû), aucun autre ordre de débit n'est exécuté tant que le compte n'est pas dûment approvisionné. Le titulaire du compte en est informé par courrier électronique ou par voie postale.

Le Point 8 RCC est applicable aux taxes devant être prélevées automatiquement dont le paiement est encore en suspens deux mois après la date à laquelle le paiement est réputé effectué.

7. Approvisionnement du compte courant lorsqu'il est notifié qu'une somme reste due

7.1 Si le compte courant est suffisamment réapprovisionné, permettant ainsi le paiement de toutes les taxes, l'OEB exécute tout ordre de débit encore en suspens conformément au point 7.4.2. RCC et continue de débiter automatiquement le compte du montant correspondant à ces taxes dans l'ordre indiqué au point 4.5.

7.2 Le paiement restant dû est réputé effectué à la date à laquelle le compte courant est dûment réapprovisionné.

8. Änderungsbuchung; Berichtigungsbuchung

8.1 Werden dem EPA nach der tatsächlichen Ausführung der Abbuchung Änderungen der gebührenrechtlich relevanten Grundlagen für die Abbuchung bekannt, die dem EPA oder gegebenenfalls der zuständigen nationalen Behörde (siehe Nr. 12 VLK) vor dem maßgebenden Zahlungstag zugegangen sind, so führt das EPA gegebenenfalls eine Änderungsbuchung mit Wirkung für den ursprünglichen maßgebenden Zahlungstag durch.

8.2 Stellt das EPA Unrichtigkeiten bei der Ausführung des automatischen Abbuchungsauftrags fest, so führt es eine entsprechende Berichtigungsbuchung mit Wirkung für den ursprünglichen maßgebenden Zahlungstag durch.

9. Entrichtung einer Gebühr über einen anderen Zahlungsweg

Wird eine Gebühr im Einzelfall vor ihrem maßgebenden Zahlungstag durch gesonderte Zahlung mittels einer anderen zugelassenen Zahlungsart entrichtet, so führt das EPA den automatischen Abbuchungsauftrag in Bezug auf diese Gebühr nicht aus, sofern die Zahlung mindestens zwei Tage vor dem maßgebenden Zahlungstag eingeht.

10. Widerruf des automatischen Abbuchungsauftrags

10.1 Der automatische Abbuchungsauftrag muss über die Zentrale Gebührenzahlung widerrufen werden. Er kann nur für das gesamte Verfahren widerrufen werden. Ein Widerruf der Abbuchung von Gebühren, deren maßgebender Zahlungstag vor dem Tag des Eingangs des Widerrufs liegt, ist ausgeschlossen.

10.2 Das Widerrufen eines automatischen Abbuchungsauftrags in jeder anderen Form ist unwirksam, und die Gebühren werden so lange automatisch abgebucht, bis der automatische Abbuchungsauftrag in der Zentralen Gebührenzahlung widerrufen wird.

8. Amendment and correction of debit

8.1 If after actually debiting a fee the EPO becomes aware of any change to the legal basis on which it did so, and which was brought to the attention of the EPO or competent national authority (see point 12 ADA) before the decisive payment date, if need be the EPO amends the debit retroactively to the original decisive payment date.

8.2 If the EPO finds that an automatic debit order was wrongly executed, it corrects the debit with effect for the original decisive payment date.

9. Use of other means of payment

If in an individual case a fee is paid separately using another permitted means of payment and before its decisive payment date, the EPO will not carry out the automatic debit order in respect of that fee, provided it receives the payment at least two days before the decisive payment date.

10. Revocation of an automatic debit order

10.1 An automatic debit order must be revoked via Central Fee Payment. It may be revoked only for the proceedings as a whole. Debits may not be revoked in respect of fees whose decisive payment date precedes the date on which the revocation is received.

10.2 Revoking an automatic debit order in any other form is invalid and fees will continue to be debited automatically until the automatic debit order is revoked in Central Fee Payment.

8. Modification d'écritures ; contre-passations d'écritures

8.1 Si l'OEB apprend, après que le prélèvement a été effectué, que des modifications ont été apportées aux données de base pour le prélèvement des taxes, modifications qui ont été portées à la connaissance de l'OEB ou du service national compétent (cf. point 12 RCC) avant la date à laquelle le paiement a été réputé effectué, il procède le cas échéant à une contre-passation d'écriture avec effet à la date à laquelle le paiement a été initialement réputé effectué.

8.2 Si l'OEB constate que des erreurs ont été commises lors de l'exécution de l'ordre de prélèvement automatique, il procède à une contre-passation d'écriture avec effet à la date à laquelle le paiement a été initialement réputé effectué.

9. Règlement d'une taxe par un autre mode de paiement

Dans le cas où une taxe est acquittée par un autre mode de paiement autorisé avant la date à laquelle le paiement devrait être réputé effectué, l'OEB renonce à prélever cette taxe sur la base de l'ordre de prélèvement automatique, à condition de recevoir le paiement au moins deux jours avant la date à laquelle le paiement devrait être réputé effectué.

10. Révocation de l'ordre de prélèvement automatique

10.1 Un ordre de prélèvement automatique doit être révoqué au moyen du paiement centralisé des taxes. Il ne peut être révoqué que pour l'ensemble de la procédure. Il n'est pas possible de révoquer les prélèvements des taxes dont le paiement a été réputé effectué avant que l'Office n'ait reçu l'ordre de révocation.

10.2 La révocation d'un ordre de prélèvement automatique par tout autre moyen n'est pas valable et les taxes continueront d'être prélevées automatiquement jusqu'à ce que l'ordre de prélèvement automatique soit révoqué au moyen du paiement centralisé des taxes.

10.3 Ein aus dem Verfahren für eine bestimmte Anmeldung ausscheidender Beteiligter oder Vertreter[12] muss den automatischen Abbuchungsauftrag ausdrücklich wie in Nummer 10.1 beschrieben widerrufen. Anderenfalls bucht das EPA weiterhin automatisch Gebühren von dem jeweiligen laufenden Konto ab.

10.4 Wird ein laufendes Konto nach Nummer 2.2 oder 2.3 VLK aufgelöst, widerruft das EPA von Amts wegen alle offenen automatischen Abbuchungsaufträge. Das EPA behält sich auch vor, einen automatischen Abbuchungsauftrag von Amts wegen zu widerrufen, wenn das Verfahren auf unzulässige Weise eingesetzt wird und insbesondere wenn die in Nummer 4.1 VLK aufgeführten Bedingungen für das Funktionieren des laufenden Kontos nicht erfüllt werden.

11. Beendigung des automatischen Abbuchungsverfahrens

11.1 Ein automatischer Abbuchungsauftrag verliert seine Wirkung mit dem Tag, an dem

a) die Erteilung des europäischen Patents wirksam wird, sofern kein Einspruch eingelegt wird; wird gegen das erteilte europäische Patent Einspruch eingelegt, so wird der automatische Abbuchungsauftrag des Patentinhabers erneut wirksam, bis das Einspruchs-, Einspruchsbeschwerde- oder Überprüfungsverfahren rechtskräftig erledigt ist.

b) die europäische oder internationale Patentanmeldung zurückgenommen worden ist oder rechtskräftig als zurückgenommen gilt oder an dem die europäische Patentanmeldung rechtskräftig zurückgewiesen worden ist;[13]

c) die Aussetzung des Verfahrens nach Regel 14 EPÜ wirksam wird;

d) die Unterbrechung des Verfahrens nach Regel 142 EPÜ wirksam wird;

e) das Beschränkungs- oder Widerrufsverfahren in Bezug auf das europäische Patent, für das der automatische Abbuchungsauftrag erteilt worden war, endgültig abgeschlossen ist;

[12] Dies gilt beispielsweise für den Fall eines Rechtsübergangs oder eines Vertreterwechsels.

[13] Siehe Nummer 9.2 VLK.

10.3 A party or representative withdrawing from proceedings on a particular application[12] must explicitly revoke an automatic debit order as provided for in point 10.1 above. Otherwise the EPO will continue to automatically debit fees from the relevant deposit account.

10.4 If a deposit account is closed in accordance with point 2.2 or 2.3 ADA, the EPO revokes all pending automatic debit orders *ex officio*. The EPO also reserves the right to revoke any automatic debit order *ex officio* if the procedure is used improperly and in particular if the conditions for operating the account laid down in point 4.1 ADA are not complied with.

11. Termination of the automatic debiting procedure

11.1 An automatic debit order ceases to be effective on the day on which

(a) the grant of the European patent takes effect, provided that no opposition is filed; if an opposition is filed against the granted European patent, the patent proprietor's automatic debit order becomes effective again until the opposition or any subsequent appeal or petition for review is finally settled;

(b) the international or European patent application is withdrawn or finally deemed withdrawn; the European patent application is finally refused;[13]

(c) a stay of the proceedings under Rule 14 EPC takes effect;

(d) an interruption of the proceedings under Rule 142 EPC takes effect;

(e) the limitation (revocation) proceedings in respect of a European patent for which the automatic debit order was filed are finally terminated;

[12] For example, if the application is transferred or a change of representative is recorded.

[13] See point 9.2 ADA.

10.3 Une partie ou son mandataire qui se retire de la procédure relative à une demande particulière[12] doit révoquer explicitement un ordre de prélèvement automatique dans les conditions prévues au point 10.1 ci-dessus, faute de quoi l'OEB continuera de procéder au prélèvement automatique des taxes sur le compte courant concerné.

10.4 En cas de clôture d'un compte courant conformément au point 2.2 ou 2.3 RCC, l'OEB révoque d'office tous les ordres de prélèvement automatique en suspens. L'OEB se réserve par ailleurs le droit de révoquer d'office un ordre de prélèvement automatique si la procédure n'est pas suivie correctement, notamment si les conditions de fonctionnement du compte courant énoncées au point 4.1 RCC ne sont pas respectées.

11. Cessation de la procédure de prélèvement automatique

11.1 Un ordre de prélèvement automatique cesse de produire ses effets :

a) à la date à laquelle la délivrance du brevet européen prend effet, à condition qu'il n'y soit pas fait opposition ; s'il est fait opposition au brevet européen délivré, l'ordre de prélèvement automatique du titulaire du brevet produit à nouveau ses effets jusqu'à la clôture définitive de la procédure d'opposition, ou de toute procédure ultérieure de recours ou de requête en révision,

b) à la date à laquelle la demande internationale ou la demande de brevet européen est retirée ou est réputée définitivement retirée, ou celle à laquelle la demande de brevet européen est définitivement rejetée[13],

c) à la date à laquelle la suspension de la procédure prévue à la règle 14 CBE prend effet,

d) à la date à laquelle l'interruption de la procédure visée à la règle 142 CBE prend effet,

e) à la date à laquelle la procédure de limitation (de révocation) afférente au brevet européen pour lequel l'ordre de prélèvement automatique a été donné est close définitivement,

[12] Par exemple en cas de transfert de la demande ou d'inscription d'un changement de mandataire.

[13] Cf. point 9.2 RCC.

f) der Antrag auf internationale vorläufige Prüfung zurückgenommen wird (R. 90*bis*.4 PCT) oder als zurückgenommen gilt.

11.2 In anderen als in den in Nummer 11.1 genannten Fällen verliert der automatische Abbuchungsauftrag seine Wirkung ab dem Zeitpunkt, an dem das PCT-Verfahren vor dem EPA beendet ist.

(f) the demand for International Preliminary Examination is withdrawn (Rule 90*bis*.4 PCT) or considered to be withdrawn.

11.2 In cases other than those specified under point 11.1 above, an automatic debit order ceases to have effect from the moment the PCT proceedings before the EPO are terminated.

f) à la date à laquelle la demande d'examen préliminaire international est retirée (règle 90*bis*.4 PCT) ou réputée retirée.

11.2 En dehors des cas prévus au point 11.1 ci-dessus, un ordre de prélèvement automatique cesse de produire ses effets à compter du moment où la procédure au titre du PCT devant l'OEB est close.

Anhang A.2 zu den VLK Hinweise des EPA zum automatischen Abbuchungsverfahren

Mit den Vorschriften über das automatische Abbuchungsverfahren (VAA)[1] wurde für Inhaber von beim EPA geführten laufenden Konten eine **zusätzliche** Möglichkeit der Vornahme von Zahlungen an das EPA geschaffen. Die VAA sind Bestandteil der Vorschriften über das laufende Konto (VLK), die demnach auch für das automatische Abbuchungsverfahren gelten.

Das automatische Abbuchungsverfahren wird nachfolgend erläutert.

I. Allgemeine Bemerkungen

Gemäß dem in den VAA beschriebenen Verfahren kann der Kontoinhaber dem EPA einen automatischen Abbuchungsauftrag erteilen, um in dem Verfahren, für das der Auftrag erteilt wird, die automatische Zahlung der fälligen Gebühren sicherzustellen, soweit sie nicht in Nummer 3.2 VAA ausdrücklich hiervon ausgenommen sind. Beim automatischen Abbuchungsverfahren liegt die Verantwortlichkeit für die Richtigkeit, Vollständigkeit und Rechtzeitigkeit der Zahlung beim **EPA**, vorausgesetzt, das laufende Konto ist stets ausreichend für fällige Zahlungen gedeckt. Zahlungen, die in den nächsten 40 Tagen abgebucht werden, werden in der Zentralen Gebührenzahlung in der Ansicht **Kontobewegungen** angezeigt.

Nach Erteilung des automatischen Abbuchungsauftrags braucht der Nutzer in der Regel nichts mehr zu unternehmen, um die richtige und rechtzeitige Zahlung sicherzustellen. **In bestimmten Fällen muss er jedoch aktiv werden und dem EPA mitteilen, dass er keine oder gegebenenfalls nur eine ganz bestimmte Zahlung aus einer Menge von fälligen Gebühren wünscht; andernfalls kommt es zu einer automatischen Abbuchung aller Zahlungen.** Ein Beispiel ist die Aufforderung des EPA zur Zahlung weiterer Recherchengebühren nach Regel 64 (1), 164 (1) oder (2) EPÜ bzw. zusätzlicher Recherchengebühren nach Artikel 17 (3) a) PCT. Werden diese Gebühren fällig, muss der Anmelder dem EPA mitteilen, dass er keine oder nur eine oder mehrere, aber nicht alle Gebühren entrichten möchte. Andernfalls werden alle Recherchengebühren, für die die Aufforderung ergangen ist,

[1] Siehe Anhang A.1 in dieser Zusatzpublikation.

Annex A.2 to the ADA Information from the EPO concerning the automatic debiting procedure

The Arrangements for the automatic debiting procedure (AAD)[1] offer holders of deposit accounts with the EPO an **additional** payment option. The AAD form part of the Arrangements for deposit accounts (ADA), which thus also apply to the automatic debiting procedure.

The automatic debiting procedure is explained below.

I. General remarks

Under the procedure laid down in the AAD, an account holder may file with the EPO an automatic debit order to ensure automated payment of all the fees due in the proceedings for which the order is filed, except those expressly excluded under point 3.2 AAD. In the case of automatic debiting, the responsibility for ensuring that payment is made correctly, in full and on time lies with the **EPO**, provided that the deposit account always contains sufficient funds to cover the payments due. Payments due to be debited within the next 40 days are shown in the **Transactions** tab in Central Fee Payment.

Once an automatic debit order has been filed, the user of the automatic debiting procedure does not usually need to take any further action to ensure correct and timely payment. **However, in certain circumstances, users must actively inform the EPO that no payment of a fee is to be made or that only one particular fee amongst a number of fees due is to be paid; otherwise, fees are debited automatically in full.** An example is the invitation by the EPO to pay further search fees under Rules 64(1) or 164(1) or (2) EPC or additional search fees under Article 17(3)(a) PCT. If these fees are due, applicants must inform the EPO if they wish to pay none or only one or more, but not all of them. Otherwise, all the search fees for which the invitation was issued will be debited automatically. The same applies for claims fees (see Re point 3 AAD below).

[1] See Annex A.1 in this supplementary publication.

Annexe A.2 à la RCC Avis de l'OEB concernant la procédure de prélèvement automatique

La réglementation relative à la procédure de prélèvement automatique (RPA)[1] offre aux titulaires de comptes courants ouverts auprès de l'OEB une possibilité **supplémentaire** d'effectuer des paiements à l'Office. La RPA fait partie de la réglementation applicable aux comptes courants (RCC), dont les dispositions s'appliquent donc à la procédure de prélèvement automatique.

Ci-après sont fournies des informations au sujet du système de prélèvement automatique.

I. Remarques d'ordre général

Conformément à la procédure prévue par la RPA, le titulaire d'un compte courant peut déposer auprès de l'OEB un ordre de prélèvement automatique afin d'assurer le paiement automatisé de toutes les taxes dues au titre de la procédure pour laquelle l'ordre a été déposé, à l'exception de celles qui sont expressément exclues en vertu du point 3.2 RPA. En cas de prélèvement automatique, il incombe à l'**OEB** de s'assurer du paiement dans les délais du montant intégral et correct des sommes dues, à condition que le compte courant soit toujours suffisamment approvisionné pour couvrir les paiements exigibles. L'onglet **Opérations** du paiement centralisé des taxes permet de visualiser les montants qui devront être prélevés dans les 40 prochains jours.

Une fois qu'un ordre de prélèvement automatique a été donné, l'utilisateur de la procédure de prélèvement automatique n'a généralement pas besoin d'entreprendre d'autres démarches pour assurer le paiement dans les délais du montant correct des sommes dues. **Cependant, dans certains cas, les utilisateurs devront prendre eux-mêmes l'initiative de notifier à l'OEB qu'ils ne veulent pas payer une taxe ou qu'ils ne veulent payer qu'une seule taxe en particulier parmi celles qui sont dues, faute de quoi les taxes seront prélevées automatiquement dans leur intégralité.** L'invitation de l'OEB à payer une (des) nouvelle(s) taxe(s) de recherche au titre des règles 64(1) ou 164(1) ou (2) CBE, ou des taxes de recherche additionnelles au titre de l'article 17.3.a) PCT illustre ce point. Si ces taxes sont dues, le demandeur doit informer l'OEB qu'il souhaite n'en payer

[1] Cf. Annexe A.1 de la présente publication supplémentaire.

automatisch abgebucht. Dasselbe gilt für Anspruchsgebühren (siehe nachstehende Hinweise zu Nr. 3 VAA).

Anmelder können jedoch nicht beantragen, dass bestimmte Gebühren (z. B. Jahresgebühren) vom automatischen Abbuchungsverfahren ausgenommen werden.

II. Hinweise zu den einzelnen Bestimmungen der VAA

Zu Nummer 1 VAA: Automatisches Abbuchungsverfahren und Erteilung automatischer Abbuchungsaufträge

Das automatische Abbuchungsverfahren steht nur Anmeldern bzw. Patentinhabern und deren Vertretern offen, nicht aber Einsprechenden (sei es im erstinstanzlichen Verfahren oder als Beteiligte im anschließenden Beschwerde- oder Überprüfungsverfahren), Dritten oder sonstigen Personen, die in die Akte Einsicht nehmen.

Zu Nummer 2 VAA: Zugelassene Verfahrensarten

Ein automatischer Abbuchungsauftrag kann erteilt werden für:

i) europäische Erteilungsverfahren in Bezug auf eine oder mehrere bestimmte europäische Patentanmeldungen oder internationale Anmeldungen vor dem EPA als Bestimmungsamt oder ausgewähltem Amt ("Euro-PCT-Anmeldung"), einschließlich Anträge auf vorzeitige Bearbeitung nach Artikel 23 (2) oder 40 (2) PCT,

ii) PCT-Verfahren in Bezug auf bestimmte internationale Anmeldungen vor dem EPA als Anmeldeamt, ISA oder IPEA,

iii) Beschwerde- und Überprüfungsverfahren nach Artikel 112a EPÜ, in denen der Anmelder oder Patentinhaber Verfahrensbeteiligter ist,

iv) Beschränkungs- und Widerrufsverfahren.

aucune, ou qu'une ou plusieurs, mais non toutes, faute de quoi toutes les taxes de recherche pour lesquelles l'invitation a été émise seront automatiquement prélevées. Il en va de même pour les taxes de revendication (cf. ci-dessous la rubrique "Concernant le point 3 RPA").

This does not however mean that applicants may request that specific fees (e.g. renewal fees) be excluded from the automatic debiting procedure.

II. Notes on individual provisions of the AAD

Re point 1 AAD: Automatic debiting procedure and filing of automatic debit orders

The automatic debiting procedure is open only to applicants or patent proprietors and their representatives, but not to opponents (whether in first-instance proceedings or as a party to subsequent appeal or review proceedings), third parties or persons (other than the applicant or patent proprietor) who inspect the file.

Re point 2 AAD: Types of proceedings covered

An automatic debit order may be filed for:

(i) European grant proceedings for one or more specific European patent applications or international applications before the EPO as designated or elected Office ("Euro-PCT application"), including requests for early processing under Article 23(2) or 40(2) PCT,

(ii) PCT proceedings for specific international applications before the EPO as receiving Office, ISA or IPEA,

(iii) appeal and review proceedings under Article 112a EPC to which the applicant or patent proprietor is a party,

(iv) limitation and revocation proceedings.

Cela ne signifie pas toutefois que les demandeurs peuvent demander que certaines taxes (par exemple les taxes annuelles) soient exclues de la procédure de prélèvement automatique.

II. Avis concernant différentes dispositions de la RPA

Concernant le point 1 RPA : Procédure de prélèvement automatique et dépôt des ordres de prélèvement automatique

La procédure de prélèvement automatique étant exclusivement réservée aux demandeurs, aux titulaires de brevets ou à leurs mandataires, les opposants (dans le cadre d'une procédure de première instance ou en qualité de parties à une procédure ultérieure de recours ou de révision), les tiers ou les personnes consultant des dossiers (autres que les demandeurs ou les titulaires de brevets) ne peuvent y avoir recours.

Concernant le point 2 RPA : Procédures pour lesquelles le prélèvement automatique est autorisé

Un ordre de prélèvement automatique peut être déposé pour :

i) la procédure européenne de délivrance concernant une ou plusieurs demandes de brevet européen ou demandes internationales particulières traitées par l'OEB en qualité d'office désigné ou élu ("demande euro-PCT"), y compris les requêtes en traitement anticipé en vertu de l'article 23.2) ou de l'article 40.2) PCT,

ii) la procédure PCT concernant des demandes internationales particulières traitées par l'OEB en qualité d'office récepteur, d'ISA ou d'IPEA,

iii) les procédures de recours et les procédures de révision visées à l'article 112bis CBE, auxquelles le demandeur ou le titulaire du brevet est partie,

iv) les procédures de limitation et de révocation.

Für internationale Anmeldungen vor dem EPA als für die ergänzende internationale Recherche bestimmter Behörde kann kein automatischer Abbuchungsauftrag erteilt werden.

Der automatische Abbuchungsauftrag verliert seine Wirkung ab dem Zeitpunkt, an dem das Verfahren vor dem EPA als Anmeldeamt, ISA oder IPEA beendet ist (Nr. 11.2 VAA). Somit müssen in Bezug auf eine bestimmte internationale Anmeldung gesonderte Aufträge für das PCT-Verfahren gemäß ii) und für das europäische Verfahren gemäß i) erteilt werden. Für Beschränkungs- oder Widerrufsverfahren gemäß iv) muss ein neuer automatischer Abbuchungsauftrag erteilt werden.

Bei internationalen Anmeldungen, deren vorzeitige Bearbeitung nach Artikel 23 (2) oder 40 (2) PCT beantragt wird, hängen die abgebuchten Gebühren von der Art der jeweiligen internationalen Anmeldung und dem Tag der Beantragung der vorzeitigen Bearbeitung ab.[2] Insbesondere werden fällige Gebühren am Tag des Eingangs des Antrags auf vorzeitige Bearbeitung nach Artikel 23 (2) oder 40 (2) PCT automatisch abgebucht, wenn dem EPA die in Artikel 20 PCT genannten Unterlagen zu diesem Zeitpunkt zur Verfügung stehen. Andernfalls werden die Gebühren erst an dem Tag abgebucht, an dem das EPA die in Artikel 20 PCT genannten Unterlagen vom IB nach Regel 47.4 PCT erhält, und der Antrag auf vorzeitige Bearbeitung wird erst an diesem Tag wirksam. Geht der Antrag an einem Tag ein, an dem das EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist, so ist der maßgebende Zahlungstag der nächste Tag, an dem es zur Entgegennahme geöffnet ist.

[2] Siehe Mitteilung des EPA vom 21. Februar 2013 über den Antrag auf vorzeitige Bearbeitung (ABl. EPA 2013, 156).

An automatic debit order cannot be filed for international applications before the EPO as Supplementary International Searching Authority.

An automatic debit order ceases to have effect from the moment the proceedings before the EPO as receiving Office, ISA or IPEA are terminated (point 11.2 AAD). Accordingly, separate orders must be filed for PCT proceedings under (ii) above and for European proceedings under (i) above in respect of a specific international application. For limitation or revocation proceedings under (iv) above, a new automatic debit order has to be filed.

For international applications for which early processing under Article 23(2) or 40(2) PCT is requested, the fees debited will depend on the type of international application concerned and the date on which the request for early processing is filed.[2] In particular, any fees due will be automatically debited on the date the request for early processing under Article 23(2) or 40(2) PCT is filed, provided the documents referred to in Article 20 PCT are available to the EPO on that date. Otherwise, the fees will only be debited and the request for early processing will only take effect on the day the EPO receives the documents referred to in Article 20 PCT from the IB under Rule 47.4 PCT. If the request is received on a day on which the EPO is not open for the receipt of documents, the decisive payment date will be the next day it is open for this.

[2] See notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156).

Il ne peut pas être donné d'ordre de prélèvement automatique pour la procédure relative aux demandes internationales traitées par l'OEB agissant en qualité d'administration chargée de la recherche internationale supplémentaire.

Un ordre de prélèvement automatique cesse de produire ses effets à la clôture de la procédure devant l'OEB agissant en qualité d'office récepteur, d'ISA ou d'IPEA (point 11.2 RPA). Par conséquent, des ordres distincts doivent être déposés pour les procédures PCT visées au point ii) ci-dessus et les procédures européennes visées au point i) ci-dessus concernant une demande internationale particulière. Un nouvel ordre de prélèvement automatique doit être donné pour les procédures de limitation ou de révocation visées au point iv) ci-dessus.

Dans le cas des demandes internationales pour lesquelles une requête en traitement anticipé est présentée au titre de l'article 23.2) PCT ou de l'article 40.2) PCT, les taxes débitées dépendent du type de demande internationale concerné et de la date à laquelle la requête en traitement anticipé est présentée.[2] En particulier, les taxes dues seront prélevées automatiquement à la date à laquelle la requête en traitement anticipé est présentée au titre de l'article 23.2) PCT ou de l'article 40.2) PCT, à condition que les documents visés à l'article 20 PCT soient à la disposition de l'OEB à cette date, faute de quoi les taxes ne seront débitées, et la requête en traitement anticipé ne prendra effet, qu'à la date à laquelle l'OEB recevra du BI, conformément à la règle 47.4 PCT, les documents visés à l'article 20 PCT. Si la requête est reçue un jour où l'OEB n'est pas ouvert pour recevoir des documents, la date à laquelle le paiement est réputé effectué est le premier jour suivant où l'OEB est ouvert pour recevoir des documents.

[2] Cf. Communiqué de l'OEB, en date du 21 février 2013, concernant la requête en traitement anticipé (JO OEB 2013, 156).

Zu Nummer 3 VAA: Zugelassene Gebührenarten

Das automatische Abbuchungsverfahren ist für die meisten im europäischen und im PCT-Verfahren vor dem EPA anfallenden Gebühren zugelassen. Vom automatischen Abbuchungsverfahren ausgeschlossene Gebührenarten sind in Nummer 3.2 VAA aufgelistet. Das EPA berücksichtigt zugunsten und zulasten des Kontoinhabers alle dem EPA zum Zeitpunkt der Ausführung der automatischen Abbuchung bekannten gebührenrechtlich relevanten Faktoren in der Weise, dass alle Rechte aus der Anmeldung gewahrt bleiben (siehe Nr. 4 VAA).

I. Bezüglich europäischer Anmeldungen und internationaler Anmeldungen vor dem EPA als Bestimmungsamt oder ausgewähltem Amt ("Euro-PCT-Anmeldungen") wird auf folgende Besonderheiten des automatischen Abbuchungsverfahrens hingewiesen:

I.1 Anmeldegebühr einschließlich einer etwaigen Zusatzgebühr

Für europäische und Euro-PCT-Anmeldungen ist als Teil der Anmeldegebühr eine Zusatzgebühr fällig, wenn die Anmeldung mehr als 35 Seiten umfasst. Für europäische Anmeldungen wird die Zusatzgebühr automatisch am letzten Tag der Einmonatsfrist nach Einreichung der europäischen Patentanmeldung (zusammen mit der Anmeldegebühr) bzw. der Einmonatsfrist nach Einreichung des ersten Anspruchssatzes oder der Einmonatsfrist nach Einreichung der beglaubigten Abschrift nach Regel 40 (3) EPÜ abgebucht, je nachdem, welche Frist gilt (R. 38 (3) EPÜ). Für Euro-PCT-Anmeldungen werden die Anmeldegebühr und die Zusatzgebühr am letzten Tag der Frist nach Regel 159 (1) EPÜ abgebucht, sofern kein Antrag auf vorzeitige Bearbeitung gestellt wurde (siehe vorstehende Hinweise zu Nr. 2 VAA).

Re point 3 AAD: Fee types covered

The automatic debiting procedure covers the majority of the fees due in European and PCT proceedings before the EPO. The fees excluded from automatic debiting are set out in point 3.2 AAD. The EPO takes into consideration, to the account holder's benefit or detriment, all relevant factors known to it when the automatic debit is effected, doing so in such a way as to safeguard all rights arising from the application (see point 4 AAD).

I. For European applications or international applications before the EPO as designated or elected Office ("Euro-PCT applications"), attention is drawn to the specific aspects of the automatic debiting procedure for the following:

I.1 Filing fee including any additional fees

For European and Euro-PCT applications, an additional fee as part of the filing fee is due if the application comprises more than 35 pages. For European applications, the additional fee is debited automatically on the last day of the one-month period from filing the European patent application (together with the filing fee) or of the one-month period from filing the first set of claims or of the one-month period from filing the certified copy referred to in Rule 40(3) EPC, whichever is applicable (Rule 38(3) EPC). For Euro-PCT applications, the filing fee and the additional fee is debited on the last day of the time limit under Rule 159(1) EPC, except where early processing is requested (see Re point 2 AAD above).

Concernant le point 3 RPA : Taxes pouvant être acquittées par prélèvement automatique

Une majorité des taxes dues au titre des procédures européennes et PCT devant l'OEB peuvent être acquittées au moyen de la procédure de prélèvement automatique. Les taxes exclues du prélèvement automatique sont mentionnées au point 3.2 RPA. L'OEB tient compte de toutes les données pertinentes en matière de taxes, telles qu'il les connaît à la date du prélèvement automatique, qu'elles jouent en faveur du titulaire du compte ou à son détriment, et ce de manière à préserver tous les droits attachés à la demande (cf. point 4 RPA).

I. Concernant les demandes européennes ou les demandes internationales traitées par l'OEB en qualité d'office désigné ou élu ("demandes euro-PCT"), il convient de noter les spécificités de la procédure de prélèvement automatique pour le paiement des taxes suivantes :

I.1 Taxe de dépôt (y compris toute taxe additionnelle)

Dans le cas des demandes européennes et euro-PCT, une taxe additionnelle faisant partie de la taxe de dépôt est exigible si la demande compte plus de 35 pages. S'agissant des demandes européennes, cette taxe additionnelle est prélevée automatiquement le dernier jour du délai d'un mois à compter du dépôt de la demande de brevet européen (le prélèvement de cette taxe ayant lieu en même temps que celui de la taxe de dépôt), ou du délai d'un mois à compter du dépôt du premier jeu de revendications, ou du délai d'un mois à compter du dépôt de la copie certifiée conforme visée à la règle 40(3) CBE, selon celui de ces délais qui est applicable (règle 38(3) CBE). S'agissant des demandes euro-PCT, la taxe de dépôt et la taxe additionnelle sont prélevées le dernier jour du délai prévu à la règle 159(1) CBE, à moins qu'une requête en traitement anticipé ne soit présentée (cf. ci-dessus la rubrique "Concernant le point 2 RPA").

Für Teilanmeldungen ist eine Zusatzgebühr fällig, wenn sie zu einer früheren Anmeldung eingereicht werden, die ihrerseits eine Teilanmeldung ist (R. 38 (4) EPÜ). Die Zusatzgebühr wird zusammen mit der Anmeldegebühr automatisch am letzten Tag der Einmonatsfrist nach Einreichung der Teilanmeldung abgebucht.

Sind die Voraussetzungen für eine Gebührenermäßigung nach Artikel 14 GebO und Regel 6 EPÜ erfüllt, wird die Anmeldegebühr (einschließlich einer etwaigen Zusatzgebühr) nur in Höhe von 70 % abgebucht.[3]

I.2 Recherchengebühr für eine europäische Recherche oder eine ergänzende europäische Recherche

Stellt die Recherchenabteilung bei einer europäischen Patentanmeldung mangelnde Einheitlichkeit der Erfindung fest, so teilt sie dem Anmelder gemäß Regel 64 (1) EPÜ bei Übersendung des teilweisen europäischen Recherchenberichts mit, dass für **jede weitere Erfindung** eine **weitere Recherchengebühr** zu entrichten ist. **Falls der Anmelder nicht wünscht, dass eine oder mehrere der weiteren Erfindungen recherchiert werden, muss er dies dem EPA vor Ablauf der Zahlungsfrist mitteilen, um die automatische Abbuchung der weiteren Recherchengebühren zu verhindern.**

Dasselbe gilt, wenn der Anmelder bei Eintritt in die europäische Phase aufgefordert wird, Recherchengebühren nach **Regel 164 (1) oder (2) EPÜ** zu entrichten,[4] und ein automatischer Abbuchungsauftrag vorliegt.

[3] Siehe Mitteilung des EPA vom 10. Januar 2014 über die Änderung von Regel 6 EPÜ und Artikel 14 (1) GebO, ABl. EPA 2014, A23.

[4] Siehe Mitteilung des EPA vom 10. Juni 2014 über die geänderten Regeln 164 und 135 EPÜ (ABl. EPA 2014, A70) und Richtlinien C-III, 2.3, 3.1.1 und 3.1.2.

For divisional applications, an additional fee is due in respect of any earlier application which is itself a divisional application (Rule 38(4) EPC). The additional fee will be debited automatically, together with the filing fee, on the last day of the one-month period from filing the application.

Where the requirements of Article 14 RFees and Rule 6 EPC are met, only 70% of the filing fee, including any additional fee, is debited.[3]

I.2 Search fee for a European or supplementary European search

If, for a European patent application, the search division makes a finding of non-unity, it informs the applicant under Rule 64(1) EPC, when it transmits the partial European search report, that a **further search fee** is payable **for each additional invention** involved. **If applicants do not want any or one or more of the further inventions to be searched, they must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of all the further search fees being carried out.**

The same applies if, upon entry into the European phase, the applicant is invited to pay search fees under **Rules 164(1) or (2) EPC**[4] and an automatic debit order is on file.

[3] See notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[4] See notice from the EPO dated 10 June 2014 concerning amended Rules 164 and 135 EPC (OJ EPO 2014, A70) and Guidelines C-III, 2.3, 3.1.1 and 3.1.2.

Dans le cas des demandes divisionnaires, une taxe additionnelle est exigible lorsqu'elles sont déposées sur la base d'une demande antérieure qui est elle-même une demande divisionnaire (règle 38(4) CBE). Cette taxe additionnelle est prélevée automatiquement en même temps que la taxe de dépôt, le dernier jour du délai d'un mois à compter du dépôt de la demande.

Lorsque les conditions prévues à l'article 14 RRT et à la règle 6 CBE sont remplies, le compte courant n'est débité que de 70 % du montant de la taxe de dépôt, y compris toute taxe additionnelle.[3]

I.2 Taxe de recherche pour une recherche européenne ou une recherche européenne complémentaire

Si la division de la recherche conclut à l'absence d'unité d'une demande de brevet européen, elle transmet le rapport partiel de recherche européenne au demandeur en l'avisant, par une notification établie conformément à la règle 64(1) CBE, qu'il devra acquitter une **nouvelle taxe de recherche** pour **chaque invention supplémentaire concernée. Si le demandeur ne souhaite pas que les inventions supplémentaires, ou qu'une ou que plusieurs d'entre elles fassent l'objet d'une recherche, il doit en avertir l'OEB avant l'expiration du délai de paiement, afin d'empêcher le prélèvement automatique de la totalité des nouvelles taxes de recherche.**

Il en va de même si, lors de l'entrée dans la phase européenne, le demandeur est invité à acquitter des taxes de recherche en vertu des **règles 164(1) ou (2) CBE**[4] et que le dossier contient un ordre de prélèvement automatique.

[3] Cf. Communiqué de l'OEB, en date du 10 janvier 2014, relatif à la modification de la règle 6 CBE et de l'article 14(1) RRT (JO OEB 2014, A23).

[4] Cf. Communiqué de l'OEB, en date du 10 juin 2014, concernant la modification des règles 164 et 135 CBE (JO OEB 2014, A70) et Directives, C-III, 2.3, 3.1.1 et 3.1.2.

Damit das EPA Zahlungsanweisungen bearbeiten kann, die bis zum letzten Tag der jeweiligen Frist nach Regel 64 oder 164 EPÜ eingehen, erfolgt die tatsächliche Abbuchung weiterer Recherchengebühren 10 Tage nach dem maßgebenden Zahlungstag. Der vorläufige Betrag der fälligen weiteren Recherchengebühren wird im Zahlungsplan angezeigt, bis die Abbuchung auf der Grundlage der endgültigen Zahl zu recherchierender Erfindungen erfolgt ist. Die Gebühren werden automatisch abgebucht, sofern am tatsächlichen Abbuchungstag auf dem Konto eine ausreichende Deckung vorhanden ist.

Bei der Recherchengebühr für eine ergänzende europäische Recherche berücksichtigt das automatische Abbuchungsverfahren gegebenenfalls das Vorliegen von Ermäßigungs- oder Entfallstatbeständen, sodass nur der ermäßigte Betrag bzw. überhaupt nichts abgebucht wird.

I.3 Benennungsgebühr[5]

Sollen die Benennungsgebühren vor Ablauf der Zahlungsfrist entrichtet werden, **ist die Zahlung gesondert über einen anderen in der Gebührenordnung zugelassenen Zahlungsweg vorzunehmen** (siehe Nr. 9 VAA). Dies gilt zum Beispiel, wenn in der Schlussphase des europäischen Erteilungsverfahrens Gebühren ausnahmsweise erst nach Zustellung der Mitteilung nach Regel 71 (3) EPÜ fällig werden (R. 71a (3) EPÜ). Die Gebühren sollten möglichst früh über einen anderen Zahlungsweg entrichtet werden, damit dadurch nicht die Veröffentlichung des Hinweises auf die Erteilung verzögert wird.

Zur automatischen Abbuchung von Erstreckungs- und Validierungsgebühren siehe nachstehende Nummer I.11.

[5] Nur für europäische Patentanmeldungen, einschließlich europäischer Teilanmeldungen, die ab dem 1. April 2009 eingereicht werden, sowie für internationale Anmeldungen, die ab diesem Zeitpunkt in die europäische Phase eintreten, deckt die Zahlung der pauschalen Benennungsgebühr alle Vertragsstaaten ab (Art. 2 (1) Nr. 3 GebO). Nur für europäische Patentanmeldungen, die vor dem 1. April 2009 eingereicht werden, sowie für internationale Anmeldungen, die vor diesem Zeitpunkt in die europäische Phase eintreten, gelten mit der Zahlung des siebenfachen Betrags einer Benennungsgebühr die Benennungsgebühren für alle Vertragsstaaten als entrichtet.

To enable the EPO to process any payment instructions received up to the last day of the periods under Rules 64 or 164 EPC, the effective debiting of further search fees will take place 10 days after the decisive payment date. The provisional amount of further search fees due will be shown in the payment plan until the debit based on the final number of inventions to be searched has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

For the supplementary European search fee, the automatic debiting procedure takes account of circumstances in which the fee is reduced or not payable, debiting accordingly only the reduced amount or no fee at all.

I.3 Designation fee[5]

If an applicant wishes to pay the designation fee before expiry of the period for doing so, **payment must be made separately by another means of payment allowed under the RFees** (see point 9 AAD). This applies, for example, at the end of the European grant procedure if, exceptionally, the fee(s) become(s) due only after the communication under Rule 71(3) EPC (Rule 71a(3) EPC). The fee(s) should be paid early by another means to prevent delay in the publication of the mention of grant.

For automatic debiting of the extension and validation fee(s), see point I.11 below.

[5] For European patent applications filed, including European divisional applications, and international applications entering the European phase on or after 1 April 2009 only, payment of the flat designation fee covers all the contracting states (Article 2(1), item 3, RFees). For European patent applications filed and international applications entering the European phase before 1 April 2009 only, payment of seven times the designation fee is deemed to cover all the contracting states.

Afin que l'OEB puisse traiter les instructions de paiement reçues jusqu'au dernier jour des délais prévus à la règle 64 ou à la règle 164 CBE, le prélèvement proprement dit des nouvelles taxes de recherche aura lieu dix jours après la date à laquelle le paiement aura été réputé effectué. Le nombre provisoire de nouvelles taxes de recherche dues sera indiqué dans le calendrier de paiement jusqu'à ce que le prélèvement ait été effectué sur la base du nombre définitif d'inventions devant faire l'objet d'une recherche. Il ne sera procédé au prélèvement automatique des taxes que si le crédit du compte courant est suffisant à la date du prélèvement proprement dit.

Pour le prélèvement automatique de la taxe à acquitter pour une recherche européenne complémentaire, il est tenu compte des cas de réduction ou de remise de cette taxe ; le montant à prélever se voit réduit en conséquence ou bien il n'est opéré aucun prélèvement.

I.3 Taxe de désignation[5]

Si le demandeur souhaite acquitter la taxe de désignation avant l'expiration du délai de paiement, **le paiement doit être effectué séparément, au moyen d'un autre mode de paiement admis dans le règlement relatif aux taxes** (cf. point 9 RPA). Cela s'applique, par exemple, à l'issue de la procédure de délivrance de brevets européens si, exceptionnellement, la (les) taxe(s) ne vient (viennent) à échéance qu'après la notification visée à la règle 71(3) CBE (règle 71bis(3) CBE). Elle(s) doit (doivent) être acquittée(s) rapidement au moyen d'un autre mode de paiement, afin de ne pas retarder la publication de la mention de la délivrance.

En ce qui concerne le prélèvement automatique de la (des) taxe(s) d'extension et de validation, cf. point I.11 ci-dessous.

[5] Pour les demandes de brevet européen, y compris les demandes divisionnaires européennes déposées à compter du 1er avril 2009, et pour les demandes internationales entrant dans la phase européenne à compter de cette date, le paiement de la taxe forfaitaire de désignation couvre tous les États contractants (article 2(1), point 3 RRT). Pour les demandes de brevet européen déposées avant le 1er avril 2009 et les demandes internationales entrées dans la phase européenne avant cette date, les taxes de désignation sont réputées payées pour tous les États contractants si le demandeur acquitte un montant égal à sept fois celui d'une taxe de désignation.

I.4 Anspruchsgebühren (Regeln 45, 162 und 71 (4) EPÜ)

Anspruchsgebühren nach Regel 45 und 162 EPÜ

Dem automatischen Abbuchungsverfahren werden die nach Regel 45 EPÜ gebührenpflichtigen Patentansprüche zugrunde gelegt, die sich aus dem ersten eingereichten Anspruchssatz ergeben. Bei mehreren Anspruchssätzen wird von dem Satz von Patentansprüchen ausgegangen, der die meisten Ansprüche enthält. **Will der Anmelder keine oder nicht alle Anspruchsgebühren für diese gebührenpflichtigen Patentansprüche entrichten, so muss er dies dem EPA vor Ablauf der Frist nach Regel 45 (2) Satz 1 EPÜ mitteilen.** Dasselbe gilt, wenn der automatische Abbuchungsauftrag erst nach Einreichung der Patentansprüche, jedoch vor Ablauf der Frist nach Regel 45 (2) Satz 2 EPÜ erteilt wird.

Bei Euro-PCT-Anmeldungen richten sich die Berechnung und die automatische Abbuchung etwaiger beim Eintritt in die europäische Phase fälliger Anspruchsgebühren nach den Anmeldungsunterlagen, die dem europäischen Erteilungsverfahren zugrunde zu legen sind (R. 162 EPÜ). Werden in Erwiderung auf die gemeinsame Mitteilung nach Regel 161 und 162 EPÜ geänderte Ansprüche eingereicht, so werden die Anspruchsgebühren auf der Grundlage des letzten geänderten Anspruchssatzes berechnet (R. 162 (2) EPÜ), sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht. Damit das EPA Zahlungsanweisungen bearbeiten kann, die bis zum letzten Tag der Sechsmonatsfrist für die Einreichung von Änderungen eingehen, erfolgt die tatsächliche Abbuchung der Anspruchsgebühren 10 Tage nach dem maßgebenden Zahlungstag. Der vorläufige Betrag der fälligen Anspruchsgebühren wird im Zahlungsplan angezeigt, bis die Abbuchung auf der Grundlage der endgültigen Anspruchszahl erfolgt ist. Die Gebühren werden automatisch abgebucht, sofern am tatsächlichen Abbuchungstag auf dem Konto eine ausreichende Deckung vorhanden ist.

I.4 Claims fees (Rules 45, 162 and 71(4) EPC)

Claims fees under Rules 45and 162 EPC

The EPO takes as the basis for the automatic debiting procedure the claims incurring fees under Rule 45 EPC contained in the first set of claims. Where there is more than one set of claims, it takes the set containing the greatest number. **If applicants do not want to pay any or all of these claims fees, they must inform the EPO accordingly before the period under Rule 45(2), first sentence, EPC expires**. The same applies where the automatic debit order is not received until after filing of the claims but before expiry of the period under Rule 45(2), second sentence, EPC.

For Euro-PCT applications, any claims fees payable on entry into the European phase are computed and, where appropriate, debited under the automatic debiting procedure on the basis of the documents on which the European grant procedure is to be based (Rule 162 EPC). If amended claims are filed in response to the combined communication under Rules 161 and 162 EPC, the claims fees due are computed on the basis of the last set of amended claims (Rule 162(2) EPC), unless the EPO is instructed otherwise before expiry of the period for payment. To enable the EPO to process any payment instructions received up to the last day of the six-month period for filing amendments, the effective debiting of claims fees will take place 10 days after the decisive date of payment. The provisional amount of claims fees due will be shown in the payment plan until the debit based on the final number of claims has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

I.4 Taxes de revendication (règles 45, 162 et 71(4) CBE)

Taxes de revendication visées à la règle 45 et à la règle 162 CBE

Pour déterminer, dans le cadre de la procédure de prélèvement automatique, quelles sont les revendications donnant lieu au paiement de taxes au sens de la règle 45 CBE, l'OEB se base sur les revendications figurant dans le premier jeu de revendications. Si plusieurs jeux de revendications ont été présentés, il se base sur celui qui contient le plus grand nombre de revendications. **Si le demandeur n'entend pas acquitter des taxes pour l'ensemble ou pour une partie de ces revendications, il doit en aviser l'OEB avant l'expiration du délai prévu par la règle 45(2), première phrase CBE**. Il en va de même lorsque l'ordre de prélèvement automatique n'a été donné qu'après le dépôt des revendications, mais avant l'expiration du délai prévu par la règle 45(2), deuxième phrase CBE.

Pour les demandes euro-PCT, le calcul et le prélèvement automatique des taxes de revendication qui pourraient être dues lors de l'entrée dans la phase européenne s'effectuent à partir des pièces de la demande sur lesquelles doit se fonder la procédure européenne de délivrance (règle 162 CBE). Si des revendications modifiées sont produites en réponse à la notification combinée au titre des règles 161 et 162 CBE, les taxes de revendication exigibles sont calculées sur la base du dernier jeu de revendications modifiées (règle 162(2) CBE), sauf instruction contraire reçue par l'OEB avant l'expiration du délai de paiement. Afin que l'OEB puisse traiter les instructions de paiement reçues jusqu'au dernier jour du délai de six mois prévu pour la présentation de modifications, le prélèvement proprement dit des taxes de revendication aura lieu dix jours après la date à laquelle le paiement aura été réputé effectué. Le nombre provisoire de taxes de revendication dues sera indiqué dans le calendrier de paiement jusqu'à ce que le prélèvement ait été effectué sur la base du nombre définitif de revendications. Il ne sera procédé au prélèvement automatique des taxes que si le crédit du compte courant est suffisant à la date du prélèvement proprement dit.

Hat ein Anmelder einen automatischen Abbuchungsauftrag erst nach Ablauf der Frist nach Regel 45 oder 162 EPÜ, jedoch vor Ablauf der Frist für den Antrag auf Weiterbehandlung in Bezug auf die Patentansprüche eingereicht, die infolge der Nichtentrichtung der Anspruchsgebühren als zurückgenommen gelten, und will er nun nicht für alle Ansprüche Anspruchsgebühren zahlen, für die Anspruchsgebühren fällig geworden sind, **so sollte er dies vor Ablauf der Frist für den Antrag auf Weiterbehandlung mitteilen. Andernfalls werden alle Anspruchsgebühren, die fällig geworden sind, sowie die entsprechenden Weiterbehandlungsgebühren am letzten Tag der Frist für den Antrag auf Weiterbehandlung automatisch abgebucht**.

Kontoinhaber, die am automatischen Abbuchungsverfahren teilnehmen und **auf ihr Recht verzichten, die Mitteilung nach Regel 161 (1) oder (2) und 162 EPÜ zu erhalten, müssen etwaige beim Eintritt in die europäische Phase fällige Anspruchsgebühren über einen anderen zugelassenen Zahlungsweg entrichten** (siehe Nr. 9 VAA).[6]

Anspruchsgebühren nach Regel 71 (4) EPÜ

Enthält die europäische Patentanmeldung in der für die Erteilung vorgesehenen Fassung gemäß Regel 71 (3) EPÜ mehr als fünfzehn Patentansprüche, für die noch keine Gebühren gemäß Regel 45 oder 162 EPÜ entrichtet worden sind, so werden die fälligen Anspruchsgebühren am Tag der Einreichung der Übersetzung der betreffenden Ansprüche oder am letzten Tag der Frist nach Regel 71 (3) EPÜ automatisch abgebucht. Werden durch Änderungen, die innerhalb der Frist nach Regel 71 (3) EPÜ beantragt wurden, noch weitere zusätzliche Ansprüche hinzugefügt, so wird die entsprechende Anzahl von Anspruchsgebühren dafür am letzten Tag der Frist automatisch abgebucht.

[6] Siehe Mitteilung des EPA vom 30. November 2015 über Möglichkeiten der Beschleunigung des europäischen Patenterteilungsverfahrens (ABl. EPA 2015, A94).

If the automatic debit order is not filed until after expiry of the period under Rule 45 or 162 EPC but before expiry of the period for requesting further processing in respect of claims deemed withdrawn as a result of non-payment of the claims fees, an applicant now wishing to pay for fewer claims than those for which fees have become due **should indicate this before expiry of the period for requesting further processing. Otherwise all claims fees which have become due and the corresponding further processing fees are debited automatically on the last day of the period for requesting further processing**.

Account holders participating in the automatic debiting procedure and **waiving their right to the communication under Rules 161(1) or (2) and 162 EPC must pay any claims fees due on entry into the European phase by another permitted means of payment** (see point 9 AAD).[6]

Claim fees under Rule 71(4) EPC

If the European patent application in the text intended for grant under Rule 71(3) EPC comprises more than fifteen claims for which fees have not already been paid in accordance with Rule 45 or 162 EPC, any claims fees due are debited automatically on the date of filing of the translation of the relevant claims, or on the last day of the period under Rule 71(3) EPC. If amendments requested within the period under Rule 71(3) EPC introduce additional claims, the applicable number of claims fees for these is debited automatically on the last day of the period.

[6] See notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

Si l'ordre de prélèvement automatique n'a été donné qu'après l'expiration du délai visé à la règle 45 ou 162 CBE, mais avant l'expiration du délai de présentation de la requête en poursuite de la procédure quant aux revendications réputées retirées en raison du défaut de paiement des taxes de revendication, et si le demandeur souhaite désormais effectuer un règlement pour un nombre inférieur de revendications que celles pour lesquelles les taxes sont venues à échéance, **il doit indiquer celles-ci avant l'expiration du délai de présentation de la requête en poursuite de la procédure, faute de quoi, les taxes de revendication venues à échéance et les taxes de poursuite de la procédure y afférentes seront toutes prélevées automatiquement le dernier jour du délai de présentation de la requête en poursuite de la procédure**.

Par ailleurs, les titulaires d'un compte courant qui utilisent la procédure de prélèvement automatique et **renoncent à leur droit de recevoir la notification émise en vertu des règles 161(1) ou (2) CBE et 162 CBE sont tenus d'acquitter les taxes de revendication exigibles lors de l'entrée dans la phase européenne par un autre mode de paiement autorisé** (cf. point 9 RPA).[6]

Taxes de revendication visées à la règle 71(4) CBE

Si le texte envisagé pour la délivrance du brevet européen conformément à la règle 71(3) CBE comporte plus de quinze revendications qui n'ont pas déjà donné lieu au paiement de taxes en vertu de la règle 45 ou de la règle 162 CBE, l'Office prélève automatiquement le montant correspondant aux taxes de revendication dues, à la date de production de la traduction des revendications concernées, ou le dernier jour du délai imparti conformément à la règle 71(3) CBE. Si les modifications demandées dans le délai visé à la règle 71(3) CBE ont pour effet d'introduire de nouvelles revendications, le nombre de taxes de revendication applicable à celles-ci est prélevé automatiquement le dernier jour de ce délai.

[6] Cf. Communiqué de l'OEB, en date du 30 novembre 2015, relatif aux moyens d'accélérer la procédure de délivrance européenne (JO OEB 2015, A94).

I.5 Jahresgebühren

Soll eine Jahresgebühr im Einklang mit Regel 51 (1) EPÜ vor dem Fälligkeitstag entrichtet werden, **so ist sie gesondert über einen anderen in der Gebührenordnung zugelassenen Zahlungsweg zu entrichten** (siehe Nr. 9 VAA). Dies gilt zum Beispiel, wenn in der Schlussphase des europäischen Erteilungsverfahrens eine Jahresgebühr erst nach Zustellung der Mitteilung nach Regel 71 (3) EPÜ fällig wird (R. 71a (4) EPÜ). Sie sollte dann möglichst früh über einen anderen zugelassenen Zahlungsweg entrichtet werden, damit dadurch nicht die Veröffentlichung des Hinweises auf die Erteilung verzögert wird.

I.5 Renewal fees

If an applicant wishes to pay a renewal fee before the due date as provided for in Rule 51(1) EPC, **the fee must be paid separately by another means of payment allowed under the RFees** (see point 9 AAD). This applies, for example, if in the final phase of the European grant procedure a renewal fee becomes due after the communication under Rule 71(3) EPC (Rule 71a(4) EPC). The fee should be paid early by another permitted means to prevent delay in the publication of the mention of grant.

I.5 Taxes annuelles

Si un demandeur souhaite acquitter une taxe annuelle avant l'échéance conformément à la règle 51(1) CBE, **cette taxe doit être acquittée séparément au moyen d'un autre mode de paiement admis dans le règlement relatif aux taxes** (cf. point 9 RPA). Cela s'applique par exemple si, pendant la phase finale de la procédure européenne de délivrance, une taxe annuelle vient à échéance après la notification visée à la règle 71(3) CBE (règle 71bis(4) CBE). La taxe doit être acquittée rapidement au moyen d'un autre mode de paiement autorisé, afin de ne pas retarder la publication de la mention de la délivrance.

I.6 Prüfungsgebühr

Die automatische Abbuchung der Prüfungsgebühr erfolgt am letzten Tag der in Regel 70 (1) EPÜ genannten Frist. Da der Prüfungsantrag stets mit dem Formblatt für den Erteilungsantrag (EPA 1001 oder 1001E) gestellt wird, kann der Anmelder **die automatische Abbuchung der Prüfungsgebühr nur verhindern, wenn er rechtzeitig den automatischen Abbuchungsauftrag widerruft oder seine Anmeldung zurücknimmt**.

Für Fälle, in denen die Prüfungsgebühr vor Ablauf der Zahlungsfrist automatisch abgebucht wird, d. h. wenn der Anmelder auf das Recht auf die Aufforderung nach Regel 70 (2) EPÜ[7] verzichtet oder vor Ablauf der Frist nach Regel 70 (1) bzw. 159 (1) EPÜ einen Antrag auf Bearbeitung nach dem PACE-Programm gestellt hat, wird die Prüfungsgebühr automatisch am Tag des Eingangs der Verzichtserklärung oder des PACE-Antrags abgebucht (siehe Nr. 5.1 c) VAA).

Sind die Voraussetzungen für eine Gebührenermäßigung nach Artikel 14 GebO und Regel 6 EPÜ erfüllt, wird die Prüfungsgebühr im automatischen Abbuchungsverfahren nur in Höhe von 70 % abgebucht.[8]

[7] Siehe Mitteilung des EPA vom 30. November 2015 über Möglichkeiten der Beschleunigung des europäischen Patenterteilungsverfahrens (ABl. EPA 2015, A94).

[8] Siehe Mitteilung des EPA vom 10. Januar 2014 über die Änderung von Regel 6 EPÜ und Artikel 14 (1) GebO (ABl. EPA 2014, A23).

I.6 Examination fee

The examination fee is automatically debited on the last day of the period specified in Rule 70(1) EPC. Since the request for examination is always included in EPO Form 1001 or 1001E, the applicant can **prevent the automatic debiting of the examination fee only by revoking the automatic debit order or withdrawing the application in time**.

For cases in which the examination fee is automatically debited before expiry of the period for payment, i.e. where the applicant has waived the right to the invitation under Rule 70(2) EPC[7] or has requested, before the expiry of the period under Rule 70(1) or 159(1) EPC, as appropriate, that the application be processed under the PACE programme, the examination fee will be automatically debited on the date of receipt of the waiver or of the PACE request, respectively (see point 5.1(c) AAD).

Where the requirements of Article 14 and Rule 6 EPC for the reduction of fees are met, only 70% of the examination fee is debited under the automatic debiting procedure.[8]

[7] See notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[8] See notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

I.6 Taxe d'examen

Le montant de la taxe d'examen est prélevé automatiquement le dernier jour du délai mentionné à la règle 70(1) CBE. La requête en examen étant toujours incluse dans le formulaire OEB 1001 ou 1001E, le seul moyen pour le demandeur **d'empêcher le prélèvement automatique de la taxe d'examen est de révoquer à temps son ordre de prélèvement automatique ou de retirer à temps sa demande**.

Concernant les cas où la taxe d'examen est prélevée automatiquement avant l'expiration du délai de paiement, c'est-à-dire lorsque le demandeur a renoncé à son droit de recevoir l'invitation visée à la règle 70(2) CBE[7] ou a requis le traitement de sa demande au titre du programme PACE avant l'expiration du délai visé à la règle 70(1) ou à la règle 159(1) CBE selon le cas, la taxe d'examen sera prélevée automatiquement respectivement à la date de réception de la déclaration de renonciation ou à la date de réception de la requête PACE (cf. point 5.1 c) RPA).

Lorsque les conditions de réduction des taxes prévues à l'article 14 et à la règle 6 CBE sont remplies, le compte courant n'est débité que de 70 % du montant de la taxe d'examen dans le cadre de la procédure de prélèvement automatique.[8]

[7] Cf. Communiqué de l'OEB, en date du 30 novembre 2015, relatif aux moyens d'accélérer la procédure de délivrance européenne (JO OEB 2015, A94).

[8] Cf. Communiqué de l'OEB, en date du 10 janvier 2014, relatif à la modification de la règle 6 CBE et de l'article 14(1) RRT (JO OEB 2014, A23).

I.7 Erteilungsgebühr einschließlich Veröffentlichungsgebühr/Erteilungs- und Druckkostengebühr[9]

Die Erteilungsgebühr einschließlich Veröffentlichungsgebühr bzw. die Erteilungs- und Druckkostengebühr – je nachdem welche fällig ist – wird am Tag der Einreichung der Übersetzung der Ansprüche (siehe Nr. 5.1 d) VAA), auf jeden Fall aber am letzten Tag der in Regel 71 (3) EPÜ genannten Frist automatisch abgebucht.

I.8 Weiterbehandlungsgebühr

Der maßgebende Zahlungstag für die Weiterbehandlungsgebühr hängt von der versäumten Handlung oder dem Zeitpunkt der Erteilung des automatischen Abbuchungsauftrags im jeweiligen Verfahren vor dem EPA ab. Die verschiedenen maßgebenden Zahlungstage sind in Nummer 5.2 VAA festgelegt.

I.9 Wiedereinsetzungs-, Beschränkungs- oder Widerrufsgebühr und Beschwerdegebühr oder Gebühr für den Antrag auf Überprüfung

Die Bezugnahmen auf "Wiedereinsetzung" in den VAA und in diesen Hinweisen verweisen nicht nur auf die Wiedereinsetzung in den vorigen Stand nach Artikel 122 EPÜ, sondern gegebenenfalls auch auf die Wiedereinsetzung nach Regel 49.6 d) i) PCT oder die Wiederherstellung des Prioritätsrechts nach Regel 49*ter*.2 d) PCT.

[9] Die pauschale Erteilungsgebühr einschließlich der Veröffentlichungsgebühr für die europäische Patentschrift gilt für europäische Patentanmeldungen, die ab dem 1. April 2009 eingereicht werden, sowie für internationale Anmeldungen, die ab diesem Zeitpunkt in die europäische Phase eintreten. Bei europäischen Patentanmeldungen, die vor dem 1. April 2009 eingereicht wurden, bzw. bei internationalen Anmeldungen, die vor diesem Zeitpunkt in die europäische Phase eingetreten sind, setzt sich die Erteilungs- und Druckkostengebühr aus zwei Komponenten zusammen: einem Festbetrag und einem Zuschlag für jede über 35 hinausgehende Seite der Anmeldung.

I.7 Fee for grant and publication/fee for grant and printing[9]

The fee for grant and publication/fee for grant and printing, whichever is due, is debited automatically on the date on which the applicant files the translation of the claims (point 5.1(d) AAD). It is in any event debited on the last day of the period under Rule 71(3) EPC.

I.8 Fee for further processing

The decisive payment date for the further processing fee is defined depending on the nature of the omitted act(s) or the point in time at which an automatic debit order is filed in the specific proceedings before the EPO. The different decisive payment dates are established in points 5.2 AAD.

I.9 Fee for re-establishment, limitation or revocation and for appeal or petition for review

References in the AAD and the present notes to "re-establishment" are to be understood as applying not just to re-establishment of rights under Article 122 EPC, but also, as appropriate, to reinstatement of rights under Rule 49.6(d)(i) PCT and restoration of the priority right under Rule 49*ter*.2(d) PCT.

[9] The flat fee for grant, including the fee for publication of the European patent specification, applies to European patent applications filed on or after 1 April 2009 and to international applications entering the European phase on or after that date. For European applications filed before 1 April 2009 or international applications entering the European phase before that date, the fee for grant and printing has two components: a fixed amount, plus a charge for each page of the application over and above 35.

I.7 Taxe de délivrance et de publication/taxe de délivrance et d'impression[9]

La taxe de délivrance et de publication ou, le cas échéant, la taxe de délivrance et d'impression est prélevée automatiquement à la date à laquelle le demandeur produit la traduction des revendications (cf. point 5.1 d) RPA). Elle est en tout état de cause prélevée le dernier jour du délai prévu à la règle 71(3) CBE.

I.8 Taxe de poursuite de la procédure

La nature de l'acte (des actes) non accompli(s) ou le moment auquel un ordre de prélèvement automatique est donné dans le cadre de la procédure concernée devant l'OEB détermine la date à laquelle le paiement de la taxe de poursuite de la procédure est réputé effectué. Les différentes dates auxquelles le paiement est réputé effectué sont définies aux points 5.2 RPA.

I.9 Taxe de restitutio in integrum, de limitation ou de révocation et de recours ou de requête en révision

Les renvois à la "restitutio in integrum" qui figurent dans la RPA et dans les présentes explications relatives à la "restitutio in integrum" s'appliquent non seulement à la restitutio in integrum visée à l'article 122 CBE, mais aussi, le cas échéant, au rétablissement des droits visé à la règle 49.6.d)i) PCT, ainsi qu'à la restauration du droit de priorité visée à la règle 49*ter*.2.d) PCT.

[9] La taxe forfaitaire de délivrance, qui inclut la taxe de publication du fascicule du brevet européen, s'applique aux demandes de brevet européen déposées à compter du 1er avril 2009 et aux demandes internationales entrant dans la phase européenne à compter de cette date. Concernant les demandes européennes déposées avant le 1er avril 2009 ou les demandes internationales entrées dans la phase européenne avant cette date, la taxe de délivrance et d'impression est composée de deux montants : un montant fixe et une majoration pour chaque page de la demande à compter de la 36e.

Das automatische Abbuchungsverfahren erlaubt nur, die Wiedereinsetzungsgebühr selbst abzubuchen, nicht aber andere Gebühren (z. B. Jahresgebühr und Zuschlagsgebühr), wenn die versäumte Handlung in der Nichtentrichtung dieser anderen Gebühren bestanden hat. **Diese nicht gezahlten Gebühren sind deshalb gesondert über einen anderen zugelassenen Zahlungsweg zu entrichten.** Außerdem kann die Wiedereinsetzungsgebühr nur in Fällen automatisch abgebucht werden, in denen die Anmeldung oder das erteilte Patent noch nicht rechtskräftig erledigt war.

Bei der Beschwerdegebühr oder der Gebühr für den Antrag auf Überprüfung kann das automatische Abbuchungsverfahren nur greifen, wenn die Beschwerde bzw. der Antrag auf Überprüfung vom Anmelder oder Patentinhaber eingereicht wurde. Bei der Beschwerdegebühr berücksichtigt das automatische Abbuchungsverfahren das Vorliegen von Ermäßigungstatbeständen, sodass nur der ermäßigte Betrag abgebucht wird.[10]

I.10 Verwaltungsgebühr für eine zusätzliche Abschrift der im europäischen Recherchenbericht aufgeführten Schriften

Die Verwaltungsgebühr gilt als an ihrem Fälligkeitstag gezahlt (Art. 4 (1) GebO), d. h. am Tag des Eingangs des Antrags auf eine zusätzliche Abschrift. Wird dieser Antrag eingereicht, bevor die Gebühren nach Regel 38 EPÜ abgebucht wurden, so wird die Verwaltungsgebühr mit diesen Gebühren abgebucht.

[10] Siehe Mitteilung des EPA vom 18. Dezember 2017 über die ermäßigte Beschwerdegebühr (Art. 108 EPÜ) für eine Beschwerde, die von einer natürlichen Person oder einer in Regel 6 (4) EPÜ genannten Einheit eingelegt wird (ABl. EPA 2018, A5).

The automatic debiting procedure only covers the fee for re-establishment itself – it does not cover other fees (e.g. renewal fee and additional fee) the non-payment of which constituted the omitted act. **Such fees must therefore be paid separately by another permitted means of payment.** In addition, automatic debiting of the re-establishment fee is only possible in cases where a legally binding disposal of the application or patent has not already entered into force.

The fees for appeal or petition for review are only covered by automatic debiting if the appeal or petition for review is filed by the applicant or patent proprietor. The automatic debiting procedure takes account of circumstances under which the appeal fee is reduced, debiting accordingly only the reduced amount.[10]

I.10 Administrative fee for an additional copy of the documents cited in the European search report

This administrative fee is considered to have been paid on its due date (Article 4(1) RFees), i.e. the date of receipt of the request for an additional copy. If this request is submitted before the fees under Rule 38 EPC were debited, the administrative fee is debited together with those fees.

[10] See notice from the EPO dated 18 December 2017 concerning the reduced fee for appeal (Article 108 EPC) for an appeal filed by a natural person or an entity referred to in Rule 6(4) EPC (OJ EPO 2018, A5).

La procédure de prélèvement automatique permet uniquement de prélever la taxe de restitutio in integrum proprement dite, et non d'autres taxes (par exemple la taxe annuelle et la surtaxe), lorsque c'est le défaut de paiement de ces autres taxes qui constituait l'acte non accompli. C'est pourquoi le demandeur **doit de sa propre initiative acquitter par un autre mode de paiement autorisé ces autres taxes qu'il n'avait pas payées**. Enfin, la procédure de prélèvement automatique ne peut jouer que dans le cas de requêtes en restitutio in integrum présentées alors que le sort de la demande ou du brevet n'a pas encore été définitivement réglé.

Les taxes de recours et de requête en révision ne peuvent être acquittées par prélèvement automatique que si c'est le demandeur ou le titulaire du brevet qui forme le recours ou présente la requête en révision. Pour le prélèvement automatique, il est tenu compte des cas dans lesquels la taxe de recours est réduite ; le montant à prélever se voit réduit en conséquence.[10]

I.10 Taxe d'administration pour une copie supplémentaire des documents cités dans le rapport de recherche européenne

Cette taxe d'administration est réputée acquittée à la date d'exigibilité (article 4(1) RRT), c'est-à-dire à la date de réception de la demande d'une copie supplémentaire. Si cette demande est présentée avant le prélèvement des taxes visées à la règle 38 CBE, la taxe d'administration est prélevée en même temps que ces taxes.

[10] Cf. Communiqué de l'OEB, en date du 18 décembre 2017, relatif à la réduction de la taxe de recours (article 108 CBE) pour un recours formé par une personne physique ou une entité visée à la règle 6(4) CBE (JO OEB 2018, A5).

I.11 Erstreckungs- und Validierungsgebühren

Im automatischen Abbuchungsverfahren werden diese Gebühren für diejenigen Staaten abgebucht, die der Anmelder im entsprechenden Feld des Formblatts für den Erteilungsantrag (EPA 1001 oder 1001E) bzw. des Formblatts für den Eintritt in die europäische Phase (EPA 1200 oder 1200E) angegeben hat, **wenn der Anmelder vor Ablauf der Zahlungsfrist**, die der Zahlungsfrist für die Benennungsgebühren (R. 39 (1) und 159 (1) d) EPÜ) entspricht, **dem EPA nichts Gegenteiliges mitteilt**. Jedoch ist auf folgende wesentliche Besonderheit hinzuweisen: Die Benennungsgebühr wird automatisch für alle Vertragsstaaten mit Ausnahme derjenigen abgebucht, die ausdrücklich zurückgenommen wurden. **Erstreckungs- und Validierungsgebühren hingegen werden nur für die Staaten automatisch abgebucht, die im Formblatt EPA 1001 (1001E) oder 1200 (1200E) oder später innerhalb der maßgeblichen Zahlungsfrist ausdrücklich angegeben sind.**

Ist die Gebühr für einen Erstreckungs- oder Validierungsstaat nicht innerhalb der Grundfrist entrichtet worden, kann der Anmelder sie unter Zahlung einer Zuschlagsgebühr von 50 % noch wirksam entrichten, und zwar

a) innerhalb von zwei Monaten nach Ablauf der Grundfrist ("wieder eingeführte Nachfrist") oder

b) innerhalb von zwei Monaten nach Zustellung einer Mitteilung über einen Rechtsverlust wegen Nichtzahlung der Benennungsgebühr.

In der Mitteilung gemäß b) werden auch Erstreckungs- oder Validierungsstaaten genannt, für die die einschlägigen Gebühren nicht rechtzeitig entrichtet wurden.

I.11 Extension and validation fees

Under the automatic debiting procedure, these fees are debited for the states which the applicant has specifically indicated in the relevant section of the request for grant (EPO Form 1001 or 1001E) or of the form for entry into the European phase (EPO Form 1200 or 1200E), **unless the applicant instructs the EPO otherwise within the period for paying these fees** – which is the same as for paying the designation fee(s) (Rules 39(1) and 159(1)(d) EPC). However, the following essential feature should be noted. The designation fee is debited automatically for all the contracting states except for any which have been expressly withdrawn. **Extension and validation fees, on the other hand, are debited automatically only for those states specifically indicated on EPO Form 1001 (1001E) or 1200 (1200E) or subsequently within the relevant period for payment.**

If the fee for an extension or validation state has not been paid within the basic period, the applicant can still validly pay it, together with a 50% surcharge,

(a) within two months of expiry of the basic period ("re-introduced grace period") or

(b) within two months of notification of a communication of loss of rights with regard to non-payment of the designation fee.

The communication under (b) will mention any extension or validation state for which the relevant fee was not paid in due time.

I.11 Taxes d'extension et de validation

Dans le cadre de la procédure de prélèvement automatique de ces taxes, le compte est débité du montant dû pour les États indiqués expressément par le demandeur à la rubrique correspondante du formulaire de requête en délivrance (formulaires OEB 1001 ou 1001E) ou du formulaire d'entrée dans la phase européenne (formulaires OEB 1200 ou 1200E), **sauf déclaration contraire de la part du demandeur reçue avant l'expiration du délai de paiement de ces taxes** – qui correspond au délai de paiement de la (des) taxe(s) de désignation (règles 39(1) et 159(1) d) CBE). Il convient toutefois de noter la différence fondamentale suivante. La taxe de désignation est prélevée automatiquement pour tous les États contractants, à l'exception de ceux qui ont éventuellement été expressément retirés. **En revanche, les taxes d'extension et de validation ne sont prélevées automatiquement que pour les États indiqués expressément sur les formulaires OEB 1001 (1001E) ou 1200 (1200E) ou ultérieurement, au cours du délai pertinent de paiement.**

Si une taxe relative à un État autorisant l'extension ou la validation n'a pas été acquittée dans le délai de base, le demandeur peut encore valablement l'acquitter, de même que la surtaxe de 50 %,

a) dans un délai de deux mois à compter de l'expiration du délai de base ("délai supplémentaire réintroduit") ou

b) dans un délai de deux mois à compter de la signification d'une notification de la perte d'un droit eu égard au défaut de paiement de la taxe de désignation.

La notification visée à la lettre b) mentionnera l'État autorisant l'extension ou la validation pour lequel la taxe applicable n'a pas été acquittée dans les délais.

II. Bezüglich internationaler Anmeldungen vor dem EPA als Anmeldeamt, ISA oder IPEA wird auf folgende Besonderheiten des automatischen Abbuchungsverfahrens hingewiesen:

II.1. Internationale Anmeldegebühr (R. 15.2 PCT) und Zusatzgebühr für das 31. und jedes weitere Blatt

Bei der internationalen Anmeldegebühr berücksichtigt das automatische Abbuchungsverfahren das Vorliegen von Ermäßigungstatbeständen nach Regel 15.2 PCT (siehe Nrn. 4 - 5 des PCT-Gebührenverzeichnisses), sodass gegebenenfalls der ermäßigte Betrag abgebucht wird.

II.2 Verwaltungsgebühr für die Erstellung und Übermittlung einer beglaubigten Abschrift einer europäischen Patentanmeldung oder einer internationalen Anmeldung (Prioritätsbeleg) (R. 17.1 b) PCT und R. 54 EPÜ)

Beansprucht der Anmelder die Priorität einer früheren Anmeldung, so ist innerhalb von 16 Monaten nach dem Prioritätsdatum eine beglaubigte Abschrift dieser früheren Anmeldung (Prioritätsbeleg) beim Anmeldeamt oder beim Internationalen Büro einzureichen. Wurde die frühere Anmeldung jedoch beim EPA eingereicht, so kann der Anmelder beim EPA beantragen, dass dieses einen Prioritätsbeleg erstellt und an das Internationale Büro übermittelt. In Feld Nr. VI des Antragsformblatts PCT/RO/101 ist ein entsprechendes Kästchen vorgesehen. Mit Ausnahme dieses Falls steht für die Verwaltungsgebühr für eine beglaubigte Abschrift eines Prioritätsbelegs das automatische Abbuchungsverfahren nicht zur Verfügung (siehe Nr. 3.2 a) VAA).

Eine Verwaltungsgebühr für eine beglaubigte Abschrift des Prioritätsbelegs gilt als **am Fälligkeitstag** entrichtet, **d. h. am Tag des Eingangs des Antrags**.

II. For international applications before the EPO acting as receiving Office, ISA or IPEA, attention is drawn to the specific aspects of the automatic debiting procedure for the following:

II.1 International filing fee (Rule 15.2 PCT) and the supplement for each page in excess of 30 pages

The automatic debiting procedure takes account of circumstances in which the international filing fee under Rule 15.2 PCT is reduced (see points 4-5 of the PCT Schedule of Fees), so the reduced amount will be debited where appropriate.

II.2 Administrative fee for the preparation and transmittal of a certified copy of a European or international application (priority document) (Rule 17.1(b) PCT and Rule 54 EPC)

Where the applicant claims the priority of an earlier application, a certified copy of it ("the priority document") must be filed with the receiving Office or the International Bureau within 16 months after the priority date. However, if the earlier application was filed with the EPO, the applicant may request the EPO to prepare and transmit a priority document to the International Bureau. Box No. VI of the request Form PCT/RO/101 contains a check box for that purpose. Except for this case, the administrative fee for a certified copy of a priority document is excluded from the automatic debiting procedure (see point 3.2(a) AAD).

An administrative fee for a certified copy of the priority document is considered to have been paid **on its due date**, **i.e. on the date of receipt of the request**.

II. Concernant les demandes internationales traitées par l'OEB en qualité d'office récepteur, d'ISA ou d'IPEA, il convient de noter les spécificités de la procédure de prélèvement automatique pour le paiement des taxes suivantes :

II.1 Taxe internationale de dépôt (règle 15.2 PCT) et supplément pour chaque page à compter de la 31e

Pour le prélèvement automatique, il est tenu compte des cas dans lesquels la taxe internationale de dépôt visée à la règle 15.2 PCT est réduite (cf. points 4-5 du barème de taxes du PCT) ; le montant à prélever se verra donc réduit en conséquence.

II.2 Taxe d'administration pour la préparation et la transmission d'une copie certifiée conforme d'une demande de brevet européen ou d'une demande internationale (document de priorité) (règle 17.1.b) PCT et règle 54 CBE)

Lorsque le demandeur revendique la priorité d'une demande antérieure, il doit déposer une copie certifiée conforme de celle-ci (le "document de priorité") auprès de l'office récepteur ou du Bureau international dans un délai de 16 mois à compter de la date de priorité. Toutefois, si la demande antérieure avait été déposée auprès de l'OEB, le demandeur peut demander que ce dernier prépare et transmette un document de priorité au Bureau international. Une case à cocher est prévue à cet effet dans le cadre nº VI du formulaire de requête PCT/RO/101. À l'exception de ce cas, le prélèvement automatique n'est pas autorisé pour le paiement de la taxe d'administration relative à la délivrance d'une copie certifiée conforme d'un document de priorité (cf. point 3.2 a) RPA).

La taxe d'administration relative à la délivrance d'une copie certifiée conforme du document de priorité est réputée acquittée **à la date d'exigibilité**, **c'est-à-dire à la date de réception de la demande de copie certifiée conforme**.

Wird der Antrag auf beglaubigte Abschrift jedoch eingereicht, bevor die Gebühren nach den Regeln 14.1, 15.2 und 16.1 PCT abgebucht wurden, so wird die Verwaltungsgebühr aus administrativen Gründen mit diesen Gebühren abgebucht. In allen anderen Fällen wird sie innerhalb von sieben Tagen nach dem Eingang des Antrags auf beglaubigte Abschrift abgebucht.

However, for administrative reasons, if the request for a certified copy is submitted before the fees under Rules 14.1, 15.2 and 16.1 PCT have been debited, the administrative fee is debited together with those fees. In all other cases, it is debited within seven days from the date of receipt of the request for the certified copy.

Cependant, pour des raisons administratives, si la demande de copie certifiée conforme est présentée avant le prélèvement des taxes prévues aux règles 14.1, 15.2 et 16.1 PCT, la taxe d'administration est prélevée en même temps que ces taxes. Dans tous les autres cas, elle est prélevée dans un délai de sept jours à compter de la date de réception de la demande de copie certifiée conforme.

II.3 Gebühr für verspätete Zahlung von Gebühren nach den Regeln 14.1, 15.2 und 16.1 PCT (R. 16*bis*.2 PCT)

Das automatische Abbuchungsverfahren gewährleistet bei ausreichender Deckung des laufenden Kontos die Rechtzeitigkeit der Entrichtung der Gebühren. Eine Gebühr für verspätete Zahlung wird deshalb nur dann abgebucht, wenn der automatische Abbuchungsauftrag nach Ablauf der Frist für die Zahlung der Übermittlungsgebühr, der internationalen Anmeldegebühr und der Recherchengebühr eingereicht wird und sofern eine Aufforderung zur Entrichtung dieser Gebühren zuzüglich einer Gebühr für verspätete Zahlung nach Regel 16*bis*.2 PCT ergangen ist.

II.3 Late-payment fee for the fees due under Rules 14.1, 15.2 and 16.1 PCT (Rule 16*bis*.2 PCT)

The automatic debiting procedure ensures that fees are paid on time, provided the deposit account contains sufficient funds. Therefore, a late-payment fee will be debited only if the automatic debit order is filed after expiry of the period for paying the transmittal, international filing and search fees and provided that an invitation to pay these fees together with a late-payment fee under Rule 16*bis.*2 PCT has been issued.

II.3 Taxe pour paiement tardif concernant les taxes dues au titre des règles 14.1, 15.2 et 16.1 PCT (règle 16*bis.*2 PCT)

La procédure de prélèvement automatique garantit le respect des délais de paiement des taxes lorsque le compte courant est suffisamment approvisionné. Par conséquent, une taxe pour paiement tardif ne sera prélevée que si l'ordre de prélèvement automatique est déposé après l'expiration du délai de paiement de la taxe de transmission, de la taxe internationale de dépôt et de la taxe de recherche, et à condition qu'une invitation à payer le montant de ces taxes, majoré de la taxe pour paiement tardif visée à la règle 16*bis*.2 PCT, ait été émise.

II.4 Zusätzliche Recherchengebühr (R. 40.2 a) PCT, R. 158 (1) EPÜ)

Kommt das EPA als ISA zu dem Schluss, dass in der internationalen Anmeldung mehr als eine Erfindung beansprucht wird, so fordert es den Anmelder auf, für jede weitere Erfindung eine zusätzliche Recherchengebühr zu zahlen. Gleichzeitig teilt es dem Anmelder das Ergebnis der teilweisen internationalen Recherche mit, die sich auf die in den Ansprüchen zuerst erwähnte Erfindung bezieht. **Falls der Anmelder nicht wünscht, dass eine oder mehrere der weiteren Erfindungen recherchiert werden, muss er dies dem EPA vor Ablauf der Zahlungsfrist mitteilen, um die automatische Abbuchung von zusätzlichen Recherchengebühren zu verhindern.**

II.4 Additional search fee (Rule 40.2(a) PCT, Rule 158(1) EPC)

If the EPO as ISA considers that the international application claims more than one invention, it invites the applicant to pay an additional search fee for each further invention. At the same time, it informs the applicant of the result of the partial international search on the first invention in the claims. **An applicant who does not want one or more of the further inventions to be searched must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of the additional search fee(s) being carried out.**

II.4 Taxe de recherche additionnelle (règle 40.2.a) PCT, règle 158(1) CBE)

Si l'OEB agissant en qualité d'ISA estime que la demande internationale revendique plusieurs inventions, il invite le demandeur à payer une taxe de recherche additionnelle pour chaque invention supplémentaire. Il lui notifie en même temps le résultat de la recherche internationale partielle concernant l'invention mentionnée en premier lieu dans les revendications. **Si le demandeur ne souhaite pas qu'une ou plusieurs des inventions supplémentaires fasse l'objet d'une recherche, il doit en avertir l'OEB avant l'expiration du délai de paiement, afin d'empêcher le prélèvement automatique de la (des) taxe(s) de recherche additionnelle.**

Damit das EPA Zahlungsanweisungen bearbeiten kann, die bis zum letzten Tag der geltenden Frist eingehen, erfolgt die tatsächliche Abbuchung von zusätzlichen Recherchengebühren 10 Tage nach dem maßgebenden Zahlungstag. Der vorläufige Betrag der zusätzlichen Recherchengebühren wird im Zahlungsplan angezeigt, bis die Abbuchung auf der Grundlage der endgültigen Zahl der zu recherchierenden Erfindungen erfolgt ist. Die Gebühren werden automatisch abgebucht, sofern am tatsächlichen Abbuchungstag auf dem Konto eine ausreichende Deckung vorhanden ist.

To enable the EPO to process any payment instructions received up to the last day of the applicable period, the effective debiting of additional search fees will take place 10 days after the decisive payment date. The provisional amount of additional search fees due will be shown in the payment plan until the debit based on the final number of inventions to be searched has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

Afin que l'OEB puisse traiter les instructions de paiement reçues jusqu'au dernier jour du délai applicable, le prélèvement proprement dit des taxes de recherche additionnelles aura lieu dix jours après la date à laquelle le paiement aura été réputé effectué. Le nombre provisoire de taxes de recherche additionnelles dues sera indiqué dans le calendrier de paiement jusqu'à ce que le prélèvement ait été effectué sur la base du nombre définitif d'inventions devant faire l'objet d'une recherche. Il ne sera procédé au prélèvement automatique des taxes que si le crédit du compte courant est suffisant à la date du prélèvement proprement dit.

Bei der zusätzlichen Recherchengebühr berücksichtigt das automatische Abbuchungsverfahren das Vorliegen von Ermäßigungstatbeständen, sodass nur der ermäßigte Betrag abgebucht wird.

The automatic debiting procedure takes account of circumstances in which the additional search fee is reduced, so only the reduced amount is debited.

Pour le prélèvement automatique, il est tenu compte des cas dans lesquels la taxe de recherche additionnelle est réduite ; le compte courant n'est donc débité que du montant réduit.

II.5 Widerspruchsgebühr in Bezug auf die Zahlung einer zusätzlichen Recherchengebühr (R. 40.2 e) PCT und R. 158 (3) EPÜ)

Teilt der Anmelder dem EPA mit, dass die zusätzliche Recherchengebühr unter Widerspruch gezahlt wird, so wird die Widerspruchsgebühr automatisch abgebucht und die Zahlung gilt als am letzten Tag der Frist nach Regel 40.1 iii) PCT, d. h. der Einmonatsfrist nach dem Datum der Aufforderung zur Entrichtung der zusätzlichen Recherchengebühr eingegangen.

II.5 Protest fee relating to the payment of an additional search fee (Rule 40.2(e) PCT and Rule 158(3) EPC)

If the applicant informs the EPO that the additional search fee is being paid under protest, the protest fee is debited automatically and payment is considered to have been received on the last day of the time limit under Rule 40.1(iii) PCT, i.e. the one-month period from the invitation to pay the additional search fee.

II.5 Taxe de réserve concernant le paiement d'une taxe de recherche additionnelle (règle 40.2.e) PCT et règle 158(3) CBE)

Si le demandeur informe l'OEB que la taxe de recherche additionnelle est acquittée sous réserve, la taxe de réserve est prélevée automatiquement et le paiement est réputé effectué le dernier jour du délai prévu à la règle 40.1.iii) PCT, c'est-à-dire le délai d'un mois à compter de l'invitation à acquitter la taxe de recherche additionnelle.

II.6 Verwaltungsgebühr für eine zusätzliche Kopie der im internationalen Recherchenbericht oder im internationalen vorläufigen Prüfungsbericht genannten Unterlagen (Art. 20 (3) PCT, R. 44.3 b) und 71.2 b) PCT)

Die Verwaltungsgebühr gilt als am Tag des Eingangs des Antrags auf eine zusätzliche Kopie gezahlt. Aus administrativen Gründen wird sie aber innerhalb von sieben Tagen nach diesem Datum abgebucht.

II.6 Administrative fee for an additional copy of the documents cited in the international search report or international preliminary examination report (Article 20(3) PCT, Rules 44.3(b) and 71.2(b) PCT)

This administrative fee is considered to have been paid on the date of receipt of the request for an additional copy. However, for administrative reasons, it is debited within seven days of that date.

II.6 Taxe d'administration pour une copie supplémentaire des documents cités dans le rapport de recherche internationale ou dans le rapport d'examen préliminaire international (article 20.3) PCT, règles 44.3.b) et 71.2.b) PCT)

Cette taxe d'administration est réputée acquittée à la date de réception de la demande d'une copie supplémentaire. Cependant, pour des raisons administratives, elle est prélevée dans un délai de sept jours à compter de cette date.

II.7 Gebühr für die verspätete Zahlung (R. 58*bis*.2 PCT) der Bearbeitungsgebühr (R. 57 PCT) und der Gebühr für die vorläufige Prüfung (R. 58 PCT, R. 158 (2) EPÜ)

Gebühren für verspätete Zahlung werden nur fällig, wenn ein automatischer Abbuchungsauftrag beim EPA als IPEA eingeht, nachdem eine Aufforderung nach Regel 58*bis*.1 a) PCT zur Entrichtung der Bearbeitungsgebühr und der Gebühr für die internationale vorläufige Prüfung zuzüglich der Gebühr für verspätete Zahlung an den Anmelder verschickt wurde. In diesem Fall werden alle drei Gebühren automatisch abgebucht, und die verspätete Zahlung dieser Gebühren gilt als am letzten Tag der Einmonatsfrist nach dem Datum der Aufforderung eingegangen.

II.7 Late-payment fee (Rule 58*bis*.2 PCT) for both the handling fee (Rule 57 PCT) and the fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC)

Late-payment fees will only become due if an automatic debit order is received by the EPO as IPEA after an invitation under Rule 58*bis*.1(a) PCT to pay the handling fee and the international preliminary examination fee together with the late-payment fee has been sent to the applicant. In this case, all three fees are debited automatically, and the late payment of these fees is considered to have been received on the last day of the one-month time limit as from the date of the invitation.

II.7 Taxe pour paiement tardif (règle 58*bis*.2 PCT) concernant à la fois la taxe de traitement (règle 57 PCT) et la taxe d'examen préliminaire (règle 58 PCT, règle 158(2) CBE)

Les taxes pour paiement tardif ne seront dues que si un ordre de prélèvement automatique est reçu par l'OEB agissant en qualité d'IPEA après l'envoi au demandeur d'une invitation au titre de la règle 58*bis*.1.a) PCT à payer le montant de la taxe de traitement et de la taxe d'examen préliminaire international, majoré de la taxe pour paiement tardif. Dans ce cas, les trois taxes sont prélevées automatiquement et le paiement tardif de ces taxes est réputé effectué le dernier jour du délai d'un mois à compter de la date de l'invitation.

II.8 Gebühr für die vorläufige Prüfung (R. 58 PCT, R. 158 (2) EPÜ) und Bearbeitungsgebühr (R. 57 PCT)

Beide Gebühren werden automatisch am Tag des Eingangs des Antrags auf vorläufige Prüfung abgebucht. Die zu zahlenden Gebührenbeträge sind die am Zahlungstag geltenden Beträge. Das automatische Abbuchungsverfahren berücksichtigt das Vorliegen von Ermäßigungstatbeständen; in diesen Fällen wird die Gebühr nur in Höhe des ermäßigten Gebührenbetrags abgebucht. Die Bearbeitungsgebühr ermäßigt sich unter denselben Voraussetzungen wie die internationale Anmeldegebühr um 90 %, und die Gebühr für die internationale vorläufige Prüfung ermäßigt sich unter denselben Voraussetzungen wie die internationale Recherchengebühr um 75 %.

II.8 Fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC) and handling fee (Rule 57 PCT)

Both fees are automatically debited on the date of receipt of the demand for preliminary examination. The fee amounts payable are those applicable on the date of payment. The automatic debiting procedure takes account of circumstances in which these fees are reduced, so only the reduced amounts are debited. The handling fee is reduced by 90% under the same conditions as for the international filing fee, and the fee for international preliminary examination by 75% under the same conditions as for the international search fee.

II.8 Taxe d'examen préliminaire (règle 58 PCT, règle 158(2) CBE) et taxe de traitement (règle 57 PCT)

La taxe d'examen préliminaire et la taxe de traitement sont prélevées automatiquement à la date de réception de la demande d'examen préliminaire. Les montants des taxes dues sont ceux en vigueur à la date du paiement. Pour le prélèvement automatique, il est tenu compte des cas dans lesquels ces taxes sont réduites ; le compte courant n'est donc débité que des montants réduits. La taxe de traitement est réduite de 90 % dans les mêmes conditions que la taxe internationale de dépôt, et la taxe d'examen préliminaire international est réduite de 75 % dans les mêmes conditions que la taxe de recherche internationale.

II.9 Zusätzliche Gebühr für die vorläufige Prüfung (R. 68.3 a) PCT, R. 158 (2) EPÜ)

Ist das EPA als IPEA der Auffassung, dass die internationale Anmeldung nicht einheitlich ist, so fordert es den Anmelder auf, entweder die Ansprüche einzuschränken, um so die Einheitlichkeit herzustellen, oder zusätzliche vorläufige Prüfungsgebühren zu entrichten, soweit die Erfindungen recherchiert worden sind.

II.9 Additional fee for preliminary examination (Rule 68.3(a) PCT, Rule 158(2) EPC)

Where the EPO as IPEA considers that the international application lacks unity of invention, it invites the applicant either to restrict the claims so as to rectify that or, if the inventions have been searched, to pay additional preliminary examination fees.

II.9 Taxe additionnelle pour l'examen préliminaire (règle 68.3.a) PCT, règle 158(2) CBE)

Si l'OEB agissant en qualité d'IPEA estime que la demande internationale ne satisfait pas à l'exigence d'unité de l'invention, il invite le demandeur soit à limiter les revendications pour remédier à cette situation, soit à payer des taxes additionnelles pour l'examen préliminaire dans la mesure où les inventions ont fait l'objet d'une recherche.

Falls der Anmelder nicht wünscht, dass eine oder mehrere der weiteren Erfindungen geprüft werden, muss er dies dem EPA vor Ablauf der Zahlungsfrist mitteilen, um die automatische Abbuchung aller zusätzlichen Gebühren für die vorläufige Prüfung zu verhindern.

Bei der zusätzlichen Gebühr berücksichtigt das automatische Abbuchungsverfahren das Vorliegen von Ermäßigungstatbeständen, sodass nur der ermäßigte Betrag abgebucht wird.

Zu Nummer 4 VAA: Automatische Abbuchung von Gebühren

Der automatische Abbuchungsauftrag sollte möglichst **gleichzeitig** mit der Einreichung der europäischen oder internationalen Patentanmeldung oder mit der Vornahme der Handlungen zur Einleitung der (vorzeitigen) Bearbeitung beim EPA als Bestimmungsamt oder ausgewähltem Amt (Eintritt in die europäische Phase) erteilt werden.

Um dies zu erleichtern, enthalten die Formblätter PCT/RO/101, der Erteilungsantrag (EPA 1001E) und das Formblatt für den Eintritt in die europäische Phase (EPA 1200E) jeweils ein besonderes Feld mit einem Auswahlmenü, in dem der Anmelder diesen Zahlungsweg wählen kann.

Ein automatischer Abbuchungsauftrag kann zusammen mit einer europäischen Patentanmeldung bei einer zuständigen nationalen Behörde eines Vertragsstaats nach Artikel 75 (1) b) EPÜ (Nr. 12 VLK) eingereicht werden. Dazu ist diese Zahlungsmethode im Auswahlmenü auszuwählen oder das entsprechende Kästchen im Formblatt EPA 1020 anzukreuzen. Das Formblatt zur Vornahme der Handlungen beim Eintritt in die europäische Phase (EPA 1200E) ist hingegen direkt beim EPA einzureichen.

Bei europäischen Patentanmeldungen, die gemäß Regel 37 (1) b) EPÜ zunächst bei der Zentralbehörde für den gewerblichen Rechtsschutz eines Vertragsstaats verbleiben, stellt das EPA durch Zusammenarbeit mit dieser Behörde sicher, dass ein erteilter automatischer Abbuchungsauftrag dennoch ausgeführt wird. Gegebenenfalls werden Gebühren gemäß Regel 37 (2) EPÜ zurückerstattet.

An applicant who does not want one or more of the further inventions to be examined must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of all the additional fees for preliminary examination from being carried out.

The automatic debiting procedure takes account of circumstances in which the additional fee is reduced, so only the reduced amount is debited.

Re point 4 AAD: Automatic debiting of fees

An automatic debit order should preferably be submitted **at the same time** as the international or European patent application is filed or the procedural steps are taken to initiate (early) processing before the EPO as designated or elected Office (entry into the European phase).

To facilitate this, the Form PCT/RO/101, request for grant (EPO Form 1001E) and the form for entry into the European phase (EPO Form 1200E) include a separate section with a drop-down menu enabling applicants to select this means of payment.

An automatic debit order may be submitted together with a European patent application filed with the competent national authority of a contracting state under Article 75(1)(b) EPC (point 12 ADA). This can be done by selecting this payment method in the drop-down menu or by selecting the appropriate check box in EPO Form 1020. In contrast, the form for taking the procedural steps for entry into the European phase (EPO Form 1200E) must be filed direct with the EPO.

In the case of European patent applications initially retained by the central industrial property office of a contracting state under Rule 37(1)(b) EPC, the EPO ensures in co-operation with that office that any automatic debit order is nonetheless carried out. Where applicable, fees are refunded under Rule 37(2) EPC.

Si le demandeur ne souhaite pas qu'une ou que plusieurs des inventions supplémentaires fasse l'objet d'un examen, il doit en avertir l'OEB avant l'expiration du délai de paiement, afin d'empêcher le prélèvement automatique de toutes les taxes additionnelles pour l'examen préliminaire.

Pour le prélèvement automatique, il est tenu compte des cas dans lesquels la taxe additionnelle est réduite ; le montant à prélever se voit réduit en conséquence.

Concernant le point 4 RPA : Prélèvement automatique des taxes

L'ordre de prélèvement automatique doit de préférence être donné par le demandeur **en même temps** qu'il dépose la demande de brevet européen ou la demande internationale, ou qu'il accomplit les actes requis pour que l'OEB agissant en qualité d'office désigné ou élu commence le traitement (anticipé) de sa demande (entrée dans la phase européenne).

Afin de faciliter cette synchronisation, le formulaire PCT/RO/101, la requête en délivrance (formulaire OEB 1001E) ainsi que le formulaire d'entrée dans la phase européenne (formulaire OEB 1200E) contiennent une rubrique spéciale avec un menu déroulant, permettant aux demandeurs de sélectionner ce mode de paiement.

En application du point 12 RCC, il est possible de déposer auprès d'un service national compétent d'un État contractant (article 75(1)b) CBE) une demande de brevet européen accompagnée d'un ordre de prélèvement automatique. Pour ce faire, il suffit de sélectionner ce mode de paiement dans le menu déroulant ou de cocher la case appropriée sur le formulaire OEB 1020. Le formulaire OEB 1200E (Accomplissement des actes lors de l'entrée dans la phase européenne) doit en revanche être remis directement à l'OEB.

Dans les cas où, en vertu de la règle 37(1)b) CBE, la demande de brevet européen est tout d'abord déposée auprès du service central de la propriété industrielle d'un État contractant, mais où un ordre de prélèvement automatique a été donné, l'OEB fait le nécessaire, en concertation avec le service concerné, pour que cet ordre soit exécuté. Le cas échéant, il peut y avoir remboursement de taxes en application de la règle 37(2) CBE.

Im PCT-Verfahren ist es nicht möglich, einen automatischen Abbuchungsauftrag zusammen mit der internationalen Anmeldung einzureichen, wenn diese bei einem anderen Anmeldeamt als dem EPA eingereicht wird. In diesem Fall muss der Abbuchungsauftrag direkt beim EPA als ISA bzw. IPEA erteilt werden.

In proceedings under the PCT, an automatic debit order may not be submitted together with an international application filed with a receiving Office other than the EPO. In such cases, the order must be submitted direct to the EPO as ISA and/or IPEA.

Dans les procédures au titre du PCT, il n'est pas autorisé de joindre un ordre de prélèvement automatique à une demande internationale déposée auprès d'un office récepteur autre que l'OEB. Dans ce cas, l'ordre doit être remis directement à l'OEB agissant en qualité d'ISA et/ou d'IPEA.

Ein in einer Stammanmeldung erteilter automatischer Abbuchungsauftrag erstreckt sich nicht auf eventuelle Teilanmeldungen. Für Teilanmeldungen ist deshalb ein gesonderter automatischer Abbuchungsauftrag erforderlich.

Divisional applications are not covered by an automatic debit order issued for the parent application; for them, separate automatic debit orders must be filed.

Un ordre de prélèvement automatique donné lors du dépôt d'une demande initiale n'est pas valable pour les demandes divisionnaires qui pourraient être déposées par la suite. Chacune de ces demandes divisionnaires doit donc être accompagnée d'un ordre de prélèvement automatique.

Automatische Abbuchungsaufträge können auch noch später auf einem der Einreichungswege nach Nummer 1.2 VAA eingereicht werden. Bei der späteren Einreichung des automatischen Abbuchungsauftrags **ist die zu diesem Zeitpunkt bestehende Gebührensituation besonders zu beachten** (insbesondere in der Phase kurz nach der Einreichung der europäischen Patentanmeldung), um Fehl- und Doppelbuchungen oder die Entrichtung von Weiterbehandlungsgebühren oder zusätzlichen Gebühren bzw. Zuschlagsgebühren zu vermeiden.

Automatic debit orders may also be filed subsequently, using the means of filing under point 1.2 AAD. With subsequent filing, **special attention must be paid to the fee situation at that time** (particularly during the phase just after filing the European patent application), in order to avoid incorrect or double debits or having to pay further processing fees, additional fees or surcharges.

Les ordres de prélèvement automatique peuvent également être déposés ultérieurement, à l'aide des moyens de dépôt mentionnés au point 1.2 RPA. Dans le cas où l'ordre de prélèvement automatique aura été donné ultérieurement, **il conviendra de vérifier tout particulièrement quelle était à cette date la situation au regard des paiements de taxes** (notamment pour la période qui se situe peu après le dépôt d'une demande de brevet européen), pour éviter des écritures erronées ou faisant double emploi, ou le paiement de taxes de poursuite de la procédure ainsi que de surtaxes.

Werden gleichzeitig automatische Abbuchungsaufträge für mehr als eine Anmeldung eingereicht, so ist der Verfahrensstand jeder Anmeldung sorgfältig zu prüfen, damit sichergestellt wird, dass jeder Abbuchungsauftrag, der später eingereicht wurde, auch tatsächlich die beabsichtigten Gebühren abdeckt. Zur Entrichtung von Zuschlagsgebühren bzw. zusätzlichen Gebühren kann es in der Regel nur in den Ausnahmefällen kommen, in denen der automatische Abbuchungsauftrag erst nach Ablauf der Zahlungsfrist für eine nicht entrichtete Gebühr erteilt worden ist.

If automatic debit orders are filed for more than one application at the same time, the procedural status of each application should be carefully checked, so as to ensure that each subsequently filed order does actually cover the fees which are intended. Surcharges or additional fees can only arise in exceptional cases, namely where the automatic debit order is not received until after expiry of a period for payment within which the fee was not paid.

Si des ordres de prélèvement automatique sont donnés pour plus d'une demande en même temps, il convient de prêter attention à la situation procédurale de chaque demande à cette date, afin de garantir que chaque ordre ultérieur couvre effectivement les taxes envisagées. Il n'y a lieu de payer des surtaxes que dans des cas exceptionnels, c'est-à-dire lorsque l'ordre de prélèvement automatique n'a été reçu qu'après l'expiration d'un délai de paiement au cours duquel la taxe n'a pas été acquittée.

Zu Nummer 5 VAA: Maßgebender Zahlungstag

Verlängerungen von Fristen nach Regel 134 (1) EPÜ werden bei der Berechnung des Fälligkeits- oder Zahlungstags berücksichtigt. Für weitere Anmerkungen zu einzelnen Gebührenarten siehe vorstehende Hinweise zu Nummer 3 VAA.

Re point 5 AAD: Decisive payment date

Extensions of time limits under Rule 134(1) EPC are taken into account when calculating the due date or date of payment. For further comments on individual fee types, see "Re point 3 AAD" above.

Concernant le point 5 RPA : Date à laquelle le paiement est réputé effectué

Pour la détermination de la date d'exigibilité ou de la date de paiement, il est tenu compte des prorogations de délais accordées au titre de la règle 134(1) CBE. Il convient de consulter ci-dessus la rubrique "Concernant le point 3 RPA" pour de plus amples informations sur les différents types de taxes.

Zu Nummer 6 VAA: Fehlbetrag

Siehe Nummern 6 und 7 VAA zur Reihenfolge der automatischen Abbuchung von Gebühren, wenn das Guthaben des laufenden Kontos nicht ausreicht.

Zu Nummer 7 VAA: Auffüllung des laufenden Kontos nach Mitteilung des Fehlbetrags

Die Auffüllung des laufenden Kontos muss vom Kontoinhaber in eigener Initiative gemäß Nummer 3.2 VLK vorgenommen werden.

Zu Nummer 8 VAA: Änderungsbuchung; Berichtigungsbuchung

Siehe Nummer 8 VAA zu Fällen, in denen der Kontoinhaber Unrichtigkeiten feststellt.

Zu Nummer 9 VAA: Entrichtung einer Gebühr über einen anderen Zahlungsweg

Diese Bestimmung ermöglicht es dem Einzahler unter anderem, Gebühren zu einem von ihm bestimmten Zeitpunkt über einen anderen in der Gebührenordnung zugelassenen Zahlungsweg zu entrichten, wenn er im Einzelfall deren beschleunigte Zahlung bewirken will. Zu den Situationen, in denen eine frühere Entrichtung der Benennungsgebühren und der Jahresgebühren oder der Erteilungsgebühr und etwaiger Anspruchsgebühren nach Regel 71 (4) EPÜ über einen anderen Zahlungsweg erforderlich ist, siehe die vorstehenden Hinweise unter den Nummern I.3, I.4, I.5 und I.7.

Wünscht der Anmelder einen vorgezogenen Beginn der Bearbeitung beim EPA in der europäischen Phase ("vorgezogener Eintritt", Art. 23 (2) und 40 (2) PCT) und stehen die in Artikel 20 PCT genannten Unterlagen dem EPA als Bestimmungsamt oder ausgewähltem Amt noch nicht zur Verfügung, so sind die bei Stellung des Antrags auf vorzeitige Bearbeitung fälligen Gebühren über einen anderen Zahlungsweg als die automatische Abbuchung zu entrichten, wenn der Anmelder möchte, dass der Antrag unmittelbar wirksam wird. Andernfalls wird der Antrag auf vorzeitige Bearbeitung erst an dem Tag wirksam, an dem das EPA die in Artikel 20 PCT genannten Unterlagen vom IB nach Regel 47.4 PCT erhält.

Re point 6 AAD: Insufficient funds (shortfall)

Please see points 6 and 7 AAD for the order of priority in which fees are automatically debited if there are insufficient funds in the deposit account.

Re point 7 AAD: Replenishing the account in case of insufficient funds

Account holders must replenish their deposit accounts on their own initiative in accordance with point 3.2 ADA.

Re point 8 AAD: Amendment of debit; correction of debit

Please see point 8 AAD for cases where the account holder notes errors.

Re point 9 AAD: Use of other means of payment

Amongst other things, this provision enables account holders wishing to make faster payments in individual cases to pay fees at the time they want using another means of payment allowed under the RFees. Regarding situations necessitating earlier payment of the designation fee(s) and renewal fees or the fee for grant and any claims fees under Rule 71(4) EPC by another means, see notes under points I.3, I.4, I.5 and I.7 above.

If the applicant wants an early start to the processing before the EPO in the European phase ("early entry", Articles 23(2) and 40(2) PCT), and the documents referred to in Article 20 PCT are not yet available to the EPO as designated or elected Office, the fees due on filing the request for early processing must be paid by another means than automatic debiting if the applicant wants the request to take effect immediately. Otherwise, the request for early processing will only take effect on the day the EPO receives the documents referred to in Article 20 PCT from the IB under Rule 47.4 PCT.

Concernant le point 6 RPA : Montant restant dû

Il convient de se reporter aux points 6 et 7 RPA en ce qui concerne l'ordre de priorité selon lequel il est procédé au prélèvement automatique des taxes lorsque le compte courant ne présente pas un crédit suffisant.

Concernant le point 7 RPA : Approvisionnement du compte courant lorsqu'il est notifié qu'une somme reste due

Le titulaire du compte doit de lui-même approvisionner son compte courant conformément au point 3.2 RCC.

Concernant le point 8 RPA : Modification d'écritures ; contre-passations d'écritures

Il convient de consulter le point 8 RPA en ce qui concerne les erreurs décelées par le titulaire du compte.

Concernant le point 9 RPA : Règlement d'une taxe par un autre mode de paiement

Cette disposition permet notamment au titulaire du compte d'utiliser l'un des autres modes de paiement admis dans le règlement relatif aux taxes pour acquitter des taxes à la date qu'il choisit, lorsqu'il veut obtenir un paiement accéléré. Pour ce qui est des situations nécessitant un paiement anticipé de la (des) taxe(s) de désignation et des taxes annuelles ou de la taxe de délivrance et des éventuelles taxes de revendication visées à la règle 71(4) CBE par un autre mode de paiement, il convient de consulter les explications aux points I.3, I.4, I.5 et I.7 ci-dessus.

Si le demandeur souhaite que l'OEB commence à traiter sa demande de manière anticipée dans la phase européenne ("entrée anticipée", articles 23.2) et 40.2) PCT), et si l'OEB agissant en qualité d'office désigné ou élu ne dispose pas encore des documents visés à l'article 20 PCT, les taxes exigibles lors de la présentation de la requête en traitement anticipé doivent être acquittées par un autre mode de paiement que le prélèvement automatique si le demandeur souhaite que la requête prenne effet immédiatement. La requête en traitement anticipé ne prendra sinon effet qu'à la date à laquelle l'OEB recevra du BI, conformément à la règle 47.4 PCT, les documents visés à l'article 20 PCT.

Fällt der maßgebende Zahlungstag einer Gebühr, die über das automatische Abbuchungsverfahren abgebucht wird, auf einen Tag, an dem eine Gebührenerhöhung wirksam wird, oder liegt der Zahlungstag nach diesem Tag, so kann die Gebühr über einen anderen Zahlungsweg in der alten Höhe entrichtet werden, wenn sie auch vor diesem Tag hätte entrichtet werden können (z. B. Jahresgebühr). Dies gilt auch für Gebühren, die über einen automatischen Abbuchungsauftrag entrichtet werden, der einer nach Artikel 75 (1) b) EPÜ bei einer zuständigen nationalen Behörde eingereichten europäischen Patentanmeldung beigefügt war.

Die vorzeitige Entrichtung einer Gebühr über einen anderen Zahlungsweg bewirkt, dass diese Gebühr vom automatischen Abbuchungsverfahren nicht mehr erfasst wird; es wird keine automatische Abbuchung dieser Gebühr vorgenommen.

Ist eine Gebühr vorzeitig, aber nicht in ausreichender Höhe über einen anderen Zahlungsweg entrichtet worden, **so findet eine automatische Behebung des Mangels im Rahmen des automatischen Abbuchungsverfahrens nicht statt**. Das EPA reagiert auf die unvollständige Zahlung in der sich aus der vorliegenden Gebührensituation ergebenden Weise.

Zu Nummer 10 VAA: Widerruf des automatischen Abbuchungsauftrags

Es wird besonders darauf hingewiesen, dass der Verfahrensbeteiligte/Kontoinhaber, der das automatische Abbuchungsverfahren nutzt, aktiv handeln muss, um eine automatische Abbuchung einer Gebühr zu verhindern.

Der automatische Abbuchungsauftrag muss über die Zentrale Gebührenzahlung widerrufen werden. Der Kontoinhaber muss beim Widerruf eines automatischen Abbuchungsauftrags besonders auf den Zeitpunkt dieses Widerrufs achten, um sicherzustellen, dass die betreffenden Gebühren im automatischen Abbuchungsverfahren eingeschlossen bzw. davon ausgenommen sind. Nach dem Widerruf eines automatischen Abbuchungsauftrags werden keine Gebühren mehr automatisch abgebucht, die als maßgebenden Zahlungstag den Tag des Widerrufs oder einen späteren Zahlungstag erhalten würden. Sind derartige Buchungen bereits erfolgt, führt das EPA eine Berichti-

Where, in the event of a fee increase, the decisive payment date of a fee under the automatic debiting procedure falls on or after the date on which the fee increase takes effect, then provided the fee may be paid before that date (e.g. a renewal fee) it may be so paid in the old amount using another means of payment. The same applies to fees subject to an automatic debit order which is included with a European patent application filed under Article 75(1)(b) EPC with a competent national authority.

Fees paid early by another means are no longer covered by the automatic debiting procedure and so are not debited automatically.

If a payment made early by another means is insufficient to cover the fee concerned, **this deficiency is not rectified under the automatic debiting procedure**. Instead, the EPO reacts as appropriate to the given situation.

Re point 10 AAD: Revocation of an automatic debit order

It is particularly important to note that parties to the proceedings/account holders using the automatic debiting procedure must take action to prevent a fee from being debited automatically.

An automatic debit order must be revoked via Central Fee Payment. Account holders must pay special attention to the timing of the revocation of an automatic debit order so as to ensure that the relevant fees are included in or excluded from the automatic debiting procedure. Once an automatic debit order has been revoked, no more fees whose decisive payment date is on or after the date of revocation are debited automatically, and the EPO corrects any such debits already made. A confirmation of any revocation is made available to view and download in the **Request/revocation history** in Central Fee Payment and can also be viewed in the electronic file.

Si, dans le cas d'une hausse des taxes et dans le cadre de la procédure de prélèvement automatique, la date à laquelle le paiement d'une taxe est réputé effectué correspond ou est postérieure à la date d'entrée en vigueur de la hausse des taxes, et si la taxe peut être acquittée avant cette date (par exemple une taxe annuelle) , elle peut être payée selon l'ancien montant au moyen d'un autre mode de paiement. Il en va de même pour les taxes faisant l'objet d'un ordre de prélèvement automatique qui a été joint à une demande de brevet européen déposée auprès d'un service national compétent conformément à l'article 75(1)b) CBE.

Une taxe acquittée de manière anticipée au moyen d'un autre mode de paiement ne peut plus faire l'objet d'un prélèvement automatique.

Si une taxe est acquittée à l'avance par un autre mode de paiement, mais que la somme versée est insuffisante, **il n'est pas procédé systématiquement au réajustement nécessaire par prélèvement automatique**. L'OEB réagit en ce cas en fonction de la situation au regard des taxes.

Concernant le point 10 RPA : Révocation de l'ordre de prélèvement automatique

Il convient tout particulièrement de noter que les parties à la procédure/titulaires de compte courant ayant opté pour le système du prélèvement automatique doivent prendre eux-mêmes l'initiative pour empêcher le prélèvement automatique d'une taxe.

Un ordre de prélèvement automatique doit être révoqué au moyen du paiement centralisé des taxes. Le titulaire du compte doit accorder une attention particulière à la date de révocation de l'ordre de prélèvement automatique, de manière à s'assurer que les taxes concernées sont couvertes par la procédure de prélèvement automatique ou en sont exclues. Une fois que l'ordre de prélèvement automatique a été révoqué, il n'est plus procédé au prélèvement automatique des taxes dont le paiement est réputé effectué à la date de la révocation ou à une date ultérieure. Si des prélèvements ont malgré tout déjà eu lieu, l'OEB procède aux contre-passations d'écritures

gungsbuchung durch. Eine Bestätigung des Widerrufs wird in der Ansicht **Erteilte/widerrufene Abbuchungsaufträge** in der Zentralen Gebührenzahlung zur Anzeige und zum Herunterladen zur Verfügung gestellt und kann auch in der elektronischen Akte angezeigt werden.

nécessaires. Une confirmation de toute révocation peut être visualisée et téléchargée dans l'**Historique des émissions/révocations** du paiement centralisé des taxes et peut également être visualisée dans le dossier électronique.

Es gibt viele Fallkonstellationen, in denen ein Anmelder, Patentinhaber oder Vertreter (Anwalt) aus dem europäischen oder PCT-Verfahren vor dem EPA ausscheiden kann. Es ist deshalb erforderlich, Klarheit darüber zu gewinnen, ob das automatische Abbuchungsverfahren fortgeführt werden soll oder nicht. **Deshalb muss ein automatischer Abbuchungsauftrag ausdrücklich widerrufen werden.** Andernfalls läuft das automatische Abbuchungsverfahren mit dem bisherigen Beteiligten oder Vertreter (Anwalt) weiter.

There are various sets of circumstances in which an applicant, patent proprietor or representative (agent) can withdraw from the European or PCT proceedings before the EPO. It is therefore necessary to establish whether the automatic debiting procedure is to be continued. **Hence the requirement to explicitly revoke the automatic debit order is to be complied with**. Otherwise, the automatic debiting procedure continues with the party or representative (agent) as hitherto.

Le retrait du demandeur, du titulaire du brevet ou du mandataire de la procédure européenne ou PCT devant l'OEB peut intervenir dans toutes sortes de cas. Il est donc nécessaire de déterminer si la procédure de prélèvement automatique doit être poursuivie ou non. **C'est la raison pour laquelle il convient de satisfaire à l'exigence selon laquelle l'ordre de prélèvement automatique doit être explicitement révoqué**, faute de quoi les prélèvements automatiques se poursuivent pour les paiements de la personne qui était jusqu'alors partie à la procédure ou mandataire.

Zu Nummer 11 VAA: Beendigung des automatischen Abbuchungsverfahrens

Re point 11 AAD: Termination of the automatic debiting procedure

Concernant le point 11 RPA : Cessation de la procédure de prélèvement automatique

Ein automatischer Abbuchungsauftrag verliert seine Gültigkeit in den unter den Nummern 11.1 - 11.2 VAA genannten Fällen.

An automatic debit order ceases to be effective in the cases provided for in points 11.1-11.2 AAD.

Un ordre de prélèvement automatique cesse de produire ses effets dans les cas prévus aux points 11.1-11.2 RPA.

Widerruft der Anmelder die Zurücknahme der Patentanmeldung, so wird das automatische Abbuchungsverfahren wieder aktiviert, sofern es nicht gemäß Nummer 10.1 VAA widerrufen wurde.

If a withdrawal of a patent application is retracted by the applicant, the automatic debiting procedure will be reactivated unless the automatic debit order was revoked in accordance with point 10.1 AAD.

L'annulation, par le demandeur, du retrait d'une demande de brevet entraîne la remise en place de la procédure de prélèvement automatique, à moins que l'ordre de prélèvement automatique n'ait été révoqué conformément au point 10.1 RPA.

Soll bei einer Wiederaufnahme eines nach Regel 14 EPÜ ausgesetzten oder nach Regel 142 EPÜ unterbrochenen Verfahrens erneut vom automatischen Abbuchungsverfahren Gebrauch gemacht werden, muss ein neuer automatischer Abbuchungsauftrag eingereicht werden.

If proceedings are resumed after a stay under Rule 14 EPC or interruption under Rule 142 EPC and the automatic debiting procedure is to be used again, a new automatic debit order must be filed.

Si la procédure reprend après avoir été suspendue en application de la règle 14 CBE, ou après avoir été interrompue en application de la règle 142 CBE et que l'on souhaite utiliser à nouveau la procédure de prélèvement automatique, il convient de donner un nouvel ordre de prélèvement automatique.

	Anhang A.3 zu den VLK – Gebühren, die von der Überprüfung auf doppelte Zahlung (Validierungs-funktion) ausgeschlossen sind	**Annex A.3 to the ADA – Fees excluded from the double-payment validation functionality**	**Annexe A.3 à la RCC – taxes exclues du contrôle des doubles paiements (fonction de validation)**
	Die folgenden Gebührencodes beziehen sich auf Zahlungen, die im Verfahren vor dem EPA mehrmals geleistet werden können und daher von der Überprüfung auf doppelte Zahlung (Validierungsfunktion) ausgeschlossen sind.	The following fee codes relate to payments that can be made several times during the proceedings before the EPO. They are therefore excluded from the double-payment validation.	Les codes de taxes suivants concernent les paiements qui peuvent être effectués à plusieurs reprises pendant la procédure devant l'OEB. Ils sont donc exclus du contrôle des doubles paiements (fonction de validation).
002	Recherchengebühr	Search fee	Taxe de recherche
003	Internationale Recherchengebühr (PCT)	International search fee (PCT)	Taxe de recherche internationale (PCT)
008	Zusätzliche Druckkostengebühr für die 36. und jede weitere Seite	Additional printing fee for 36th and each subsequent page	Taxe d'impression supplémentaire pour chaque page à partir de la 36e
010	Einspruchsgebühr	Opposition fee	Taxe d'opposition
011	Beschwerdegebühr	Appeal fee	Taxe de recours
013	Wiedereinsetzungsgebühr	Fee for re-establishment of rights	Taxe de restitutio in integrum
015	Anspruchsgebühr (**Regel 45 (1) EPÜ**)	Claims fee (**Rule 45(1) EPC**)	Taxe de revendication (**règle 45(1) CBE**)
016	Anspruchsgebühr (**Regel 71 (4) EPÜ**)	Claims fee (**Rule 71(4) EPC**)	Taxe de revendication (**règle 71(4) CBE**)
017	Kostenfestsetzungsgebühr (**Regel 88 (3) EPÜ**)	Fee for the awarding of costs (**Rule 88(3) EPC**)	Taxe de fixation des frais (**règle 88(3) CBE**)
018	Beweissicherungsgebühr	Fee for the conservation of evidence	Taxe de conservation de la preuve
021	Gebühr für die vorläufige Prüfung einer internationalen Anmeldung (PCT)	Fee for preliminary international examination (PCT)	Taxe d'examen préliminaire d'une demande internationale (PCT)
022	Eintragung von Rechtsübergängen	Registration of transfer	Inscription des transferts
023	Eintragung oder Löschung von Lizenzen und anderen Rechten	Registration or cancellation of licenses and other rights	Inscription ou radiation de licences et d'autres droits
029	Beglaubigte Abschrift (Anmeldung, Prioritätsbeleg, Patenturkunde, sonstige Dokumente)	Certified copy (application, priority document, patent certificate, other documents)	Copie certifiée conforme (demande, document de priorité, certificat de brevet, autres documents)
055	Zusätzliche Kopie der im Recherchenbericht angeführten Schriften	Additional copy of documents cited in the search report	Copie supplémentaire des documents cités dans le rapport de recherche
061	Zuschlagsgebühr nach **Artikel 7 (3) GebO**	Surcharge under **Article 7(3) RFees**	Surtaxe visée à l'**article 7(3) RRT**
062	Widerspruchsgebühr (PCT)	Protest fee (PCT)	Taxe de réserve (PCT)
063	Gebühr für verspätete Zahlung (**Regel 16*bis*.2 PCT**)	Late payment fee (**Rule 16*bis*.2 PCT**)	Taxe pour paiement tardif (**règle 16*bis*.2 PCT**)
064	Gebühr für verspätete Zahlung (**Regel 58*bis*.2 PCT**)	Late payment fee (**Rule 58*bis*.2 PCT**)	Taxe pour paiement tardif (**règle 58*bis*.2 PCT**)

066	Gebühr für die verspätete Einreichung eines Sequenzprotokolls (**Regel 13*ter*.1**, **13*ter*.2 PCT**)	Fee for late furnishing of sequence listing (**R. 13*ter*.1**, **13*ter*.2 PCT**)	Taxe pour remise tardive de listages des séquences (**règle 13*ter*.1**, **13*ter*.2 PCT**)
067	Gebühr für die verspätete Einreichung eines Sequenzprotokolls (**Regel 30 (3) EPÜ**)	Fee for late furnishing of sequence listing (**R. 30(3) EPC**)	Taxe pour production tardive d'un listage de séquences (**règle 30(3) CBE**)
069	Überprüfungsgebühr für eine ergänzende internationale Recherche	Review fee for a supplementary international search	Taxe de réexamen pour une recherche internationale supplémentaire
111	Gebühr für den Überprüfungsantrag	Fee for petition for review	Taxe de requête en révision
121	Weiterbehandlungsgebühr (**Regel 71 (3) EPÜ**)	Fee for further processing (**Rule 71(3) EPC**)	Taxe de poursuite de la procédure (**règle 71(3) CBE**)
122	Weiterbehandlungsgebühr (nicht gebührenbezogene Fälle)	Fee for further processing (non-fee related cases)	Taxe de poursuite de la procédure (cas qui ne concernent pas le paiement de taxes)
123	Weiterbehandlungsgebühr (verspätete Gebührenzahlung: 50 % der betreffenden Gebühr)	Fee for further processing (late payment of a fee – 50% of the relevant fee)	Taxe de poursuite de la procédure (retard de paiement d'une taxe : 50 % de la taxe concernée)
131	Beschränkungsgebühr	Limitation fee	Taxe de limitation
141	Widerrufsgebühr	Revocation fee	Taxe de révocation
222	PCT-Zusatzgebühr für das 31. und jedes weitere Blatt	PCT charge per sheet in excess of 30	Supplément PCT par feuille à compter de la 31e
400	Zuschlagsgebühr für Erstreckungsgebühren	Surcharge for extension fees	Surtaxe pour les taxes d'extension
501	Zusatzgebühr für die 36. und jede weitere Seite – EP-Anmeldung	Additional filing fee for the 36th and each subsequent page – EP application	Taxe additionnelle pour chaque page à partir de la 36e – demande EP
520	Zusatzgebühr für die 36. und jede weitere Seite – Eintritt in die EP-Phase	Additional filing fee for the 36th and each subsequent page – entry into EP phase	Taxe additionnelle pour chaque page à partir de la 36e – entrée dans la phase européenne

Anhang B.1 zu den VLK

Verwaltungsvereinbarung vom 5. April 1993 zwischen dem EPA und dem epi

INHALTSVERZEICHNIS

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Art. 2 Mangelnde Deckung

Art. 3 Rückbuchung

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Art. 7 Geltungsdauer

Das EPA und das epi,

gestützt auf Artikel 10 des Europäischen Patentübereinkommens und Artikel 4 a) und d) der Vorschriften über die Errichtung eines Instituts der beim Europäischen Patentamt zugelassenen Vertreter (ABl. EPA 1978, 85),

in der Erwägung, dass das epi eine in den Rahmen des europäischen Patenterteilungsverfahrens integrierte Einrichtung darstellt und es daher zweckmäßig ist, dass das EPA das epi bei der praktischen Durchführung seiner Aufgaben unterstützt,

vereinbaren, dass epi-Jahresbeiträge nach Maßgabe der nachstehenden Bestimmungen von den beim EPA geführten laufenden Konten eingezogen werden können:

Artikel 1

Abbuchungsaufträge von laufenden Konten

(1) Das epi kann Jahresbeiträge seiner Mitglieder durch Vorlage von Abbuchungsaufträgen an das EPA von den beim EPA geführten laufenden Konten einziehen lassen. Dem Abbuchungsauftrag liegen eine oder mehrere dem epi erteilte Einzugsermächtigungen des Kontoinhabers zugrunde, die dem EPA nicht vorgelegt werden. Die Vorschriften über das laufende Konto sind durch Beschluss des Präsidenten des EPA vom 5. April 1993 entsprechend geändert worden.[1]

[1] ABl. EPA 1993, 366; jetzt Nummer 16 VLK (siehe S. 24 in dieser Zusatzpublikation).

Annex B.1 to the ADA

Administrative Agreement dated 5 April 1993 between the EPO and the epi

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Art. 1 Debiting deposit accounts

Art. 2 Insufficient funds

Art. 3 Reverse transfer

Art. 4 Complaints

Art. 5 Co-operation

Art. 6 Written form

Art. 7 Duration

The EPO and the epi,

Having regard to Article 10 of the European Patent Convention and Article 4(a) and (d) of the Regulation on the establishment of an Institute of Professional Representatives before the European Patent Office (OJ EPO 1978, 85),

Whereas the epi constitutes an institution integrated in the framework of the European patent grant procedure and it is therefore desirable that the EPO should support the epi in the performance of its duties,

Hereby agree that annual subscriptions to the epi may be debited from the deposit accounts held with the EPO in accordance with the following provisions:

Article 1

Debiting deposit accounts

(1) The epi may have its members' annual subscriptions debited from the deposit accounts held with the EPO upon submission of debit orders made out to the EPO. The debit order shall be based on one or more direct debiting mandates which shall be issued to the epi by the account holder and not be submitted to the EPO. The Arrangements for deposit accounts have been amended accordingly by the decision of the President of the EPO dated 5 April 1993.[1]

[1] OJ EPO 1993, 366; now point 16 ADA (see p. 24 in this supplementary publication).

Annexe B.1 à la RCC

Accord administratif du 5 avril 1993 entre l'OEB et l'epi

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L'OEB et l'epi,

vu l'article 10 de la Convention sur le brevet européen et l'article 4, lettres a) et d) du règlement relatif à la création d'un Institut des mandataires agréés près l'Office européen des brevets (JO OEB 1978, 85),

considérant que l'epi est un organe intégré dans la procédure européenne de délivrance de brevets et qu'il convient donc que l'OEB aide l'epi dans l'exécution pratique de ses tâches,

sont convenus que les cotisations annuelles à l'epi peuvent être prélevées sur les comptes courants tenus à l'OEB, conformément aux dispositions ci-après :

Article premier

Ordres de débit des comptes courants

(1) L'epi peut faire prélever les cotisations annuelles de ses membres sur les comptes courants tenus à l'OEB sur présentation d'ordres de débit à l'OEB. L'ordre de débit est fondé sur une ou plusieurs autorisations de prélèvement données à l'epi par le titulaire du compte, qui ne sont pas présentées à l'OEB. La réglementation applicable aux comptes courants est modifiée en conséquence par décision du Président de l'OEB en date du 5 avril 1993.[1]

[1] JO OEB 1993, 366 ; désormais point 16 RCC (cf. p. 24 de la présente publication supplémentaire).

(2) Die Abbuchungsaufträge werden jährlich nur mit Wirkung vom 25. Februar und 25. Juni als festen Abbuchungstagen ausgeführt; Regel 85 (1) EPÜ[2] über die Verlängerung von Fristen findet keine Anwendung. Sie werden dem EPA in Form eines vom EPA festgelegten Datenträgers übermittelt und umfassen alle einem laufenden Konto zu belastenden Jahresbeiträge in einem Gesamtbetrag. Der Abbuchungstag gilt als Zahlungstag.

Artikel 2

Mangelnde Deckung

Reicht am Abbuchungstag das Guthaben eines laufenden Kontos nach vorrangiger Berücksichtigung der Gebühren oder Auslagen für Veröffentlichungen und Dienstleistungen des EPA für den Abbuchungsauftrag des epi nicht aus, so wird er nicht ausgeführt und an das epi zurückgegeben. Mangelnde Deckung eines laufenden Kontos darf das epi nur dem epi-Mitglied und dem Kontoinhaber mitteilen.

Artikel 3

Rückbuchung

Stellt das epi fest, dass ein Betrag nicht oder nicht in dieser Höhe hätte abgebucht werden sollen, so kann es den Betrag auf das betreffende Konto mit einem einheitlichen Buchungstext zurücküberweisen.

Artikel 4

Beanstandungen

Beanstandungen von epi-Mitgliedern oder Kontoinhabern über die Durchführung des Verfahrens werden vom epi behandelt. Beim EPA eingehende Beanstandungen werden zur Bearbeitung an das epi weitergeleitet.

Artikel 5

Zusammenarbeit

(1) Das EPA und das epi unterstützen sich gegenseitig bei der Durchführung des Verfahrens.

(2) Diese Verwaltungsvereinbarung wird im Amtsblatt des EPA und in "epi Information" veröffentlicht. Weitere Bekanntmachungen zu ihrer Ausführung werden vom EPA und vom epi gemeinsam festgelegt.[3]

[2] Regel 85 (1) EPÜ 1973; jetzt Regel 134 (1) EPÜ 2000.

[3] Siehe Anhang B.2 in dieser Zusatzpublikation.

(2) Debit orders shall only be carried out with effect from 25 February and 25 June of each year as fixed debiting dates; Rule 85(1) EPC[2] governing the extension of time limits shall not apply. Debit orders shall be transmitted to the EPO on a data carrier specified by the EPO and shall include all the annual subscriptions to be debited from a deposit account in one overall sum. The date on which payment is considered to have been made shall be the date on which the account is debited.

Article 2

Insufficient funds

If after priority has been given to fees or costs in respect of EPO publications or services the credit balance of a deposit account on the debiting date is not sufficient to cover the epi debit order, it shall not be carried out and shall be returned to the epi. The epi may only notify the epi member and the account holder of insufficient funds in a deposit account.

Article 3

Reverse transfer

If the epi discovers that a sum should not have been debited, or that the sum debited was excessive, it may transfer the amount debited back to the relevant account using a standard debiting text.

Article 4

Complaints

Complaints from epi members or account holders relating to the implementation of the procedure shall be dealt with by the epi. Complaints received by the EPO shall be passed on to the epi for action.

Article 5

Co-operation

(1) The EPO and the epi shall provide mutual assistance in implementing the procedure.

(2) This Administrative Agreement shall be published in the Official Journal of the EPO and in epi Information. The EPO and the epi shall decide jointly on any other notices concerning its implementation.[3]

[2] Reference is to Rule 85(1) EPC 1973; now Rule 134(1) EPC 2000.

[3] See Annex B.2 in this supplementary publication.

(2) Les ordres de débit ne sont exécutés que les 25 février et 25 juin de chaque année, dates de débit fixes ; la règle 85(1) CBE[2] régissant la prorogation des délais n'est pas applicable. Les ordres de débit sont transmis à l'OEB sur un support de données déterminé par l'OEB et correspondent au montant total de toutes les cotisations annuelles dont un compte courant doit être débité. La date de débit est réputée être la date de paiement.

Article 2

Provision insuffisante

Si, à la date de débit, le crédit du compte courant ne suffit pas pour couvrir l'ordre de débit de l'epi, après règlement prioritaire des taxes ou des frais afférents aux publications et prestations de l'OEB, l'ordre de débit n'est pas exécuté et il est retourné à l'epi. L'epi est autorisé à informer uniquement son membre et le titulaire du compte courant de l'insuffisance de provision.

Article 3

Rectification

Si l'epi constate qu'un compte n'aurait pas dû être débité ou que le montant débité est incorrect, il peut reverser la somme en cause sur le compte débité en utilisant une mention comptable normalisée.

Article 4

Réclamations

Les réclamations de membres de l'epi ou de titulaires de comptes relatives à l'exécution des opérations sont traitées par l'epi. Les réclamations adressées à l'OEB sont transmises à l'epi pour suite à donner.

Article 5

Coopération

(1) L'OEB et l'epi se prêtent mutuellement assistance aux fins de l'exécution des opérations.

(2) Le présent accord administratif est publié au Journal officiel de l'OEB et dans epi Information. L'OEB et l'epi arrêtent conjointement toutes communications supplémentaires relatives à son application.[3]

[2] Il est fait référence à la règle 85(1) de la CBE de 1973 ; désormais règle 134(1) CBE 2000.

[3] Cf. Annexe B.2 de la présente publication supplémentaire.

Artikel 6

Schriftform

Diese Vereinbarung gibt die zwischen den Parteien getroffenen Absprachen vollständig wieder. Es bestehen keine mündlichen Vereinbarungen oder Absprachen. Die Parteien sind an etwaige Änderungen oder Ergänzungen nur gebunden, wenn diese schriftlich festgehalten und von beiden Parteien unterzeichnet worden sind.

Artikel 7

Geltungsdauer

(1) Diese Vereinbarung tritt am Tage der Unterzeichnung in Kraft.

(2) Diese Vereinbarung wird auf unbestimmte Zeit geschlossen. Jede Partei kann die Vereinbarung mit einer Frist von 6 Monaten zum Ende des jeweiligen Kalenderjahres kündigen. Das Recht zur fristlosen Kündigung aus wichtigem Grund bleibt unberührt.

Unterzeichnet in München am 5. April 1993.

Paul Braendli

Präsident des Europäischen Patentamts

Sidney David Votier

Präsident des Rats des Instituts der beim Europäischen Patentamt zugelassenen Vertreter

Article 6

Written form

This Agreement shall constitute the entire agreement between the parties. No verbal agreements or understandings exist. The parties shall not be bound by any amendments or additions unless set down in writing and signed by both parties.

Article 7

Duration

(1) This Agreement shall enter into force on the date it is signed.

(2) This Agreement shall be concluded for an indefinite period. It may be terminated by either party giving six months' notice in advance of the end of the relevant calendar year. This shall not affect the right to terminate the Agreement without notice on serious grounds.

Done at Munich on 5 April 1993.

Paul Braendli

President of the European Patent Office

Sidney David Votier

President of the Council of the Institute of Professional Representatives before the European Patent Office

Article 6

Forme écrite

Le présent accord reproduit intégralement ce dont les parties sont convenues. Il n'existe aucun accord ou arrangement verbal. Les parties ne sont liées par d'éventuelles modifications ou dispositions complémentaires que si celles-ci sont écrites et signées par les deux parties.

Article 7

Durée

(1) Le présent accord entre en vigueur à la date de sa signature.

(2) Le présent accord est conclu pour une durée indéterminée. Chacune des parties peut le dénoncer moyennant un préavis de six mois avant la fin de chaque année civile. Il peut être dénoncé sans délai pour motifs graves.

Fait à Munich, le 5 avril 1993.

Paul Braendli

Président de l'Office européen des brevets

Sidney David Votier

Président du Conseil de l'Institut des mandataires agréés près l'Office européen des brevets

Anhang B.2 zu den VLK

Mitteilung über die Abbuchung von epi-Jahresbeiträgen von den beim EPA geführten laufenden Konten

Mit dem Beschluss des Präsidenten des EPA zur Änderung der Vorschriften über das laufende Konto (VLK)[1] und der Verwaltungsvereinbarung zwischen dem EPA und dem epi[2] wird die Abbuchung von Jahresbeiträgen ermöglicht, die zugelassene Vertreter an das epi zu entrichten haben.

Der zugelassene Vertreter, der von diesem einfachen Zahlungsweg Gebrauch machen möchte, reicht bis zum 15. Februar des laufenden Jahres eine Einzugsermächtigung[3] beim epi (nicht beim EPA) ein. Sie muss vom Inhaber des zu belastenden laufenden Kontos unterzeichnet sein.

Mehrere Jahresbeiträge, die vom selben laufenden Konto abgebucht werden sollen, fasst das epi zu einem Gesamtbetrag zusammen. Demgemäß erteilt das epi dem EPA einen Abbuchungsauftrag über den Gesamtbetrag. Das EPA führt diesen Abbuchungsauftrag mit Wirkung vom 25. Februar des laufenden Jahres (Abbuchungstag) aus.

Der Abbuchungsauftrag wird nicht ausgeführt, sondern an das epi zurückgegeben, wenn das Guthaben eines laufenden Kontos nach vorrangiger Berücksichtigung der Gebühren oder Auslagen für Veröffentlichungen und Dienstleistungen des EPA für den Abbuchungsauftrag des epi nicht ausreicht. Das epi-Mitglied wird über den fehlgeschlagenen Einzugsversuch informiert. Überweist es den Jahresbeitrag dann nicht bis spätestens 30. April (Kontoeingang) für das epi spesenfrei im normalen Bankverkehr, erfolgt ein weiterer Einzugsversuch des **erhöhten Jahresbeitrags** am **25. Juni**. Schlägt auch dieser Versuch fehl, muss der erhöhte Jahresbeitrag im normalen Bankverkehr an das epi beglichen werden.

[1] ABl. EPA 1993, 366; jetzt Nummer 16 VLK.

[2] Siehe Anhang B.1 in dieser Zusatzpublikation.

[3] ABl. EPA 1993, 399. Von einem erneuten Abdruck wurde abgesehen. Das epi veröffentlicht alljährlich in "epi Information" eine aktualisierte Fassung der Einzugsermächtigung und Hinweise über die Zahlung der epi-Jahresbeiträge.

Annex B.2 to the ADA

Notice re debiting of epi annual subscriptions from deposit accounts held with the EPO

Following a decision of the President of the EPO amending the Arrangements for deposit accounts (ADA)[1] and under the terms of the Administrative Agreement between the EPO and the epi,[2] annual subscriptions payable by professional representatives to the epi may be debited direct.

Professional representatives wishing to use this simple payment method can issue a direct debiting mandate[3] to the epi (not the EPO) by 15 February of each year. This must be signed by the holder of the deposit account to be debited.

The epi combines several subscriptions to be debited from the same account into one overall sum, for which it then issues the EPO with a debit order. The EPO debits the account with effect from 25 February of each year (date of debit).

If, after priority payment of fees or costs in respect of EPO publications or services, the credit balance of a deposit account is not sufficient to cover the epi debit order, the latter is not carried out and is returned to the epi. The epi member is informed. Then, if the annual subscription is not credited to the epi account through the standard banking procedure and at no expense to the epi by 30 April, an attempt is made to debit the **higher annual subscription** on **25 June**. Should this attempt also prove unsuccessful, the higher annual subscription must be paid to the epi through the standard banking procedure.

[1] OJ EPO 1993, 366; now point 16 ADA.

[2] See Annex B.1 in this supplementary publication.

[3] OJ EPO 1993, 399. Not reprinted here; every year, in "epi information", the epi publishes an update, together with information about paying its annual subscriptions.

Annexe B.2 à la RCC

Communication relative au débit des cotisations annuelles à l'epi des comptes courants tenus à l'OEB

La décision du Président de l'OEB modifiant la réglementation applicable aux comptes courants (RCC)[1] et l'accord administratif entre l'OEB et l'epi[2] permettent de débiter les cotisations annuelles que les mandataires agréés doivent régler à l'epi.

Tout mandataire agréé qui souhaiterait faire usage de ce moyen de paiement simple remet à l'epi (et non à l'OEB) une autorisation de prélèvement[3] au plus tard le 15 février de l'année en cours. Cette autorisation doit être signée par le titulaire du compte courant à débiter.

L'epi regroupe en un seul montant plusieurs cotisations annuelles devant être débitées du même compte courant. À cette fin, l'epi donne à l'OEB un ordre de débit pour le montant total. L'OEB exécute cet ordre de débit avec effet au 25 février de l'année en cours (date du débit).

Si, après règlement prioritaire des taxes ou frais afférents aux publications et prestations de l'OEB, la provision du compte courant ne suffit pas pleinement pour exécuter l'ordre de débit de l'epi, cet ordre de débit n'est pas exécuté et est restitué à l'epi, et le membre de l'epi en est informé. Si celui-ci ne vire pas le montant de la cotisation le 30 avril au plus tard (date d'inscription au compte), par une opération bancaire normale et sans frais pour l'epi, il sera procédé, **le 25 juin**, au prélèvement du **montant majoré de la cotisation annuelle** de son compte. Au cas où ce prélèvement non plus ne peut être effectué, le montant majoré de la cotisation annuelle doit être payé à l'epi par une opération bancaire normale.

[1] JO OEB 1993, 366 ; désormais point 16 RCC.

[2] Cf. Annexe B.1 de la présente publication supplémentaire.

[3] JO OEB 1993, 399. Il ne sera pas procédé à une réimpression de ce texte. L'epi publie chaque année dans "epi Information" une mise à jour de l'autorisation de prélèvement et des avis relatifs au paiement des cotisations annuelles des membres de l'epi.

Mit Wirkung vom **25. Juni** kann der Beitrag auch für epi-Mitglieder, die zum vorausgegangenen Abbuchungstag noch keine Einzugsermächtigung vorgelegt hatten, eingezogen werden. Eingangsfrist für die Einzugsermächtigung im epi ist hierfür der 15. Juni.

Auskünfte zu dem geschilderten Verfahren erteilt nur das epi.[4]

Subscriptions of epi members who did not issue a direct debiting mandate by the previous debiting date may also be debited with effect from **25 June**. The deadline for receipt of the direct debiting mandate by the epi is then 15 June.

Information on the procedure is available only from the epi.[4]

Avec effet au **25 juin**, il est également possible de prélever le montant de la cotisation annuelle des membres de l'epi n'ayant pas encore produit d'autorisation de prélèvement à la date de débit précédente. À cette fin, la date limite de réception des autorisations de prélèvement par l'epi est le 15 juin.

Les renseignements concernant la procédure décrite ne peuvent être obtenus qu'auprès de l'epi.[4]

[4] epi-Sekretariat, Postfach 260112, 80058 München, Deutschland, Tel. +49 89 24205-20, Fax +49 89 24205-220.

[4] epi Secretariat, PO Box 260112, 80058 Munich, Germany, Tel. +49 89 24205-20, Fax +49 89 24205-220.

[4] Secrétariat de l'epi, boîte postale 260112, 80058 Munich, Allemagne, Tél. +49 89 24205-20, Fax +49 89 24205-220.

Print

Arrangements for deposit accounts (ADA) and their annexes (valid as from 10 September 2022)

URL

https://www.epo.org/law-practice/legal-texts/official-journal/2022/etc/se3/p1.html

Location

Home > Law & practice > Legal texts > Official Journal > 2022 > Supplementary publications > Supplementary publication 3 > 1

Online publication date: 10.8.2022

Decision of the President of the European Patent Office dated 19 July 2022 concerning the revision of the Arrangements for deposit accounts and their annexes

The President of the European Patent Office,

Having regard to Articles 5(2) and 7(2) of the Rules relating to Fees, has decided as follows:

Article 1

The Arrangements for deposit accounts and their annexes are hereby revised in the texts annexed to this decision.[1]

Article 2

With the exception of point 3.2(I) AAD, the revised texts enter into force on 10 September 2022.

Point 3.2 (I) AAD enters into force on 1 November 2022.

Article 3

The revised texts supersede the texts dated 1 October 2019 (supplementary publication 4, OJ EPO 2019) as amended by decisions of the President of the European Patent Office dated 4 June 2020 (OJ EPO 2020, A77), 18 March 2021 (OJ EPO 2021, A26) and 13 July 2021 (OJ EPO 2021, A60).

Done at Munich, 19 July 2022

António CAMPINOS

President

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[1] See p. 11 ff. See also the notice from the EPO dated 19 July 2022 concerning revision of the Arrangements for deposit accounts and their annexes (p. 2 below).

Last updated: 10.8.2022

Europäisches Patentamt
European Patent Office
Office européen des brevets

Print

Arrangements for deposit accounts (ADA) and their annexes (valid as from 10 September 2022)

URL

https://www.epo.org/law-practice/legal-texts/official-journal/2022/etc/se3/p2.html

Location

Home > Law & practice > Legal texts > Official Journal > 2022 > Supplementary publications > Supplementary publication 3 > 2

Online publication date: 10.8.2022

Notice of the European Patent Office dated 19 July 2022 concerning revision of the Arrangements for deposit accounts and their annexes

Since 2019, when the Arrangements for deposit accounts (ADA) and their annexes were last published in full,[1] several of their provisions have been amended by separate decisions of the President of the European Patent Office. It is now necessary to make further amendments to reflect the full deployment of Central Fee Payment (CFP) and the decommissioning of Online Fee Payment (OFP) on 10 September 2022.[2]

The first section of this notice deals with the amendments to the ADA that will enter into force on 10 September 2022, the main changes being new provisions to implement a process of direct clearing of debit orders and introduce a safety net for replenishments of deposit accounts. The need to make these amendments has also been taken as an opportunity to rearrange and split up a number of existing ADA provisions to improve readability, without, however, substantially changing their content.

The second section focuses on the revision of the provisions governing the automatic debiting procedure. In particular, the texts of Annexes A.1 (Arrangements for the automatic debiting procedure (AAD)) and A.2 (Information from the EPO concerning the automatic debiting procedure (AAD)) to the ADA have been revised to reflect the full deployment of CFP and the changes this will entail for managing automatic debit orders.

The third section gives an overview of the main provisions amended by the various decisions of the President since 2019. These amended provisions are now included in a new, consolidated version of the ADA and their annexes.

Given the varied nature of the changes, users are advised to read the revised and consolidated texts carefully in full.

I. ADA

1. Direct clearing of debit orders

Until now, debit orders filed throughout a given day were all processed by the EPO at a single point in time during the night, together with any automatic debit orders due for that specific day. Responding to a long-standing wish from users, the EPO has now implemented a direct clearing process for debit orders.

New point 7.2.1 ADA therefore states that, as a rule, the EPO will process debit orders immediately upon their receipt, provided that there are sufficient funds in the deposit account to cover all fees included in them. Automatic debit orders, on the other hand, will continue to be processed in one batch at the end of the day marking the decisive payment date. This ensures that users can continue to submit automatic debit orders which are effective as of the date of their submission and revoke them with effect from the date of the notice of revocation.

It is therefore essential that account holders ensure that, even after deduction of all debit orders filed and processed immediately throughout the day, their deposit account will still contain sufficient funds at the end of the day to cover all automatic debit orders due on that date.

Please note that the time taken to process debit orders might vary slightly depending on the service used to submit them. While any debit orders submitted in CFP are booked immediately and displayed as booked transactions in the **Transactions** tab,[3] debit orders submitted via ePCT, EPO Online Filing and Online Filing 2.0 are transferred to CFP only once an hour and only then booked and displayed as booked transactions.

However, irrespective of whether debit orders are submitted via ePCT, EPO Online Filing, Online Filing 2.0 or CFP and irrespective of when they are booked, the date the EPO receives the debit order will continue to be considered the date on which the payment is made, provided there are sufficient funds in the deposit account on that date (see point 10 ADA).

Although debit orders will now be booked immediately, they can still be revoked in whole or in part on their date of receipt in accordance with the existing procedure (point 13 ADA). Provided that the notice of revocation is submitted in time and in the correct form, the fees booked immediately upon receipt of the debit order will be refunded to the relevant deposit account.

Debit orders with deferred payment dates can be revoked using the functionality for this in CFP[4] but, because debit orders with deferred payment dates are booked at the beginning of their specified execution date, this will be possible only until the end of the day preceding that execution date (see point 13.2 ADA). As an additional service, however, it will still be possible to revoke them on the execution date by submitting a signed written notice of revocation in accordance with point 13.1 ADA.

2. Clarification of the order of processing debit orders

The implementation of direct clearing of debit orders has been taken as an opportunity to clarify the order of priority in which debit orders are processed (see points 7.3 and 7.4 ADA). However, the existing prioritisation rules have not changed as a result.

Where debit orders are filed for multiple applications and fees (either by including them in the cart in CFP or by uploading a batch file), the payments are processed in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number. When booking the individual fees, the appeal fee and the opposition fee are given priority in view of their procedural importance and the lack of any means of legal redress if the time limit for paying them is missed. All other fees are booked in ascending order of their fee codes.[5]

This order of processing is applied for as long as there are sufficient funds in the deposit account. If the account does not contain sufficient funds to cover all the fees indicated for an application (shortfall), no other debit order will be booked. All pending debit orders are accumulated and not cleared until the account has been adequately replenished. In this case, debit orders are first prioritised according to their decisive payment date, their date of receipt or their deferred payment date. Secondly, automatic debit orders are booked before any other debit orders. Subject to this order, the orders are booked in ascending order of application number ("PCT" before "EP") and with a prioritisation of the fees as indicated above. Outstanding payments continue to be considered to have been made on the date on which the deposit account is adequately replenished.

The same rules are applied for the processing of automatic debit orders at the end of the day of each decisive payment date (see below for the changes to Annex A.1 to the ADA).

3. New safety-net provision for the replenishment of deposit accounts

A new safety-net provision has been introduced in point 7.5 for cases where arrangements were made to adequately replenish the deposit account before expiry of a time limit for making a payment but the replenishment did not reach the EPO bank account in time.

The new safety-net provision takes into account the developments made in the banking sector for transferring money, in particular the times taken to process credit transfers within the Single European Payment Area (SEPA).

In view of these developments, a new point 7.5.1 has been inserted which stipulates that, if there is a shortfall, a period for paying a fee will still be considered to have been observed if it can be shown that an adequate replenishment of the deposit account was ordered either in the form of a SEPA Credit Transfer one day before expiry of the payment period or in the form of a SEPA Instant Credit Transfer on the last day of the period.

For users from EPC contracting states not participating in the SEPA,[6] the safety-net provision allows them to submit evidence showing that they gave a banking establishment in one of these states an order to adequately replenish their deposit account at least three days before expiry of the period for paying the fee.

4. Changes resulting from the full deployment of CFP

The notice from the European Patent Office dated 2 March 2022 concerning the extension of the functionalities of Central Fee Payment (OJ EPO 2022, A25)[7] informed users about the improvements made for managing deposit accounts in CFP. These included easy access to the form for adding another deposit account, changing the account details or closing a deposit account (points 2.1 and 2.2 ADA), the option to create individual account statements and monitor the account balance (point 6.2 ADA) and access to a history of fee payments rejected by the validation function in CFP (point 9 ADA).

As OFP will be decommissioned with effect from 10 September 2022, all references to it have been deleted from the ADA and, wherever applicable, replaced by CFP.

5. Batch automatic debit orders

Point 7.1.1 ADA has been revised to reflect the new option available in CFP to submit automatic debit orders as a batch file.

6. Other editorial changes

To improve readability, former point 3 ADA, which contained provisions on replenishments, repayments of deposit account balances and transfers between deposit accounts, has been split up into separate provisions on each of these topics.

Although the EPO will continue the courtesy service of informing users when they submit debit orders or refund instructions in an invalid format, the express reference to this courtesy service has been removed from the ADA.

To reflect the decommissioning of the EPO's filing service new online filing (CMS) with effect from 1 January 2022,[8] all references to CMS have been removed from the ADA and their annexes.

II. Annexes A.1 and A.2 to the ADA concerning the automatic debiting procedure

The option of submitting automatic debit orders for multiple applications has now been reflected in Annex A.1 to the ADA (point 1.1 AAD) and Annex A.2 to the ADA (Re point 2 AAD).

CFP has been added as a means of submitting and revoking automatic debit orders in points 1.2 and 10.1 AAD and point I. of Annex A.2. Meanwhile, all references to OFP, CMS and PCT-SAFE have been removed.

A new point (l) has been added under point 3.2 to exclude from the automatic debiting procedure further search fees for a European search pursuant to Rule 56a(8) EPC[9] and any further processing fee payable if the such further search fee is paid late.

The improvements made to the CFP functions for managing deposit accounts (see above), including the possibility of viewing active automatic debit orders, are likewise reflected in Annex A.1 (point 4.1 AAD).

Unlike the processing of normal debit orders, the processing of automatic debit orders has in essence remained unchanged. Automatic debit orders will continue to be processed at the end of the day marking the decisive payment date and this has now been specified in a new point 4.4 AAD. At the same time, the existing order of priority for the processing of automatic debit orders in cases where multiple fees for multiple applications are due to be debited automatically has been set out in a new point 4.5 AAD. Shortfalls in funds and their consequences for the order of priority in which automatic debit orders are processed are governed in amended points 6 and 7 AAD.

III. Consolidated version with all changes since October 2019

The ADA and their annexes have been consolidated to include all provisions separately amended by the following decisions of the President in 2020 and 2021.

The decision of the President dated 4 June 2020 (OJ EPO 2020, A77)[10] amended points 10.3 AAD and "Re point 10 AAD" in Annex A.2 to allow for ex officio revocation of all pending automatic debit orders when a deposit account is closed, exclude the additional search fee under Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT in the event of correction of an erroneous filing from the automatic debiting procedure (point (k) in point 3.2 AAD) and reflect the abolition of the option to waive the right to a further communication under Rule 71(3) EPC.

The decision of the President dated 18 March 2021 (OJ EPO 2021, A26), amended the ADA and their Annex A.1 to reflect the implementation of Online Filing 2.0.

Lastly, the decision of the President dated 13 July 2021 (OJ EPO 2021, A60), amended the ADA to reflect the implementation of CFP.[11]

For more information on these changes, please refer to the relevant decision as published in the Official Journal.

IV. Entry into force

The revised and consolidated texts enter into force on 10 September 2022 and supersede those dated 1 October 2019 (Supplementary publication 4 – OJ EPO 2019) as amended by the decisions of the President of the European Patent Office dated 4 June 2020 (OJ EPO 2020, A77), 18 March 2021 (OJ EPO 2021, A26) and 13 July 2021 (OJ EPO 2021, A60).

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[1] Supplementary publication 4, Official Journal 2019, Arrangements for deposit accounts (ADA) and their annexes (valid as from 1 October 2019).

[2] See notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

[3] See notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment, point 6.

[4] Loc cit, point 21.

[5] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

[6] As at entry into force of the revised ADA: Albania, Serbia and Turkey.

[7] All information in this notice which is still relevant for users has been included in the notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

[8] See notice from the European Patent Office dated 14 May 2021 concerning the decommissioning of the EPO's filing service new online filing (CMS) (OJ EPO 2021, A43).

[9] See decision of the Administrative Council of 14 December 2021 inserting a new Rule 56a and amending Rules 56 and 135 of the Implementing Regulations to the European Patent Convention and amending Article 2 of the Rules relating to Fees (CA/D 2/21) (OJ EPO 2022, A3).

[10] See notice from the European Patent Office dated 4 June 2020 concerning changes to fee payment via the automatic debiting procedure (OJ EPO 2020, A78).

[11] See notice from the European Patent Office dated 13 July 2021 concerning Central Fee Payment (OJ EPO 2021, A61), which is now superseded by notice from the European Patent Office dated 19 July 2022 concerning Central Fee Payment.

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Arrangements for deposit accounts (ADA)

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1. General provisions

Under Articles 5(2) and 7(2) of its Rules relating to Fees (RFees), the EPO makes available, for any interested natural or legal person (or bodies equivalent to a legal person under the law applicable to them), deposit accounts for paying fees to the EPO. Deposit accounts are kept in euro only, at EPO headquarters in Munich.

2. Formalities for opening and closing an account

2.1 A deposit account may be opened at the request of the prospective account holder, who must provide all the necessary particulars about their identity, occupation and address. This is done by completing and submitting the online request form available on the EPO website under **Applying for a patent -> Fees -> Fee payments and refunds**. Account holders must inform the EPO of any change in their contact details, also using this online request form on the website or, alternatively, the one they can access from their account overview in Central Fee Payment. They can likewise open an additional deposit account using the request form in Central Fee Payment.

2.2 A deposit account may be closed at the signed written request of the deposit account holder or their successors in title, filed by email attachment sent to support@epo.org or submitted together with the completed online form available either on the EPO website under **Applying for a patent -> Fees -> Fee payments and refunds** or in the account overview in Central Fee Payment. It must be evident from the written request that the requester and the deposit account holder are the same person.

Successors in title must provide the EPO with documentary proof of their entitlement.

2.3 In addition, the EPO reserves the right to close any account which fails to comply with the ADA, especially their point 6.1.

2.4 On closure of the account, the credit balance is refunded by bank transfer to the holder or their successors in title, once the necessary bank account details have been supplied in writing.

2.5 A deposit account can be reopened at the request of the original account holder, made by selecting the appropriate option in the online request form referred to in point 2.1.

3. Replenishments

3.1 Once the deposit account has been opened, its number is communicated to the holder, who must then make an initial payment commensurate with their requirements and the intended frequency of replenishment, so as to ensure that there are sufficient funds in the account.

3.2 Payments to replenish deposit accounts must be made in euro into the EPO bank account.[1] The payment must include the following information in the reference field of the bank transfer: "replenishment" (or "repl" for short) or "deposit", followed by the eight-digit number (starting with 28) of the EPO deposit account concerned.[2]

3.3 Replenishments are credited to the deposit account on the date on which the payment is actually entered in the EPO bank account.

4. Repayments of deposit account balances

4.1 Repayments of deposit account balances are possible for various reasons, e.g. closure of the deposit account or ceasing to work as a European patent attorney.

4.2 Such repayments can only be made to the deposit account holder. For this purpose, a signed substantiated request containing all bank details necessary for the transfer must be filed. The EPO may request further evidence to confirm that the person requesting repayment is authorised to act on behalf of the deposit account holder and that the bank account provided belongs to the deposit account holder.

5. Transfers between deposit accounts

5.1 Transfers between deposit accounts held at the EPO are possible only if the deposit account holder is the same legal entity or natural person. For this purpose, the deposit account holder must submit a signed request to the EPO. The EPO may request further evidence to confirm the account holder's identity.

5.2 The requests under points 4.2 and 5.1 must be filed by email attachment sent to support@epo.org, or by submission together with the completed online contact form available on the EPO website at *forms.epo.org/service-support/contact-us/contact0-form.html*.[3]

6. Conditions of operating the account

6.1 The account holder must ensure that the account contains sufficient funds at all times.

6.2 Account holders can inspect their pending single and automatic debit orders and transactions performed, create their statements and monitor their account balances via Central Fee Payment.[4] Additionally, once the financial year has closed, a balance confirmation stating the year-end balance of the deposit account is sent by post to the deposit account holder. Any errors noted must be notified to the EPO without delay. The EPO checks this information and makes any corrections necessary, retroactively to the original decisive payment date.

6.3 A deposit account showing a zero balance with no transactions recorded in the last four years will be closed *ex officio* by the EPO.

A deposit account showing a positive balance with no transactions recorded in the last four years will be set *ex officio* to inactive by the EPO.

7. Debiting the account

Subject to point 16, deposit accounts may be debited only in respect of fees payable to the EPO in connection with European and PCT proceedings.

7.1 Types of debit orders and accepted means of filing

7.1.1 Debiting occurs only on the basis of an electronic debit order signed by the account holder or the authorised representative. The signature may take the form of a text string signature, a facsimile signature, an enhanced electronic signature,[5] or authentication with smart card if payment is made via Central Fee Payment.

The debit order may be

– a debit order for individual fees for one or more patent applications, i.e. a single or a batch debit order, or

– an automatic debit order[6] for one or more patent applications, authorising the EPO to debit fees automatically as the proceedings progress.

7.1.2 The debit order must be filed in an electronically processable format (xml) via one of the following:

– EPO Online Filing using EPO Forms 1001E, 1200E, 2300E or 1038E, or Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E;

– EPO Online Filing or ePCT using the PCT fee calculation and payment feature, or Online Filing 2.0 using the PCT fee calculator and payment feature[7] with Forms PCT/RO/101 and PCT/IPEA/401;

– Central Fee Payment.

7.1.3 Debit orders submitted in any other way, e.g. on paper, by fax, via the EPO web-form filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be carried out. The legal consequence of filing an invalid debit order is laid down in point 10.3.

7.2 Processing of debit orders

7.2.1 As a rule, the EPO processes debit orders immediately upon their receipt, provided there are sufficient funds in the deposit account. Automatic debit orders are processed at the end of the day marking the decisive payment date in accordance with point 4.4 AAD.

7.2.2 Deposit account holders should ensure that their account always contains sufficient funds to cover all debit orders submitted.

7.3 Order of priority for processing debit orders

Debit orders for payments for multiple applications are processed in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number.

Individual fees are booked in the following order of priority, for as long as sufficient funds are available:

(a) appeal fee (011)

(b) opposition fee (010)

(c) all other fees in ascending order of their fee codes.[8]

7.4 Insufficient funds (shortfall)

7.4.1 If, on the date of receipt of the debit order or on any later date of execution specified under point 10.2, the account does not contain sufficient funds to cover all the fees indicated for an application (shortfall), no other debit order is booked until the account is adequately replenished. The account holder is informed accordingly by email or post.

7.4.2 Once the deposit account is replenished, the EPO processes any pending debit orders in the order of their decisive payment date, their date of receipt or their later date of execution specified under point 10.2 and in the following order of priority:

(a) automatic debit orders,

(b) any other debit orders.

Subject to this, debit orders are booked in accordance with point 7.3.

7.4.3 Outstanding payments are considered to have been made on the date on which the deposit account is duly replenished.

7.5 Safety-net provision for replenishments of deposit accounts

7.5.1 Where a payment is considered under point 7.4.3 to have been made only after expiry of a period in which it should have been made, the EPO will deem that period to have been observed if evidence is provided within a period to be specified by it that

(a) a SEPA ("Single European Payment Area") Credit Transfer for adequate replenishment of the deposit account was ordered at least one day before expiry of the period for paying the fee;

(b) a SEPA Instant Credit Transfer for adequate replenishment of the deposit account was ordered at the latest on the last day of the period for paying the fee;

(c) any other type of order for adequate replenishment of the deposit account was given to a banking establishment located in an EPC contracting state not participating in the SEPA[9] at least three days before expiry of the period for paying the fee.

7.5.2 If no evidence is provided or if the evidence is insufficient, the period for paying the fee will be deemed not to have been observed. The party to the proceedings[10] may then make use of any of the legal remedies available under the EPC or the PCT.

8. Ex-officio cancellation of debit orders

8.1 Debit orders still pending two months after the date of receipt or after the date specified under point 10.2 will not be executed by the EPO, if, on expiry of this period, any of the following conditions is met:

(a) the fee specified in the debit order was paid by another means of payment

(b) the patent application for which the debit order concerned was received is considered definitively closed within the meaning of point 9.2.

8.2 Such debit orders will be removed from the list of pending orders in Central Fee Payment.

9. Validation and rejection of payments in Central Fee Payment

9.1 Debit orders included in batch or individual debit orders that relate to:

(a) the payment of renewal fees for definitively closed European patent applications or granted patents

(b) the payment of renewal fees made before the earliest valid payment date under Rule 51(1) EPC

(c) double-payment of fees except those listed in Annex A.3 to the ADA

(d) the payment of fees for transfer of rights for definitively closed European patent applications

will be automatically rejected.

9.2 For the above purposes, a European patent application is considered to be definitively closed if the application is withdrawn or if the loss of rights or the refusal of the application has become final, i.e. in particular if

(a) the application is deemed to be withdrawn or refused and no means of redress, except a request for re-establishment of rights, has been filed,

(b) the decision on the means of redress is negative and no appeal has been filed, or

(c) the decision on the appeal is negative or the appeal is withdrawn.

9.3 A message confirming that the debit order could not be carried out is generated by the system after validation and stored in the **Rejected fee payment history** under **Fees** or under **Deposit account management -> Rejections**. The confirmation of rejection is also uploaded to the public part of the EPO's electronic file.

10. Payment date

10.1 Provided there are sufficient funds in the deposit account on the date the EPO receives the debit order, that date will be considered as the date on which the payment is made.

10.2 The debit order may specify that a payment order is to be executed at a later date than the submission date. In that case, the payment date is deemed to be the execution date specified. Payment orders with a deferred execution date may be executed up to 40 days after the submission date.

10.3 If a debit order is submitted via a non-accepted means of filing or in an invalid format, the date of receipt will not be regarded as the payment date. If this means that a time limit for paying a fee has expired, the party to the proceedings may make use of any of the legal remedies available under the EPC or the PCT.

11. Unavailability of the accepted electronic means of filing debit orders

If a payment period expires on a day on which one of the accepted means of filing debit orders under point 7.1.2 is not available at the EPO,[11] the payment period is extended to the first day thereafter on which all such means as are available for the type of application concerned can be accessed again. In the event of a general unavailability of electronic filing and other online services, or if other like reasons within the meaning of Rule 134(5) EPC or Rule 82*quater*.1 PCT arise, payment periods are extended in accordance with these provisions.

12. Filings under Article 75(1)(b) EPC with a competent national authority

12.1 If a European patent application is filed under Article 75(1)(b) EPC with a competent national authority, a debit order for fees which can be paid on filing can be submitted using one of the means accepted under point 7.1.2, irrespective of how the application itself is filed. In that case, to avoid any loss of rights the debit order must be filed at the latest on expiry of the relevant time limit under the EPC or, where applicable, under the PCT. The debit order, together with refund instructions, may also be included with the application using mandatory Form 1020, but only if the application is filed on paper with the competent national authority.

12.2 If a debit order (Form 1020) under point 12.1 is received by the EPO after expiry of the period for paying the fees, such period is considered to have been observed if evidence is available or is supplied to the EPO that the debit order was filed with the competent national authority together with the application, provided the account contained sufficient funds on the date on which the period expired.

12.3 If a debit order (Form 1020) under point 12.1 is received by the competent national authority before the date on which an increase in the amounts of fees pursuant to Article 2 RFees takes effect but is received by the EPO on or after that date, the date of receipt at the competent national authority is considered to be the date on which the payment is made, provided the account contained sufficient funds on that date.

12.4 For international applications filed with the EPO as receiving Office via a national office of an EPC contracting state pursuant to Article 151, second sentence, EPC and Article 75(2)(b) EPC, points 12.1 and 12.2 apply *mutatis mutandis*.

13. Revoking a debit order

13.1 A debit order may be revoked in whole or in part on its date of receipt by signed written notice from the person making the payment filed by email attachment sent to support@epo.org, or by submission together with the completed online contact form available on the EPO website at *forms.epo.org/service-support/contact-us/contact0-form.html*.[12] The notice of revocation of a debit order must indicate the number of the deposit account, the number of the patent application and, in the case of partial revocation, it must specify each fee or expense concerned.

13.2 A debit order with a deferred payment date pursuant to point 10.2 may be revoked in whole or in part in Central Fee Payment until one day before the date specified as the execution date at the latest. However, it may still be revoked on the date specified as the execution date by following the procedure under point 13.1.

13.3 The notice of revocation or partial revocation is not effective if it is received by the EPO after the date of receipt of the debit order or the date specified under point 13.2 or if it is submitted in a form other than specified in point 13.1.

14. Automatic debiting procedure

Deposit account holders may have their accounts debited automatically on the basis of an automatic debit order. The conditions applicable, and in particular the types of proceedings and fees covered, are laid down in the Arrangements for the automatic debiting procedure (AAD).[13]

15. Refund of fees

15.1 Fees will be refunded to any deposit account that the applicant, proprietor or appellant (if applicant or proprietor)[14] indicates in its refund instructions.

15.2 Refund instructions must be filed in an electronically processable format, via one of the following accepted means of filing: EPO Online Filing and Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E, and ePCT using PCT Form PCT/RO/101, PCT-SFD (EPO Online Filing) or PCT/IPEA/401 (EPO Online Filing and Online Filing 2.0).

15.3 Refund instructions submitted in any other way, e.g. on paper, by fax, via the EPO web-form filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be processed. Until valid instructions are filed, the party concerned will be invited to claim any refunds online.[15]

15.4 In the case of a refund of fees not payable by the applicant, proprietor or appellant (if applicant or proprietor), e.g. the opposition fee, the EPO will establish *ex officio* whether the refund can be credited to a deposit account. Otherwise, it will invite the person who made the payment to claim the refund online.

16. Debiting annual subscriptions of members of the Institute of Professional Representatives before the European Patent Office

16.1 Under the Administrative Agreement of 5 April 1993 between the European Patent Office and the Institute of Professional Representatives before the European Patent Office (epi),[16] deposit accounts may be debited with epi members' annual subscriptions as specified below upon submission of a debit order signed by the epi and based on one or more direct debiting mandates issued to the epi by the account holder and not submitted to the EPO.

16.2 Debit orders under point 16.1 are carried out with effect from the fixed debiting dates of 25 February and 25 June each year only; Rule 134(1) EPC on the extension of time limits does not apply. They are transmitted to the EPO on a data carrier specified by the EPO and comprise, in one overall sum, all annual subscriptions to be debited from a deposit account. The date of payment is that on which the account is debited.

16.3 If, after priority has been given to fees or expenses in respect of EPO publications or services, a deposit account does not contain sufficient funds on the debiting date to cover the epi debit order, the order is not carried out and is returned to the epi.

16.4 Points 7.1 to 7.4.3, 9 to 11 and 13 do not apply to the debit orders under point 16.1.

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[1] The following account with the Commerzbank in Germany is available for payments and transfers:

Nr. 3 338 800 00 (BLZ 700 800 00), IBAN DE20 7008 0000 0333 8800 00, BIC DRESDEFF700, Commerzbank AG, Leopoldstrasse 230, 80807 München, Germany.

[2] E.g. "replenishment 28XXXXXX", "repl 28XXXXXX" or "deposit 28XXXXXX".

[3] Under "Topic" and "Subject", please select "Fee payment and refund" and "Deposit account" from the respective drop-down menus.

[4] For details, see **Applying for a patent -> Online services -> Pay fees and claim refunds -> Using Central Fee Payment** on the EPO website or notice from the EPO dated 19 July 2022 concerning Central Fee Payment.

[5] For further details, see decision of the President dated 14 May 2021 concerning the electronic filing of documents, OJ EPO 2021, A42.

[6] See point 14 ADA, the Arrangements for automatic debiting (Annex A.1 in this supplementary publication) and the information from the EPO concerning the automatic debiting procedure (Annex A.2, loc. cit.).

[7] The payment of all fees related to PCT proceedings at the EPO may be indicated via the PCT-SFD plug-in in Online Filing and Online Filing 2.0.

[8] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

[9] As at the date of entry of force: Albania, Serbia and Turkey.

[10] A party to the proceedings may be e.g. an applicant, opponent, appellant or, if the party is represented, its international agent or European representative.

[11] See also notice from the EPO dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services (OJ EPO 2020, A120).

[12] Under "Topic" and "Subject", please select "Fee payment and refund" and "Revocation of debit order" from the respective drop-down menus.

[13] See Annex A.1 in this supplementary publication. See also Annex A.2 in this supplementary publication for information from the EPO concerning the automatic debiting procedure.

[14] If the party is represented, its international agent or European representative.

[15] See notice from the EPO dated 20 August 2019 concerning the revised fee refund procedures (OJ EPO 2019, A82).

[16] See Annex B.1 in this supplementary publication.

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1. Automatic debiting procedure and filing of automatic debit orders

1.1 A deposit account may be debited on the basis of an automatic debit order for one or more specific European or international patent applications signed by or on behalf of the account holder (automatic debiting procedure). By filing an automatic debit order, the deposit account holder authorises the EPO to debit fees automatically as the proceedings progress.

1.2 An automatic debit order must be filed in an electronically processable format (xml) via one of the following:

– for European patent applications or patents and international applications before the EPO as designated or elected Office: via EPO Online Filing or Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E, or via Central Fee Payment;

– for international applications before the EPO as receiving Office, International Searching Authority or International Preliminary Examining Authority: via EPO Online Filing, Central Fee Payment or ePCT using the PCT fee calculation and payment feature, or via Online Filing 2.0 using the PCT fee calculator and payment feature[2] with Forms PCT/RO/101 and PCT/IPEA/401.

Points 7.1.3 and 10.3 ADA apply *mutatis mutandis*.

1.3 An automatic debit order may be filed on behalf of the applicant or patent proprietor or his representative (agent). It may not be restricted to specific types of fees or to a specific period of time. The requirements applicable to the signature of the debit order laid down in point 7.1.1 ADA apply *mutatis mutandis*.

2. Types of proceedings covered

2.1 Automatic debiting is allowed for all types of European and PCT proceedings before the EPO, except those expressly indicated in point 2.4 below.

2.2 An automatic debit order filed during the international phase has no effect in proceedings before the EPO as designated or elected Office. A separate automatic debit order must be filed for international applications entering the European phase.[3]

2.3 A new automatic debit order must be filed for European patents in limitation and revocation proceedings and any subsequent appeal or review proceedings.

2.4 Automatic debiting is not available for international applications before the EPO as Supplementary International Searching Authority.

3. Fee types covered

3.1 Subject to point 3.2 below, the automatic debiting procedure covers all fees in European and PCT proceedings and the following administrative fees laid down by the President of the EPO under Article 3 RFees:

(a) administrative fee for an additional copy of the documents cited in the European search report, the international search report or international preliminary examination report (Article 20(3) PCT, Rules 44.3(b) and 71.2(b) PCT)

(b) administrative fee for a certified copy of a European patent application or an international application (priority document) (Rule 17.1 PCT, Rule 54 EPC, Article 3 RFees), but only if the certified copy requested is of an application the priority of which is claimed in an international application for which the EPO is acting as receiving Office

(c) administrative fee for the late furnishing of sequence listings (Rule 13*ter*.1(c) and 13*ter*.2 PCT).

3.2 Automatic debiting is not available for the following fees:

(a) any of the fees, expenses and prices laid down by the President of the EPO under Article 3 RFees, other than the administrative fees expressly referred to in point 3.1 above

(b) all fees not payable by the applicant or patent proprietor, notably the opposition fee

(c) conversion fee (Articles 135(3) and 140 EPC)

(d) fee for the awarding of costs (Rule 88(3) EPC)

(e) fee for the conservation of evidence (Rule 123(3) EPC)

(f) fee for a technical opinion (Article 25 EPC)

(g) fee for a supplementary international search (Rule 45*bis*.3(a) PCT)

(h) review fee relating to a supplementary international search (Rule 45*bis*.6(c) PCT)

(i) supplementary search handling fee (Rule 45*bis*.2 PCT)

(j) late payment fee relating to a supplementary international search (Rule 45*bis*.4(c) PCT)

(k) additional search fee in the event of correction of an erroneous filing (Rule 40*bis* PCT in conjunction with Rule 20.5*bis* PCT)

(l) further search fee for a European search pursuant to Rule 56a(8) EPC and any further processing fee due in the event of late payment of that fee.

4. Automatic debiting of fees

4.1 As from the date of receipt of the automatic debit order at the EPO, and as the proceedings progress, the EPO debits the account holder's deposit account in respect of all fees for which automatic debiting is allowed as they arise in respect of the proceedings specified in the automatic debit order in question, and treats them as paid in time, provided they fall due on or after the date of receipt of the order and the deposit account contains sufficient funds. The fees to be debited over the next 40 days are shown in the **Transactions** tab in Central Fee Payment.

4.2 Each debit occurs on the basis of the application documents available when it is effected. The EPO takes into consideration, to the account holder's benefit or detriment, all factors known to it at that time which have a legal bearing on the fees, doing so in such a way as to safeguard all rights arising from the application.

4.3 The debit is effected in euro in the amount applicable for the fee in question on the date to be considered the date on which payment is made (hereinafter "decisive payment date").

4.4 The EPO processes automatic debit orders at the end of the day marking the decisive payment date within the meaning of point 5. Since all other debit orders are processed immediately upon receipt throughout the day (see point 7.2.1 ADA), deposit account holders should ensure that their account contains sufficient funds on the decisive payment date to cover all automatic debit orders due at the end of the day.

4.5 If fees for multiple applications are to be debited automatically from the same deposit account at the same time, the EPO processes these automatic debit orders in ascending order of application number ("PCT" before "EP"). For Euro-PCT applications, the EP number is the relevant number.

Individual fees are booked in the following order of priority, for as long as sufficient funds are available:

(a) appeal fee (011)

(b) all other fees in ascending order of their fee codes.[4]

5. Decisive payment date

5.1 For the purposes of Article 7(2) RFees, payments under the automatic debiting procedure in European and PCT proceedings are considered to have been received:

(a) on the last day of the specific period for paying the fee (except in the cases provided for under (b)-(f) and point 5.2 below);

(b) on the last day of the additional period for paying a fee and any additional fee, surcharge or late payment fee (except in the cases provided for under (f) below, second and third subsections) for[5]

– fees that may be paid late with an additional fee, surcharge or late payment fee;

(c) on the date of receipt of the relevant (procedural) request for

– fees falling due for an international application on the date of the request for early processing under Article 23(2) or 40(2) PCT, provided that the documents under Article 20 PCT are available to the EPO; [6] if the request is received on a day on which the EPO is not open for the receipt of documents, the decisive payment date will be the next day it is open for this.

– the examination fee, where the applicant has waived his right to the invitation under Rule 70(2) EPC or requested accelerated examination under the PACE programme[7]

– the fee for re-establishment of rights, limitation or revocation, and appeal or petition for review

– the fee for restoration of the right of priority (Rule 26*bis*.3(d) PCT)

– the fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC) and the handling fee (Rule 57 PCT)

– the administrative fees under point 3.1(a) and (b) above;

(d) on the date of receipt of the translation of the claims[8] for

– the fee for grant and publishing[9] the European patent specification (Rule 71(3) EPC)

– the claims fees (Rule 71(4) EPC)

– the fee for publishing[10] a new European patent specification (Rules 82(2) or 95(3) EPC)

(e) on their due date for[11]

– the renewal fees (Rule 51(1) EPC, if appropriate, in conjunction with Rule 159(1)(g) EPC);

(f) on the date of receipt of the automatic debit order for

– the fee for re-establishment, limitation or revocation, and appeal or petition for review if the order is received after the request for re-establishment, appeal or petition has been filed

– fees due under Rules 14.1(c), 15.3 and 16.1(f) PCT if the order is received after the expiry of the period for paying any such fees but before the invitation under Rule 16*bis*.1(a) PCT to pay them together with a late payment fee (Rule 16*bis*.2 PCT) has been sent

– fees due under Rules 57.3 and 58.1(b) PCT if the order is received after the expiry of the period for paying any such fees, but before the invitation under Rule 58*bis*.1(a) PCT to pay these fees together with a late payment fee (Rule 58*bis*.2 PCT) has been sent

– the fee for restoration of the right of priority (Rule 26*bis*.3(d) PCT) if the order is received after the request has been filed.

5.2 For the purposes of Article 7(2) RFees, the fee for further processing is considered to have been received:

(a) on the last day of the period for requesting further processing

– where the omitted act was the non-payment of a fee

– where, by expiry of the relevant period, there was more than one omitted act, at least one of which was the non-payment of a fee and one of which was the non-performance of a procedural act, subject to completion of the latter. The fee the non-payment of which constitutes the omitted act is considered to have been received on the same date as the corresponding fee for further processing;

(b) on the date of completion of the omitted act

– where the omitted act was the non-performance of a procedural act other than payment of a fee;

(c) on the date of receipt of the automatic debit order

– where the automatic debit order is received after the date of completion of the omitted act;

(d) on the date of receipt of the automatic debit order or the translations of the claims, as appropriate

– where the omitted acts are the procedural steps under Rule 71(3) or (4) EPC.

5.3 Fees which must be paid in order to complete the omitted act for a request for re-establishment are not covered by the automatic debiting procedure and must be paid by the applicant, patent proprietor or representative on his own responsibility using another means of payment allowed under the RFees.

6. Insufficient funds (shortfall)

If, on the decisive payment date, the account does not contain sufficient funds to cover all the fees to be debited automatically as specified under point 4.5 (shortfall), no other debit order is booked until the account is duly replenished. The account holder is informed accordingly by email or post.

Point 8 ADA applies *mutatis mutandis* to fees to be debited automatically if they are still pending two months after their decisive payment date.

7. Replenishing the account after communication of insufficient funds

7.1 If the deposit account is sufficiently replenished to enable each fee to be paid, the EPO debits any pending debit orders in accordance with point 7.4.2 ADA and continues to book each fee automatically in the order specified under point 4.5.

7.2 The outstanding payment is considered to have been made on the date on which the deposit account is duly replenished.

8. Amendment and correction of debit

8.1 If after actually debiting a fee the EPO becomes aware of any change to the legal basis on which it did so, and which was brought to the attention of the EPO or competent national authority (see point 12 ADA) before the decisive payment date, if need be the EPO amends the debit retroactively to the original decisive payment date.

8.2 If the EPO finds that an automatic debit order was wrongly executed, it corrects the debit with effect for the original decisive payment date.

9. Use of other means of payment

If in an individual case a fee is paid separately using another permitted means of payment and before its decisive payment date, the EPO will not carry out the automatic debit order in respect of that fee, provided it receives the payment at least two days before the decisive payment date.

10. Revocation of an automatic debit order

10.1 An automatic debit order must be revoked via Central Fee Payment. It may be revoked only for the proceedings as a whole. Debits may not be revoked in respect of fees whose decisive payment date precedes the date on which the revocation is received.

10.2 Revoking an automatic debit order in any other form is invalid and fees will continue to be debited automatically until the automatic debit order is revoked in Central Fee Payment.

10.3 A party or representative withdrawing from proceedings on a particular application[12] must explicitly revoke an automatic debit order as provided for in point 10.1 above. Otherwise the EPO will continue to automatically debit fees from the relevant deposit account.

10.4 If a deposit account is closed in accordance with point 2.2 or 2.3 ADA, the EPO revokes all pending automatic debit orders *ex officio*. The EPO also reserves the right to revoke any automatic debit order *ex officio* if the procedure is used improperly and in particular if the conditions for operating the account laid down in point 4.1 ADA are not complied with.

11. Termination of the automatic debiting procedure

11.1 An automatic debit order ceases to be effective on the day on which

(a) the grant of the European patent takes effect, provided that no opposition is filed; if an opposition is filed against the granted European patent, the patent proprietor's automatic debit order becomes effective again until the opposition or any subsequent appeal or petition for review is finally settled;

(b) the international or European patent application is withdrawn or finally deemed withdrawn; the European patent application is finally refused;[13]

(c) a stay of the proceedings under Rule 14 EPC takes effect;

(d) an interruption of the proceedings under Rule 142 EPC takes effect;

(e) the limitation (revocation) proceedings in respect of a European patent for which the automatic debit order was filed are finally terminated;

(f) the demand for International Preliminary Examination is withdrawn (Rule 90*bis*.4 PCT) or considered to be withdrawn.

11.2 In cases other than those specified under point 11.1 above, an automatic debit order ceases to have effect from the moment the PCT proceedings before the EPO are terminated.

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[1] See also the information from the EPO concerning the automatic debiting procedure in Annex A.2 in this supplementary publication.

[2] The payment of all fees related to the PCT procedure before the EPO may be indicated via the PCT-SFD plug-in in EPO Online Filing or Online Filing 2.0.

[3] See also point 11.2 AAD.

[4] See the description of fee codes published in the Schedule of fees and expenses applicable as from 1 April 2022 (OJ EPO 2022, Supplementary publication 2). Since the additional fee for a European patent application comprising more than 35 pages (fee codes 501 and 520) forms part of the filing fee, it is booked together with the filing fee.

[5] This applies, in particular, if an automatic debit order is received by the EPO after expiry of the period for paying the fee but within the additional period for doing so or any further time limit set by the EPO for completing the missing payment.

[6] See notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156).

[7] If a PACE request and, if appropriate, an unconditional waiver of the invitation under Rule 70(2) EPC is filed before the date of expiry of the period under Rule 70(1) or 159(1) EPC. For further details, see notice from the EPO dated 30 November 2015 concerning the programme for accelerated prosecution of European patent applications ("PACE") (OJ EPO 2015, A93) and notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[8] For the purposes of point 5.1(d), third subsection, AAD, translation of amended claims.

[9] For European patent applications filed and international applications entering the European phase before 1 April 2009, fee for grant and printing.

[10] If the European patent was filed or the international application entered the European phase before 1 April 2009, this is the fee for printing.

[11] In cases provided for in Rule 51(3)-(5) EPC, renewal fees will be automatically debited according to point 5.1(a) AAD.

[12] For example, if the application is transferred or a change of representative is recorded.

[13] See point 9.2 ADA.

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Annex A.2 to the ADA - Information from the EPO concerning the automatic debiting procedure

The Arrangements for the automatic debiting procedure (AAD)[1] offer holders of deposit accounts with the EPO an **additional** payment option. The AAD form part of the Arrangements for deposit accounts (ADA), which thus also apply to the automatic debiting procedure.

The automatic debiting procedure is explained below.

I. General remarks

Under the procedure laid down in the AAD, an account holder may file with the EPO an automatic debit order to ensure automated payment of all the fees due in the proceedings for which the order is filed, except those expressly excluded under point 3.2 AAD. In the case of automatic debiting, the responsibility for ensuring that payment is made correctly, in full and on time lies with the **EPO**, provided that the deposit account always contains sufficient funds to cover the payments due. Payments due to be debited within the next 40 days are shown in the **Transactions** tab in Central Fee Payment.

Once an automatic debit order has been filed, the user of the automatic debiting procedure does not usually need to take any further action to ensure correct and timely payment. **However, in certain circumstances, users must actively inform the EPO that no payment of a fee is to be made or that only one particular fee amongst a number of fees due is to be paid; otherwise, fees are debited automatically in full.** An example is the invitation by the EPO to pay further search fees under Rules 64(1) or 164(1) or (2) EPC or additional search fees under Article 17(3)(a) PCT. If these fees are due, applicants must inform the EPO if they wish to pay none or only one or more, but not all of them. Otherwise, all the search fees for which the invitation was issued will be debited automatically. The same applies for claims fees (see Re point 3 AAD below).

This does not however mean that applicants may request that specific fees (e.g. renewal fees) be excluded from the automatic debiting procedure.

II. Notes on individual provisions of the AAD

Re point 1 AAD: Automatic debiting procedure and filing of automatic debit orders

The automatic debiting procedure is open only to applicants or patent proprietors and their representatives, but not to opponents (whether in first-instance proceedings or as a party to subsequent appeal or review proceedings), third parties or persons (other than the applicant or patent proprietor) who inspect the file.

Re point 2 AAD: Types of proceedings covered

An automatic debit order may be filed for:

(i) European grant proceedings for one or more specific European patent applications or international applications before the EPO as designated or elected Office ("Euro-PCT application"), including requests for early processing under Article 23(2) or 40(2) PCT,

(ii) PCT proceedings for specific international applications before the EPO as receiving Office, ISA or IPEA,

(iii) appeal and review proceedings under Article 112a EPC to which the applicant or patent proprietor is a party,

(iv) limitation and revocation proceedings.

An automatic debit order cannot be filed for international applications before the EPO as Supplementary International Searching Authority.

An automatic debit order ceases to have effect from the moment the proceedings before the EPO as receiving Office, ISA or IPEA are terminated (point 11.2 AAD). Accordingly, separate orders must be filed for PCT proceedings under (ii) above and for European proceedings under (i) above in respect of a specific international application. For limitation or revocation proceedings under (iv) above, a new automatic debit order has to be filed.

For international applications for which early processing under Article 23(2) or 40(2) PCT is requested, the fees debited will depend on the type of international application concerned and the date on which the request for early processing is filed.[2] In particular, any fees due will be automatically debited on the date the request for early processing under Article 23(2) or 40(2) PCT is filed, provided the documents referred to in Article 20 PCT are available to the EPO on that date. Otherwise, the fees will only be debited and the request for early processing will only take effect on the day the EPO receives the documents referred to in Article 20 PCT from the IB under Rule 47.4 PCT. If the request is received on a day on which the EPO is not open for the receipt of documents, the decisive payment date will be the next day it is open for this.

Re point 3 AAD: Fee types covered

The automatic debiting procedure covers the majority of the fees due in European and PCT proceedings before the EPO. The fees excluded from automatic debiting are set out in point 3.2 AAD. The EPO takes into consideration, to the account holder's benefit or detriment, all relevant factors known to it when the automatic debit is effected, doing so in such a way as to safeguard all rights arising from the application (see point 4 AAD).

I. For European applications or international applications before the EPO as designated or elected Office ("Euro-PCT applications"), attention is drawn to the specific aspects of the automatic debiting procedure for the following:

I.1 Filing fee including any additional fees

For European and Euro-PCT applications, an additional fee as part of the filing fee is due if the application comprises more than 35 pages. For European applications, the additional fee is debited automatically on the last day of the one-month period from filing the European patent application (together with the filing fee) or of the one-month period from filing the first set of claims or of the one-month period from filing the certified copy referred to in Rule 40(3) EPC, whichever is applicable (Rule 38(3) EPC). For Euro-PCT applications, the filing fee and the additional fee is debited on the last day of the time limit under Rule 159(1) EPC, except where early processing is requested (see Re point 2 AAD above).

For divisional applications, an additional fee is due in respect of any earlier application which is itself a divisional application (Rule 38(4) EPC). The additional fee will be debited automatically, together with the filing fee, on the last day of the one-month period from filing the application.

Where the requirements of Article 14 RFees and Rule 6 EPC are met, only 70% of the filing fee, including any additional fee, is debited.[3]

I.2 Search fee for a European or supplementary European search

If, for a European patent application, the search division makes a finding of non-unity, it informs the applicant under Rule 64(1) EPC, when it transmits the partial European search report, that a **further search fee** is payable **for each additional invention** involved. **If applicants do not want any or one or more of the further inventions to be searched, they must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of all the further search fees being carried out.**

The same applies if, upon entry into the European phase, the applicant is invited to pay search fees under **Rules 164(1) or (2) EPC**[4] and an automatic debit order is on file.

To enable the EPO to process any payment instructions received up to the last day of the periods under Rules 64 or 164 EPC, the effective debiting of further search fees will take place 10 days after the decisive payment date. The provisional amount of further search fees due will be shown in the payment plan until the debit based on the final number of inventions to be searched has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

For the supplementary European search fee, the automatic debiting procedure takes account of circumstances in which the fee is reduced or not payable, debiting accordingly only the reduced amount or no fee at all.

I.3 Designation fee[5]

If an applicant wishes to pay the designation fee before expiry of the period for doing so, **payment must be made separately by another means of payment allowed under the RFees** (see point 9 AAD). This applies, for example, at the end of the European grant procedure if, exceptionally, the fee(s) become(s) due only after the communication under Rule 71(3) EPC (Rule 71a(3) EPC). The fee(s) should be paid early by another means to prevent delay in the publication of the mention of grant.

For automatic debiting of the extension and validation fee(s), see point I.11 below.

I.4 Claims fees (Rules 45, 162 and 71(4) EPC)

Claims fees under Rules 45and 162 EPC

The EPO takes as the basis for the automatic debiting procedure the claims incurring fees under Rule 45 EPC contained in the first set of claims. Where there is more than one set of claims, it takes the set containing the greatest number. **If applicants do not want to pay any or all of these claims fees, they must inform the EPO accordingly before the period under Rule 45(2), first sentence, EPC expires**. The same applies where the automatic debit order is not received until after filing of the claims but before expiry of the period under Rule 45(2), second sentence, EPC.

For Euro-PCT applications, any claims fees payable on entry into the European phase are computed and, where appropriate, debited under the automatic debiting procedure on the basis of the documents on which the European grant procedure is to be based (Rule 162 EPC). If amended claims are filed in response to the combined communication under Rules 161 and 162 EPC, the claims fees due are computed on the basis of the last set of amended claims (Rule 162(2) EPC), unless the EPO is instructed otherwise before expiry of the period for payment. To enable the EPO to process any payment instructions received up to the last day of the six-month period for filing amendments, the effective debiting of claims fees will take place 10 days after the decisive date of payment. The provisional amount of claims fees due will be shown in the payment plan until the debit based on the final number of claims has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

If the automatic debit order is not filed until after expiry of the period under Rule 45 or 162 EPC but before expiry of the period for requesting further processing in respect of claims deemed withdrawn as a result of non-payment of the claims fees, an applicant now wishing to pay for fewer claims than those for which fees have become due **should indicate this before expiry of the period for requesting further processing. Otherwise all claims fees which have become due and the corresponding further processing fees are debited automatically on the last day of the period for requesting further processing**.

Account holders participating in the automatic debiting procedure and **waiving their right to the communication under Rules 161(1) or (2) and 162 EPC must pay any claims fees due on entry into the European phase by another permitted means of payment** (see point 9 AAD).[6]

Claim fees under Rule 71(4) EPC

If the European patent application in the text intended for grant under Rule 71(3) EPC comprises more than fifteen claims for which fees have not already been paid in accordance with Rule 45 or 162 EPC, any claims fees due are debited automatically on the date of filing of the translation of the relevant claims, or on the last day of the period under Rule 71(3) EPC. If amendments requested within the period under Rule 71(3) EPC introduce additional claims, the applicable number of claims fees for these is debited automatically on the last day of the period.

I.5 Renewal fees

If an applicant wishes to pay a renewal fee before the due date as provided for in Rule 51(1) EPC, **the fee must be paid separately by another means of payment allowed under the RFees** (see point 9 AAD). This applies, for example, if in the final phase of the European grant procedure a renewal fee becomes due after the communication under Rule 71(3) EPC (Rule 71a(4) EPC). The fee should be paid early by another permitted means to prevent delay in the publication of the mention of grant.

I.6 Examination fee

The examination fee is automatically debited on the last day of the period specified in Rule 70(1) EPC. Since the request for examination is always included in EPO Form 1001 or 1001E, the applicant can **prevent the automatic debiting of the examination fee only by revoking the automatic debit order or withdrawing the application in time**.

For cases in which the examination fee is automatically debited before expiry of the period for payment, i.e. where the applicant has waived the right to the invitation under Rule 70(2) EPC[7] or has requested, before the expiry of the period under Rule 70(1) or 159(1) EPC, as appropriate, that the application be processed under the PACE programme, the examination fee will be automatically debited on the date of receipt of the waiver or of the PACE request, respectively (see point 5.1(c) AAD).

Where the requirements of Article 14 and Rule 6 EPC for the reduction of fees are met, only 70% of the examination fee is debited under the automatic debiting procedure.[8]

I.7 Fee for grant and publication/fee for grant and printing[9]

The fee for grant and publication/fee for grant and printing, whichever is due, is debited automatically on the date on which the applicant files the translation of the claims (point 5.1(d) AAD). It is in any event debited on the last day of the period under Rule 71(3) EPC.

I.8 Fee for further processing

The decisive payment date for the further processing fee is defined depending on the nature of the omitted act(s) or the point in time at which an automatic debit order is filed in the specific proceedings before the EPO. The different decisive payment dates are established in points 5.2 AAD.

I.9 Fee for re-establishment, limitation or revocation and for appeal or petition for review

References in the AAD and the present notes to "re-establishment" are to be understood as applying not just to re-establishment of rights under Article 122 EPC, but also, as appropriate, to reinstatement of rights under Rule 49.6(d)(i) PCT and restoration of the priority right under Rule 49*ter*.2(d) PCT.

The automatic debiting procedure only covers the fee for re-establishment itself – it does not cover other fees (e.g. renewal fee and additional fee) the non-payment of which constituted the omitted act. **Such fees must therefore be paid separately by another permitted means of payment.** In addition, automatic debiting of the re-establishment fee is only possible in cases where a legally binding disposal of the application or patent has not already entered into force.

The fees for appeal or petition for review are only covered by automatic debiting if the appeal or petition for review is filed by the applicant or patent proprietor. The automatic debiting procedure takes account of circumstances under which the appeal fee is reduced, debiting accordingly only the reduced amount.[10]

I.10 Administrative fee for an additional copy of the documents cited in the European search report

This administrative fee is considered to have been paid on its due date (Article 4(1) RFees), i.e. the date of receipt of the request for an additional copy. If this request is submitted before the fees under Rule 38 EPC were debited, the administrative fee is debited together with those fees.

I.11 Extension and validation fees

Under the automatic debiting procedure, these fees are debited for the states which the applicant has specifically indicated in the relevant section of the request for grant (EPO Form 1001 or 1001E) or of the form for entry into the European phase (EPO Form 1200 or 1200E), **unless the applicant instructs the EPO otherwise within the period for paying these fees –** which is the same as for paying the designation fee(s) (Rules 39(1) and 159(1)(d) EPC). However, the following essential feature should be noted. The designation fee is debited automatically for all the contracting states except for any which have been expressly withdrawn. **Extension and validation fees, on the other hand, are debited automatically only for those states specifically indicated on EPO Form 1001 (1001E) or 1200 (1200E) or subsequently within the relevant period for payment.**

If the fee for an extension or validation state has not been paid within the basic period, the applicant can still validly pay it, together with a 50% surcharge,

(a) within two months of expiry of the basic period ("re-introduced grace period") or

(b) within two months of notification of a communication of loss of rights with regard to non-payment of the designation fee.

The communication under (b) will mention any extension or validation state for which the relevant fee was not paid in due time.

II. For international applications before the EPO acting as receiving Office, ISA or IPEA, attention is drawn to the specific aspects of the automatic debiting procedure for the following:

II.1 International filing fee (Rule 15.2 PCT) and the supplement for each page in excess of 30 pages

The automatic debiting procedure takes account of circumstances in which the international filing fee under Rule 15.2 PCT is reduced (see points 4-5 of the PCT Schedule of Fees), so the reduced amount will be debited where appropriate.

II.2 Administrative fee for the preparation and transmittal of a certified copy of a European or international application (priority document) (Rule 17.1(b) PCT and Rule 54 EPC)

Where the applicant claims the priority of an earlier application, a certified copy of it ("the priority document") must be filed with the receiving Office or the International Bureau within 16 months after the priority date. However, if the earlier application was filed with the EPO, the applicant may request the EPO to prepare and transmit a priority document to the International Bureau. Box No. VI of the request Form PCT/RO/101 contains a check box for that purpose. Except for this case, the administrative fee for a certified copy of a priority document is excluded from the automatic debiting procedure (see point 3.2(a) AAD).

An administrative fee for a certified copy of the priority document is considered to have been paid **on its due date**, **i.e. on the date of receipt of the request**.

However, for administrative reasons, if the request for a certified copy is submitted before the fees under Rules 14.1, 15.2 and 16.1 PCT have been debited, the administrative fee is debited together with those fees. In all other cases, it is debited within seven days from the date of receipt of the request for the certified copy.

II.3 Late-payment fee for the fees due under Rules 14.1, 15.2 and 16.1 PCT (Rule 16*bis*.2 PCT)

The automatic debiting procedure ensures that fees are paid on time, provided the deposit account contains sufficient funds. Therefore, a late-payment fee will be debited only if the automatic debit order is filed after expiry of the period for paying the transmittal, international filing and search fees and provided that an invitation to pay these fees together with a late-payment fee under Rule 16*bis*.2 PCT has been issued.

II.4 Additional search fee (Rule 40.2(a) PCT, Rule 158(1) EPC)

If the EPO as ISA considers that the international application claims more than one invention, it invites the applicant to pay an additional search fee for each further invention. At the same time, it informs the applicant of the result of the partial international search on the first invention in the claims. **An applicant who does not want one or more of the further inventions to be searched must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of the additional search fee(s) being carried out.**

To enable the EPO to process any payment instructions received up to the last day of the applicable period, the effective debiting of additional search fees will take place 10 days after the decisive payment date. The provisional amount of additional search fees due will be shown in the payment plan until the debit based on the final number of inventions to be searched has taken place. The fees will only be automatically debited if the deposit account contains sufficient funds on the effective debiting date.

The automatic debiting procedure takes account of circumstances in which the additional search fee is reduced, so only the reduced amount is debited.

II.5 Protest fee relating to the payment of an additional search fee (Rule 40.2(e) PCT and Rule 158(3) EPC)

If the applicant informs the EPO that the additional search fee is being paid under protest, the protest fee is debited automatically and payment is considered to have been received on the last day of the time limit under Rule 40.1(iii) PCT, i.e. the one-month period from the invitation to pay the additional search fee.

II.6 Administrative fee for an additional copy of the documents cited in the international search report or international preliminary examination report (Article 20(3) PCT, Rules 44.3(b) and 71.2(b) PCT)

This administrative fee is considered to have been paid on the date of receipt of the request for an additional copy. However, for administrative reasons, it is debited within seven days of that date.

II.7 Late-payment fee (Rule 58*bis*.2 PCT) for both the handling fee (Rule 57 PCT) and the fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC)

Late-payment fees will only become due if an automatic debit order is received by the EPO as IPEA after an invitation under Rule 58*bis*.1(a) PCT to pay the handling fee and the international preliminary examination fee together with the late-payment fee has been sent to the applicant. In this case, all three fees are debited automatically, and the late payment of these fees is considered to have been received on the last day of the one-month time limit as from the date of the invitation.

II.8 Fee for preliminary examination (Rule 58 PCT, Rule 158(2) EPC) and handling fee (Rule 57 PCT)

Both fees are automatically debited on the date of receipt of the demand for preliminary examination. The fee amounts payable are those applicable on the date of payment. The automatic debiting procedure takes account of circumstances in which these fees are reduced, so only the reduced amounts are debited. The handling fee is reduced by 90% under the same conditions as for the international filing fee, and the fee for international preliminary examination by 75% under the same conditions as for the international search fee.

II.9 Additional fee for preliminary examination (Rule 68.3(a) PCT, Rule 158(2) EPC)

Where the EPO as IPEA considers that the international application lacks unity of invention, it invites the applicant either to restrict the claims so as to rectify that or, if the inventions have been searched, to pay additional preliminary examination fees.

An applicant who does not want one or more of the further inventions to be examined must notify the EPO to this effect before the period for payment expires, in order to prevent the automatic debit of all the additional fees for preliminary examination from being carried out.

The automatic debiting procedure takes account of circumstances in which the additional fee is reduced, so only the reduced amount is debited.

Re point 4 AAD: Automatic debiting of fees

An automatic debit order should preferably be submitted **at the same time** as the international or European patent application is filed or the procedural steps are taken to initiate (early) processing before the EPO as designated or elected Office (entry into the European phase).

To facilitate this, the Form PCT/RO/101, request for grant (EPO Form 1001E) and the form for entry into the European phase (EPO Form 1200E) include a separate section with a drop-down menu enabling applicants to select this means of payment.

An automatic debit order may be submitted together with a European patent application filed with the competent national authority of a contracting state under Article 75(1)(b) EPC (point 12 ADA). This can be done by selecting this payment method in the drop-down menu or by selecting the appropriate check box in EPO Form 1020. In contrast, the form for taking the procedural steps for entry into the European phase (EPO Form 1200E) must be filed direct with the EPO.

In the case of European patent applications initially retained by the central industrial property office of a contracting state under Rule 37(1)(b) EPC, the EPO ensures in co-operation with that office that any automatic debit order is nonetheless carried out. Where applicable, fees are refunded under Rule 37(2) EPC.

In proceedings under the PCT, an automatic debit order may not be submitted together with an international application filed with a receiving Office other than the EPO. In such cases, the order must be submitted direct to the EPO as ISA and/or IPEA.

Divisional applications are not covered by an automatic debit order issued for the parent application; for them, separate automatic debit orders must be filed.

Automatic debit orders may also be filed subsequently, using the means of filing under point 1.2 AAD. With subsequent filing, **special attention must be paid to the fee situation at that time** (particularly during the phase just after filing the European patent application), in order to avoid incorrect or double debits or having to pay further processing fees, additional fees or surcharges.

If automatic debit orders are filed for more than one application at the same time, the procedural status of each application should be carefully checked, so as to ensure that each subsequently filed order does actually cover the fees which are intended. Surcharges or additional fees can only arise in exceptional cases, namely where the automatic debit order is not received until after expiry of a period for payment within which the fee was not paid.

Re point 5 AAD: Decisive payment date

Extensions of time limits under Rule 134(1) EPC are taken into account when calculating the due date or date of payment. For further comments on individual fee types, see "Re point 3 AAD" above.

Re point 6 AAD: Insufficient funds (shortfall)

Please see points 6 and 7 AAD for the order of priority in which fees are automatically debited if there are insufficient funds in the deposit account.

Re point 7 AAD: Replenishing the account in case of insufficient funds

Account holders must replenish their deposit accounts on their own initiative in accordance with point 3.2 ADA.

Re point 8 AAD: Amendment of debit; correction of debit

Please see point 8 AAD for cases where the account holder notes errors.

Re point 9 AAD: Use of other means of payment

Amongst other things, this provision enables account holders wishing to make faster payments in individual cases to pay fees at the time they want using another means of payment allowed under the RFees. Regarding situations necessitating earlier payment of the designation fee(s) and renewal fees or the fee for grant and any claims fees under Rule 71(4) EPC by another means, see notes under points I.3, I.4, I.5 and I.7 above.

If the applicant wants an early start to the processing before the EPO in the European phase ("early entry", Articles 23(2) and 40(2) PCT), and the documents referred to in Article 20 PCT are not yet available to the EPO as designated or elected Office, the fees due on filing the request for early processing must be paid by another means than automatic debiting if the applicant wants the request to take effect immediately. Otherwise, the request for early processing will only take effect on the day the EPO receives the documents referred to in Article 20 PCT from the IB under Rule 47.4 PCT.

Where, in the event of a fee increase, the decisive payment date of a fee under the automatic debiting procedure falls on or after the date on which the fee increase takes effect, then provided the fee may be paid before that date (e.g. a renewal fee) it may be so paid in the old amount using another means of payment. The same applies to fees subject to an automatic debit order which is included with a European patent application filed under Article 75(1)(b) EPC with a competent national authority.

Fees paid early by another means are no longer covered by the automatic debiting procedure and so are not debited automatically.

If a payment made early by another means is insufficient to cover the fee concerned, **this deficiency is not rectified under the automatic debiting procedure**. Instead, the EPO reacts as appropriate to the given situation.

Re point 10 AAD: Revocation of an automatic debit order

It is particularly important to note that parties to the proceedings/account holders using the automatic debiting procedure must take action to prevent a fee from being debited automatically.

An automatic debit order must be revoked via Central Fee Payment. Account holders must pay special attention to the timing of the revocation of an automatic debit order so as to ensure that the relevant fees are included in or excluded from the automatic debiting procedure. Once an automatic debit order has been revoked, no more fees whose decisive payment date is on or after the date of revocation are debited automatically, and the EPO corrects any such debits already made. A confirmation of any revocation is made available to view and download in the **Request/revocation history** in Central Fee Payment and can also be viewed in the electronic file.

There are various sets of circumstances in which an applicant, patent proprietor or representative (agent) can withdraw from the European or PCT proceedings before the EPO. It is therefore necessary to establish whether the automatic debiting procedure is to be continued. **Hence the requirement to explicitly revoke the automatic debit order is to be complied with**. Otherwise, the automatic debiting procedure continues with the party or representative (agent) as hitherto.

Re point 11 AAD: Termination of the automatic debiting procedure

An automatic debit order ceases to be effective in the cases provided for in points 11.1-11.2 AAD.

If a withdrawal of a patent application is retracted by the applicant, the automatic debiting procedure will be reactivated unless the automatic debit order was revoked in accordance with point 10.1 AAD.

If proceedings are resumed after a stay under Rule 14 EPC or interruption under Rule 142 EPC and the automatic debiting procedure is to be used again, a new automatic debit order must be filed.

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[1] See Annex A.1 in this supplementary publication.

[2] See notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156).

[3] See notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[4] See notice from the EPO dated 10 June 2014 concerning amended Rules 164 and 135 EPC (OJ EPO 2014, A70) and Guidelines C-III, 2.3, 3.1.1 and 3.1.2.

[5] For European patent applications filed, including European divisional applications, and international applications entering the European phase on or after 1 April 2009 only, payment of the flat designation fee covers all the contracting states (Article 2(1), item 3, RFees). For European patent applications filed and international applications entering the European phase before 1 April 2009 only, payment of seven times the designation fee is deemed to cover all the contracting states.

[6] See notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[7] See notice from the EPO dated 30 November 2015 concerning ways to expedite the European grant procedure (OJ EPO 2015, A94).

[8] See notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

[9] The flat fee for grant, including the fee for publication of the European patent specification, applies to European patent applications filed on or after 1 April 2009 and to international applications entering the European phase on or after that date. For European applications filed before 1 April 2009 or international applications entering the European phase before that date, the fee for grant and printing has two components: a fixed amount, plus a charge for each page of the application over and above 35.

[10] See notice from the EPO dated 18 December 2017 concerning the reduced fee for appeal (Article 108 EPC) for an appeal filed by a natural person or an entity referred to in Rule 6(4) EPC (OJ EPO 2018, A5).

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Arrangements for deposit accounts (ADA) and their annexes (valid as from 10 September 2022)

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Annex A.3 to the ADA – Fees excluded from the double-payment validation functionality

The following fee codes relate to payments that can be made several times during the proceedings before the EPO. They are therefore excluded from the double-payment validation.

002	Search fee
003	International search fee (PCT)
008	Additional printing fee for 36th and each subsequent page
010	Opposition fee
011	Appeal fee
013	Fee for re-establishment of rights
015	Claims fee (Rule 45(1) EPC)
016	Claims fee (Rule 71(4) EPC)
017	Fee for the awarding of costs (Rule 88(3) EPC)
018	Fee for the conservation of evidence
021	Fee for preliminary international examination (PCT)
022	Registration of transfer

023	Registration or cancellation of licenses and other rights
029	Certified copy (application, priority document, patent certificate, other documents)
055	Additional copy of documents cited in the search report
061	Surcharge under **Article 7(3) RFees**
062	Protest fee (PCT)
063	Late payment fee (**Rule 16*bis*.2 PCT**)
064	Late payment fee (**Rule 58bis.2 PCT**)
066	Fee for late furnishing of sequence listing (**R. 13*ter*.1**, **13ter.2 PCT**)
067	Fee for late furnishing of sequence listing (**R. 30(3) EPC**)
069	Review fee for a supplementary international search
111	Fee for petition for review
121	Fee for further processing (**Rule 71(3) EPC**)
122	Fee for further processing (non-fee related cases)
123	Fee for further processing (late payment of a fee – 50% of the relevant fee)
131	Limitation fee
141	Revocation fee
222	PCT charge per sheet in excess of 30
400	Surcharge for extension fees
501	Additional filing fee for the 36th and each subsequent page – EP application
520	Additional filing fee for the 36th and each subsequent page – entry into EP phase

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ADA & AAD

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The European Patent Convention

Protocol on Jurisdiction and the Recognition of Decisions in respect of the Right to the Grant of a European Patent – (Protocol on Recognition)

Protocol on Jurisdiction and the Recognition of Decisions in respect of the Right to the Grant of a European Patent (Protocol on Recognition)

of 5 October 1973

Section I
Jurisdiction

Article 1 [1]

(1) The courts of the Contracting States shall, in accordance with Articles 2 to 6, have jurisdiction to decide claims, against the applicant, to the right to the grant of a European patent in respect of one or more of the Contracting States designated in the European patent application.

(2) For the purposes of this Protocol, the term "courts" shall include authorities which, under the national law of a Contracting State, have jurisdiction to decide the claims referred to in paragraph 1. Any Contracting State shall notify the European Patent Office of the identity of any authority on which such a jurisdiction is conferred, and the European Patent Office shall inform the other Contracting States accordingly.

(3) For the purposes of this Protocol, the term "Contracting State" refers to a Contracting State which has not excluded application of this Protocol pursuant to *Article 167 of the Convention*.

Article 2

Subject to Articles 4 and 5, if an applicant for a European patent has his residence or principal place of business within one of the Contracting States, proceedings shall be

brought against him in the courts of that Contracting State.

Article 3

Subject to Articles 4 and 5, if an applicant for a European patent has his residence or principal place of business outside the Contracting States, and if the party claiming the right to the grant of the European patent has his residence or principal place of business within one of the Contracting States, the courts of the latter State shall have exclusive jurisdiction.

Article 4

Subject to Article 5, if the subject-matter of a European patent application is the invention of an employee, the courts of the Contracting State, if any, whose law determines the right to the European patent pursuant to Article 60, paragraph 1, second sentence, of the Convention, shall have exclusive jurisdiction over proceedings between the employee and the employer.

Article 5

(1) If the parties to a dispute concerning the right to the grant of a European patent have concluded an agreement, either in writing or verbally with written confirmation, to the effect that a court or the courts of a particular Contracting State shall decide on such a dispute, the court or courts of that State shall have exclusive jurisdiction.

(2) However, if the parties are an employee and his employer, paragraph 1 shall only apply in so far as the national law governing the contract of employment allows the agreement in question.

Article 6

In cases where neither Articles 2 to 4 nor Article 5, paragraph 1, apply, the courts of the Federal Republic of Germany shall have exclusive jurisdiction.

Article 7

The courts of Contracting States before which claims referred to in Article 1 are brought shall of their own motion decide whether or not they have jurisdiction pursuant to Articles 2 to 6.

Article 8

(1) In the event of proceedings based on the same claim and between the same parties being brought before courts of different Contracting States, the court to which a later application is made shall of its own motion decline jurisdiction in favour of the court to which an earlier application was made.

(2) In the event of the jurisdiction of the court to which an earlier application is made being challenged, the court to which a later application is made shall stay the proceedings until the other court takes a final decision.

Section II
Recognition

Article 9 [2]

(1) Subject to the provisions of Article 11, paragraph 2, final decisions given in any Contracting State on the right to the grant of a European patent in respect of one or more of the Contracting States designated in the European patent application shall be recognised without requiring a special procedure in the other Contracting States.

(2) The jurisdiction of the court whose decision is to be recognised and the validity of such decision may not be reviewed.

Article 10

Article 9, paragraph 1, shall not be applicable where:

(a) an applicant for a European patent who has not contested a claim proves that the document initiating the proceedings was not notified to him regularly and sufficiently early for him to defend himself; or

(b) an applicant proves that the decision is incompatible with another decision given in a Contracting State in proceedings between the same parties which were started before those in which the decision to be recognised was given.

Article 11

(1) In relations between any Contracting States the provisions of this Protocol shall prevail over any conflicting provisions of other agreements on jurisdiction or the recognition of judgments.

(2) This Protocol shall not affect the implementation of any agreement between a Contracting State and a State which is not bound by the Protocol.

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[1] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

[2] See decision of the Enlarged Board of Appeal G 3/92 (Annex I).

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The European Patent Convention

Rules of Procedure of the Boards of Appeal

Rules of Procedure of the Boards of Appeal

The Rules of Procedure of the Boards of Appeal,

as approved by decision of the Administrative Council CA/D 5/19 Corr. 1 of 26 June 2019 (OJ EPO 2019, A63) and in force from 1 January 2020,

with the amendment approved by decision of the Administrative Council CA/D 3/21 of 23 March 2021 (OJ EPO 2021, A19) and in force from 1 April 2021,

read as follows:

All terms and pronouns referring to persons in these Rules of Procedure apply irrespective of gender.

Article 1

Business distribution and composition

(1) The Presidium referred to in Rule 12b, paragraph 4, EPC, shall before the beginning of each working year draw up a business distribution scheme for the distribution among the Boards of Appeal of all appeals that may be filed during the year, designating the members who may serve on each Board and their respective alternates. The scheme may be amended during the working year.

(2) The Chair (Chairman or Chairwoman) of each Board shall, before the beginning of each working year, draw up a list of the cases in which the Board is likely to hold oral proceedings, issue a communication under Rule 100, paragraph 2, EPC, or issue a decision in written proceedings in that year. The President of the Boards of Appeal shall, before the beginning of each working year, publish the list of each Board.

(3) The Chair of each Board of Appeal shall determine the composition of the Board for each particular case in accordance with the business distribution scheme. The Chair shall designate himself or herself or a technically or legally qualified member as Chair in the particular appeal.

Article 2

Replacement of members

(1) A member or the Chair in a particular appeal shall be replaced if prevented from participating, particularly as a result of sickness, excessive workload, or commitments which cannot be avoided.

(2) A member or the Chair in a particular appeal wishing to be replaced shall inform the Chair of the Board of their unavailability without delay.

Article 3

Exclusion and objection

(1) If a Board has knowledge of a possible reason for exclusion or objection under Article 24 EPC which does not originate from the member concerned or from a party, then the procedure of Article 24, paragraph 4, EPC shall be applied.

(2) The member concerned shall be invited to present comments as to whether there is a reason for exclusion or objection.

(3) Before a decision is taken on the exclusion or objection, there shall be no further proceedings in the case.

Article 4

Procedural compliance

(1) The Chair of the Board shall for each appeal designate a member of the Board, who may also be the Chair of the Board, to consider the admissibility of the appeal.

(2) The Chair in the particular appeal or a member designated by the Chair of the Board shall ensure that the parties comply with these Rules of Procedure and with directions of the Board and shall propose action to be taken as appropriate.

Article 5

Rapporteurs

(1) For each appeal, the Chair of the Board shall designate a technically or legally qualified member of the Board, who may also be the Chair of the Board, as rapporteur. If appropriate in the light of the subject-matter of the case, the Chair of the Board may designate an additional rapporteur. The composition of the Board may be completed at a later stage, in accordance with Article 1, paragraph 3. The steps referred to in paragraphs 4 and 5 may not be taken until the composition of the Board has been completed in accordance with Article 1, paragraph 3.

(2) If an additional rapporteur is appointed, the steps referred to in paragraphs 3 to 5 shall be taken by the rapporteur and additional rapporteur jointly.

(3) The rapporteur shall carry out a preliminary study of the appeal and shall, subject to the direction of the Chair of the Board, assess whether the appeal should be given priority over, or should be treated together with, other appeals assigned to the rapporteur.

(4) The rapporteur shall draft communications on behalf of the Board, subject to the direction of the Chair in the particular appeal, and shall make the preparations for meetings of the Board and for oral proceedings.

(5) The rapporteur shall draft decisions.

(6) A rapporteur or additional rapporteur who considers that their knowledge of the language of the proceedings is insufficient for drafting communications or decisions may draft these in one of the other official languages. The drafts shall be translated by the European Patent Office into the language of the proceedings and the translations shall be checked by the rapporteur or by another member of the Board in the particular appeal.

Article 6

Registries

(1) Registries shall be established for the Boards of Appeal. Registrars shall be responsible for the discharge of the functions of the Registries. One of the Registrars shall be designated as head of the Registry.

(2) The Presidium referred to in Rule 12b, paragraph 1, EPC may entrust to the Registrars the execution of functions which involve no technical or legal difficulties, in particular in relation to arranging for inspection of files, issuing summonses to oral proceedings, notifications and granting requests for further processing of applications.

(3) The Registrar shall report to the Chair of the Board on the admissibility of each newly filed appeal.

(4) The Chair in the particular appeal shall designate a member of the Board or, with the agreement of the Chair of the Board, the Registrar, to draw up the minutes of the oral proceedings and of the taking of evidence.

Article 7

Interpreters

If required, the Chair in the particular appeal shall make arrangements for interpretation during oral proceedings, the taking of evidence or the deliberations of the Board.

Article 8

Change in the composition of a Board

(1) If the composition of a Board is changed after oral proceedings, the parties shall be informed that, at the request of any party, fresh oral proceedings shall be held before the Board in its new composition. Fresh oral proceedings shall also be held if so requested by the new member and if the other members of the Board in the particular appeal have given their agreement.

(2) Each new member shall be bound to the same extent as the other members by an interlocutory decision which has already been taken.

(3) A member who is unable to act after the Board has already reached a decision on the appeal shall not be replaced. If the Chair in a particular appeal is unable to act, the member of the Board having the longer or longest service on the Boards of Appeal or, in the case where members have the same length of service, the elder or eldest member, shall sign the decision on behalf of the Chair.

Article 9

Enlargement of a Board

If a Board consisting of two technically qualified members and one legally qualified member considers that the nature of the appeal requires that the Board should consist of three technically qualified members and two legally qualified members, the decision to enlarge the Board shall be taken at the earliest possible stage in the examination of that appeal.

Article 10

Consolidation and acceleration of appeal proceedings

(1) If several appeals are filed from a decision, these appeals shall be dealt with in the same proceedings.

(2) If appeals are filed from separate decisions but are clearly connected to each other and if they are to be examined by a Board in the same composition, that Board shall endeavour to deal with them one immediately after the other. The Board may, after having heard the parties, also deal with such appeals in consolidated proceedings.

(3) On request by a party, the Board may accelerate the appeal proceedings. The request shall contain reasons justifying the acceleration and shall, where appropriate, be supported by documentary evidence. The Board shall inform the parties whether the request has been granted.

(4) If a court or other competent authority in a Contracting State requests acceleration of the appeal proceedings, the Board shall inform the court or authority and the parties whether the request has been granted and when oral proceedings, if foreseen, are likely to take place.

(5) The Board may accelerate the appeal proceedings of its own motion.

(6) If the Board accelerates the appeal proceedings, it shall give the appeal priority over other appeals. The Board may adopt a strict framework for the proceedings.

Article 11

Remittal

The Board shall not remit a case to the department whose decision was appealed for further prosecution, unless special reasons present themselves for doing so. As a rule, fundamental deficiencies which are apparent in the proceedings before that department constitute such special reasons.

Article 12

Basis of appeal proceedings

(1) Appeal proceedings shall be based on

(a) the decision under appeal and minutes of any oral proceedings before the department having issued that decision;

(b) the notice of appeal and statement of grounds of appeal filed pursuant to Article 108 EPC;

(c) in cases where there is more than one party, any written reply of the other party or parties to be filed within four months of notification of the grounds of appeal;

(d) any communication sent by the Board and any answer thereto filed pursuant to directions of the Board;

(e) minutes of any video or telephone conference with the party or parties sent by the Board.

(2) In view of the primary object of the appeal proceedings to review the decision under appeal in a judicial manner, a party's appeal case shall be directed to the requests, facts, objections, arguments and evidence on which the decision under appeal was based.

(3) The statement of grounds of appeal and the reply shall contain a party's complete appeal case. Accordingly, they shall set out clearly and concisely the reasons why it is

requested that the decision under appeal be reversed, amended or upheld, and should specify expressly all the requests, facts, objections, arguments and evidence relied on. All documents referred to shall be

(a) attached as annexes insofar as they have not already been filed in the course of the grant, opposition or appeal proceedings or produced by the Office in said proceedings;

(b) filed in any event to the extent that the Board so directs in a particular case.

(4) Any part of a party's appeal case which does not meet the requirements in paragraph 2 is to be regarded as an amendment, unless the party demonstrates that this part was admissibly raised and maintained in the proceedings leading to the decision under appeal. Any such amendment may be admitted only at the discretion of the Board.

The party shall clearly identify each amendment and provide reasons for submitting it in the appeal proceedings. In the case of an amendment to a patent application or patent, the party shall also indicate the basis for the amendment in the application as filed and provide reasons why the amendment overcomes the objections raised.

The Board shall exercise its discretion in view of, inter alia, the complexity of the amendment, the suitability of the amendment to address the issues which led to the decision under appeal, and the need for procedural economy.

(5) The Board has discretion not to admit any part of a submission by a party which does not meet the requirements in paragraph 3.

(6) The Board shall not admit requests, facts, objections or evidence which were not admitted in the proceedings leading to the decision under appeal, unless the decision not to admit them suffered from an error in the use of discretion or unless the circumstances of the appeal case justify their admittance.

The Board shall not admit requests, facts, objections or evidence which should have been submitted, or which were no longer maintained, in the proceedings leading to the decision under appeal, unless the circumstances of the appeal case justify their admittance.

(7) Periods specified by the Board may exceptionally be extended at the Board's discretion upon a written and reasoned request, presented before the expiry of such period. The same applies mutatis mutandis to the period referred to in paragraph 1(c); however, this period may only be extended up to a maximum of six months.

(8) Subject to Articles 113 and 116 EPC, the Board may decide the case at any time after filing of the statement of grounds of appeal or, in cases where there is more than one party, after the expiry of the period referred to in paragraph 1(c).

Article 13

Amendment to a party's appeal case

(1) Any amendment to a party's appeal case after it has filed its grounds of appeal or reply is subject to the party's justification for its amendment and may be admitted only at the discretion of the Board.

Article 12, paragraphs 4 to 6, shall apply mutatis mutandis.

The party shall provide reasons for submitting the amendment at this stage of the appeal proceedings.

The Board shall exercise its discretion in view of, inter alia, the current state of the proceedings, the suitability of the amendment to resolve the issues which were admissibly raised by another party in the appeal proceedings or which were raised by the Board, whether the amendment is detrimental to procedural economy, and, in the case of an amendment to a patent application or patent, whether the party has demonstrated that any such amendment, prima facie, overcomes the issues raised by another party in the appeal proceedings or by the Board and does not give rise to new objections.

(2) Any amendment to a party's appeal case made after the expiry of a period specified by the Board in a communication under Rule 100, paragraph 2, EPC or, where such a communication is not issued, after notification of a summons to oral proceedings shall, in principle, not be taken into account unless there are exceptional circumstances, which have been justified with cogent reasons by the party concerned.

(3) Other parties shall be entitled to submit their observations on any amendment not held inadmissible by the Board ex officio.

Article 14

Interventions

Where, during a pending appeal, notice of intervention is filed, Articles 12 and 13 shall apply in so far as justified by the circumstances of the case.

Article 15

Oral proceedings and issuing decisions

(1) Without prejudice to Rule 115, paragraph 1, EPC, the Board shall, if oral proceedings are to take place, endeavour to give at least four months' notice of the summons. In cases where there is more than one party, the Board shall endeavour to issue the summons no earlier than two months after receipt of the written reply or replies referred to in Article 12, paragraph 1(c). A single date is fixed for the oral proceedings.

In order to help concentration on essentials during the oral proceedings, the Board shall issue a communication drawing attention to matters that seem to be of particular significance for the decision to be taken. The Board may also provide a preliminary opinion. The Board shall endeavour to issue the communication at least four months in advance of the date of the oral proceedings.

(2) A request of a party for a change of the date fixed for oral proceedings may be allowed if the party has put forward serious reasons which justify the fixing of a new date. If the party is represented, the serious reasons must relate to the representative.

(a) The request shall be filed in writing, reasoned and, where appropriate, supported by documentary evidence. The request shall be filed as soon as possible after the summons to oral proceedings has been notified and the serious reasons in question have arisen. The request should include a list of dates on which the requesting party is not available for oral proceedings.

(b) Reasons which may justify a change of the date for oral proceedings include:

(i) notification of a summons to oral proceedings in other proceedings before the European Patent Office or a national court received before notification of the summons to oral proceedings before the Board;

(ii) serious illness;

(iii) a death within the family;

(iv) marriage or formation of a similar recognised partnership;

(v) military service or other obligatory performance of civic duties;

(vi) holidays or business trips which have been firmly booked before notification of the summons to oral proceedings.

(c) Reasons which, as a rule, do not justify a change of the date for oral proceedings include:

(i) filing of new requests, facts, objections, arguments or evidence;

(ii) excessive work pressure;

(iii) unavailability of a duly represented party;

(iv) unavailability of an accompanying person;

(v) appointment of a new professional representative.

(3) The Board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of a party duly summoned who may then be treated as relying only on its written case.

(4) The Chair presides over the oral proceedings and ensures their fair, orderly and efficient conduct.

(5) When a case is ready for decision during oral proceedings, the Chair shall state the final requests of the parties and declare the debate closed. No submissions may be made by the parties after the closure of the debate unless the Board decides to re-open the debate.

(6) The Board shall ensure that each case is ready for decision at the conclusion of the oral proceedings, unless there are special reasons to the contrary. Before the oral proceedings are closed, the decision may be announced orally by the Chair.

(7) Where the decision on the appeal has been announced orally in accordance with paragraph 6, the reasons for the decision, or parts thereof, may, with the explicit consent of the parties, be put in writing in abridged form. However, where it has been indicated to the Board that a third party or a court has, in the particular case, a legitimate interest in the reasons for the decision not being in abridged form, they shall not be abridged. Where appropriate, the reasons for the decision in abridged form may already be included in the minutes of the oral proceedings.

(8) If the Board agrees with the finding of the department which issued the decision under appeal, on one or more issues, and with the reasons given for it in the decision under appeal, the Board may put the reasons for its decision in abridged form in respect of that issue.

(9) The Board shall issue the decision on the appeal in a timely manner.

(a) Where the Chair announces the decision on the appeal orally in accordance with paragraph 6, the Board shall put the decision in writing and despatch it within three months of the date of the oral proceedings. If the Board is unable to do so, it shall inform the parties when the decision is to be despatched. The President of the Boards of Appeal shall also be informed thereof.

(b) When a case is ready for decision at the conclusion of the oral proceedings but the Chair does not announce the decision on the appeal orally in accordance with paragraph 6, the Chair shall indicate the date on which the decision on the appeal is to be despatched, which shall not be later than three months after the closure of the oral proceedings. If the Board is unable to despatch the decision on the appeal by that date, it shall inform the parties of a new date or, in exceptional circumstances, shall issue a communication specifying the further procedural steps that will be taken.

Article 15a[1]

Oral proceedings by videoconference

(1) The Board may decide to hold oral proceedings pursuant to Article 116 EPC by videoconference if the Board considers it appropriate to do so, either upon request by a party or of its own motion.

(2) Where oral proceedings are scheduled to be held on the premises of the European Patent Office, a party, representative or accompanying person may, upon request, be allowed to attend by videoconference.

(3) The Chair in the particular appeal and, with the agreement of that Chair, any other member of the Board in the particular appeal may participate in the oral proceedings by

videoconference.

Article 16

Costs

(1) Subject to Article 104, paragraph 1, EPC, the Board may on request order a party to pay some or all of another party's costs. Without limiting the Board's discretion, such costs include those incurred by any

(a) amendment to a party's appeal case pursuant to Article 13;

(b) extension of a period;

(c) acts or omissions prejudicing the timely and efficient conduct of oral proceedings;

(d) failure to comply with a direction of the Board;

(e) abuse of procedure.

(2) The costs ordered to be paid may be all or part of those incurred by the receiving party and may, inter alia, be expressed as a percentage or as a specific sum. In the latter event, the Board's decision shall be a final decision for the purposes of Article 104, paragraph 3, EPC. The costs ordered may include costs charged to a party by its professional representative, costs incurred by a party itself whether or not acting through a professional representative, and the costs of witnesses or experts paid by a party but shall be limited to costs necessarily and reasonably incurred.

Article 17

Communications to the parties

(1) In the written phase of proceedings, replies to requests and directions on matters of procedure shall be given by means of communications.

(2) If a Board deems it expedient to communicate with the parties regarding a possible appreciation of substantive or legal matters, such communication shall be made in such a way as not to imply that the Board is in any way bound by it.

Article 18

Right of the President of the European Patent Office to comment

The Board may, of its own motion or at the written, reasoned request of the President of the European Patent Office, invite the President to comment in writing or orally on questions of general interest which arise in the course of proceedings pending before it. The parties shall be entitled to submit their observations on the President's comments.

Article 19

Deliberation and voting

(1) If the members of a Board are not all of the same opinion, the Board shall meet to deliberate regarding the decision to be taken. Only members of the Board shall participate in the deliberations; the Chair in the particular appeal may, however, authorise other officers to attend. The deliberations shall be secret.

(2) During the deliberations of the Board, the opinion of the rapporteur shall be heard first, followed by that of the additional rapporteur if one has been appointed and, if the rapporteur is not the Chair, by that of the Chair last.

(3) If voting is necessary, votes shall be taken in the same sequence, except that the Chair, even when rapporteur, shall vote last. Abstentions shall not be permitted.

Article 20

Deviations from an earlier decision of any Board or from the Guidelines for Examination

(1) Should a Board consider it necessary to deviate from an interpretation or explanation of the Convention given in an earlier decision of any Board, the grounds for this deviation shall be given, unless such grounds are in accordance with an earlier decision or opinion of the Enlarged Board of Appeal according to Article 112, paragraph 1, EPC. The President of the European Patent Office shall be informed of the Board's decision.

(2) If, in its decision, a Board gives a different interpretation of the Convention from that provided for in the Guidelines for Examination, it shall state its grounds for doing so if it considers that the decision will be more readily understood in the light of such grounds.

Article 21

Deviation from an earlier decision or opinion of the Enlarged Board of Appeal

Should a Board consider it necessary to deviate from an interpretation or explanation of the Convention contained in an earlier decision or opinion of the Enlarged Board of Appeal according to Article 112, paragraph 1, EPC, the question shall be referred to the Enlarged Board of Appeal.

Article 22

Referral of a question to the Enlarged Board of Appeal

(1) If a question is to be referred to the Enlarged Board of Appeal in accordance with Article 112, paragraph 1, EPC, a decision to this effect shall be taken by the Board.

(2) The decision shall contain the items specified in Rule 102, sub-paragraphs (a), (b), (c), (d) and (f), EPC and the question which the Board refers to the Enlarged Board of Appeal. The context in which the question arose shall also be stated.

(3) The decision shall be communicated to the parties.

Article 23

Binding nature of the Rules of Procedure

These Rules of Procedure shall be binding upon the Boards of Appeal, provided that they do not lead to a situation which would be incompatible with the spirit and purpose of the Convention.

Article 24

Entry into force

(1) The revised version of the Rules of Procedure of the Boards of Appeal (the revised version) shall enter into force on 1 January 2020.

(2) Subject to Article 25, the version of the Rules of Procedure of the Boards of Appeal valid until that time shall cease to be in force upon entry into force of the revised version.

Article 25

Transitional provisions

(1) The revised version shall apply to any appeal pending on, or filed after, the date of the entry into force, subject to the following paragraphs.

(2) Article 12, paragraphs 4 to 6, of the revised version shall not apply to any statement of grounds of appeal filed before the date of the entry into force and any reply to it filed in due time. Instead, Article 12, paragraph 4, of the Rules of Procedure of the Boards of Appeal in the version valid until the date of the entry into force shall continue to apply.

(3) Where the summons to oral proceedings or a communication of the Board under Rule 100, paragraph 2, EPC has been notified before the date of the entry into force, Article 13, paragraph 2, of the revised version shall not apply. Instead, Article 13 of the Rules of Procedure of the Boards of Appeal in the version valid until the date of the entry into force shall continue to apply.

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[1] Inserted by decision of the Boards of Appeal Committee of 11.12.2020 (see BOAC/16/20) and approved by decision of the Administrative Council CA/D 3/21 of 23.03.2021 (OJ EPO 2021, A19). The amendment entered into force on 01.04.2021.

Last updated: 1.4.2022

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The European Patent Convention

Rules of Procedure of the Enlarged Board of Appeal

Rules of Procedure of the Enlarged Board of Appeal

version applicable as from 1 April 2015

Decision of the Administrative Council of 25 March 2015 approving amendments to the Rules of Procedure of the Enlarged Board of Appeal of the European Patent Office[1]

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Article 23, paragraph 4, thereof,

Having regard to the amendments to the Rules of Procedure of the Enlarged Board of Appeal, adopted on 19 March 2015 under Rule 13, paragraph 2, of the Implementing Regulations to the European Patent Convention,

HAS DECIDED AS FOLLOWS:

The amendments to the Rules of Procedure of the Enlarged Board of Appeal, as shown in the Annex to this decision, are hereby approved.

This decision shall enter into force on 25 March 2015.

Done at Munich, 25 March 2015

For the Administrative Council

The Chairman

Jesper KONGSTAD

ANNEX

DECISION

Amendments to the Rules of Procedure of the Enlarged Board of Appeal, OJ EPO 1983, 3, as amended in OJ EPO 1989, 362, OJ EPO 1994, 443, OJ EPO 2003, 58, and OJ EPO 2007, 303

In accordance with Rule 13 of the Implementing Regulations to the Convention on the Grant of European Patents, the Enlarged Board of Appeal amends its Rules of Procedure. These amended Rules of Procedure read as follows:

Article 1

Field of application

These Rules of Procedure shall apply in proceedings before the Enlarged Board of Appeal under Article 23, paragraph 1, first sentence, EPC, Article 112 EPC, and Article 112a EPC.

Article 2

Business distribution and composition

(1) Before the beginning of each working year the members of the Enlarged Board of Appeal appointed under Article 11, paragraph 3, EPC shall draw up a business distribution scheme. This scheme shall designate the regular members and their alternates in proceedings under Article 23, paragraph 1, first sentence, EPC, Article 112 EPC and Article 112a EPC initiated during the year. The scheme may be amended during the working year.

(2) The Chairman of the Enlarged Board of Appeal shall determine the composition of the Board for each particular case in accordance with the business distribution scheme. In proceedings under Article 23, paragraph 1, first sentence, EPC, in accordance with paragraph 5 the composition of the Board shall be determined by the alternate of the Chairman of the Enlarged Board of Appeal.

(3) For the examination of a petition under Article 112a EPC conducted in the composition under Rule 109, paragraph 2(b), EPC, two legally qualified members shall supplement the composition specified in Rule 109, paragraph 2(a), EPC.

(4) In proceedings before the Enlarged Board of Appeal under Article 112, paragraph 1(a), EPC at least four of the members shall not have taken part in the proceedings before the Board of Appeal referring the point of law.

(5) In proceedings under Article 23, paragraph 1, first sentence, EPC the Enlarged Board of Appeal shall be composed according to the provisions of Article 22, paragraph 2, first sentence, EPC, the Chairman being replaced by his alternate, and two of the legally qualified members being external members of the Enlarged Board of Appeal.

(6) Article 24 EPC shall apply to proceedings under Article 112a EPC. The Chairman, appointed under Article 11, paragraph 3, EPC, of the Board against whose decision the petition for review has been filed may not take part in the review proceedings.

(7) The parties shall be informed of the Board's composition as soon as it has been determined or changed.

Article 3

Replacement of members

(1) Members shall be replaced by alternates if they are prevented from participating, particularly as a result of sickness, excessive workload, and commitments which cannot be avoided.

(2) Any member who wishes to be replaced by an alternate shall inform the Chairman of the Board of his unavailability without delay.

(3) The Chairman of the Enlarged Board of Appeal may, in accordance with the business distribution scheme, designate another regular legally qualified member of the Board to act as Chairman in his stead.

Article 4

Exclusion and objection

(1) If the Board has knowledge of a possible reason for exclusion or objection which does not originate from a member himself or from any party to the proceedings, then the procedure of Article 24, paragraph 4, EPC shall be applied.

(2) The member concerned shall be invited to present his comments as to whether there is a reason for exclusion.

(3) Before a decision is taken on the exclusion of the member, there shall be no further proceedings in the case.

Article 5

Rapporteurs

(1) The Chairman of the Board shall for each case designate a member of the Board, or himself, as rapporteur. The Chairman may appoint an additional rapporteur. The rapporteur of the Board as composed under Rule 109, paragraph 2(a), EPC shall generally go on to be the rapporteur for proceedings conducted in the composition under Rule 109, paragraph 2(b), EPC.

(2) If an additional rapporteur is appointed, the steps referred to in paragraphs 3 to 5 shall be taken by the rapporteur and additional rapporteur jointly unless the Chairman directs otherwise.

(3) The rapporteur shall carry out a preliminary study of the case and may prepare communications to the eligible parties subject to the direction of the Chairman of the Board. Communications shall be signed by the rapporteur on behalf of the Board.

(4) The rapporteur shall make the preparations for meetings of the Board and for oral proceedings.

(5) The rapporteur shall draft decisions or opinions.

(6) If a rapporteur or additional rapporteur considers that his knowledge of the language of the proceedings is insufficient for drafting communications or decisions or opinions, he may draft these in one of the other official languages. His drafts shall be translated by the European Patent Office into the language of the proceedings and the translations shall be checked by the rapporteur or by another member of the Board.

Article 6

Registry

(1) A Registry shall be established for the Enlarged Board of Appeal. The Senior Registrar of the Boards of Appeal or the registrars assigned to him for this purpose shall be responsible for the discharge of its functions.

(2) The members of the Enlarged Board of Appeal appointed under Article 11, paragraph 3, EPC may entrust to the Registry tasks which involve no technical or legal difficulties, in particular in relation to arranging for inspection of files, issuing summonses to oral proceedings and notifications and granting requests for further processing of applications.

(3) Minutes of oral proceedings and of the taking of evidence shall be drawn up by the Senior Registrar, a registrar assigned to him for this purpose or such other employee of the Office as the Chairman may designate.

Article 7

Change in the composition of the Board

(1) If the composition of the Board is changed after oral proceedings, the parties eligible to take part in the proceedings shall be informed that, at the request of any party, fresh oral proceedings shall be held before the Board in its new composition. Fresh oral proceedings shall also be held if so requested by the new member and if the other members of the Board have given their agreement.

(2) Paragraph 1 shall not apply to a change in composition under Article 2, paragraph 3. In this event, a request for oral proceedings shall continue to apply even where oral proceedings have already taken place.

(3) Each new member shall be bound to the same extent as the other members by an interim decision which has already been taken.

(4) If, when the Board has already reached a final decision, a member is unable to act, he shall not be replaced by an alternate. If the Chairman is unable to act, the legally qualified member of the Board having the longest service on the Board or, in the case where members have the same length of service, the eldest member shall sign the decision on behalf of the Chairman.

Article 8

Consolidation of proceedings

If two or more points of law with the same or similar subject-matter have been submitted, or two or more petitions to review the same appeal decision, the Board may consider them in consolidated proceedings.

Article 9

EPO President's right to comment

In proceedings under Article 112 EPC the Board may, on its own initiative or at the written, reasoned request of the President of the European Patent Office, invite him to comment in writing or orally on questions of general interest which arise in the course of proceedings pending before it. The parties shall be entitled to submit their observations on the President's comments.

Article 10

Statements by third parties

(1) In the course of proceedings under Article 112 EPC, any written statement concerning the points of law raised in such proceedings which is sent to the Board by a third party may be dealt with as the Board thinks fit.

(2) The Board may announce further provisions concerning such statements in the Official Journal of the European Patent Office if it seems appropriate.

Article 11

Special communications to parties in proceedings under Article 112a EPC

Notwithstanding notifications or communications required under other provisions,

(a) the other parties shall be informed of the receipt of a petition for review and shall receive a copy of the petition, reference being made to Rule 109, paragraph 3, EPC;

(b) the parties shall be informed that a clearly inadmissible or unallowable petition for review has been rejected in oral proceedings;

(c) the parties shall be informed that a petition for review has been forwarded to the Board as composed under Rule 109, paragraph 2(b), EPC.

Article 12

New submissions filed after expiry of the time limit in proceedings under Article 112a EPC

(1) Notwithstanding Rule 109, paragraph 3, EPC the Board may consider new submissions made by the petitioner after expiry of the time limit for filing petitions for review, if this is justified for special reasons.

(2) The same shall apply in proceedings conducted in the composition under Rule 109, paragraph 2(b), EPC to new submissions from the other parties filed subsequently to their reply.

Article 12a

Proceedings under Article 23, paragraph 1, first sentence, EPC

(1) A request that the Enlarged Board of Appeal make a proposal for the removal from office of a member under Article 23, paragraph 1, first sentence, EPC may be made to the Enlarged Board either by the Administrative Council of the European Patent Organisation or by the Vice-President of the European Patent Office in charge of the Boards of Appeal.

(2) In the case of such a request being made by the Administrative Council, the Administrative Council shall be represented in the proceedings. The Vice-President of the European Patent Office in charge of the Boards of Appeal shall also be entitled to be heard in such proceedings.

(3) In the case of such a request being made by the Vice-President in charge of the Boards of Appeal, he shall be a party to the proceedings.

(4) The member who is the subject of a request to make a proposal for their removal from office under Article 23, paragraph 1, first sentence, EPC shall be a party to the proceedings as respondent.

(5) The request referred to in paragraph 1 shall set out all the facts, arguments and evidence relied on. All documents referred to shall be attached.

(6) The proceedings shall be conducted in writing, where necessary or requested supplemented by oral proceedings according to Article 14, and may not be concluded without the respondent being informed of the facts, arguments and evidence underlying the request and having had the opportunity to be heard on them. The respondent may appoint a person to advise or represent him.

(7) Article 117, paragraph 1, EPC shall be applicable.

(8) The proceedings shall be conducted independently of any disciplinary or national proceedings.

(9) Unless and to the extent that the Enlarged Board decides otherwise, the proceedings shall not be public and shall be confidential.

(10) The Enlarged Board of Appeal may on request propose the reimbursement of some or all costs incurred in the proceedings by the respondent if the request to make a proposal for their removal from office has been rejected.

Article 13

Non-binding communications from the Board

If the Board deems it expedient to communicate with the eligible parties regarding a possible appreciation of substantive or legal matters, such communication shall be made in such a way as not to imply that the Board is in any way bound by it.

Article 14

Oral proceedings

(1) If oral proceedings are to take place, the Board shall endeavour to ensure that the eligible parties have provided all relevant information and documents before the hearing.

(2) The Board's communication under Article 13 may draw attention to matters which seem to be of special significance, or to the fact that questions appear no longer to be contentious, or may contain other observations that may help concentration on essentials during the oral proceedings.

(3) A change of date for oral proceedings may exceptionally be allowed in the Board's discretion following receipt of a written and reasoned request made as far in advance of the appointed date as possible.

(4) The Board shall not be obliged to delay any step in the proceedings, including its decision, by reason only of the absence at the oral proceedings of any party duly summoned who may then be treated as relying only on its written case.

(5) The Chairman presides over the oral proceedings and ensures their fair, orderly and efficient conduct.

(6) When a case is ready for decision during oral proceedings, the Chairman shall state the final requests of the eligible parties and declare the debate closed. No submissions may be made by the parties after the closure of the debate unless the Board decides to re-open the debate.

(7) The Board shall ensure that each case is ready for decision at the conclusion of the oral proceedings, unless there are special reasons to the contrary. Before the oral proceedings are closed, the Board's decision or opinion may be announced orally by the Chairman.

Article 15

Attendance of interpreters

If required, the Chairman of the Board shall make arrangements for interpreting during oral proceedings, the taking of evidence or the deliberations of the Board.

Article 16

Deliberation and voting

(1) Only members of the Board shall participate in deliberations; the Chairman may, however, authorise other officers to attend. Deliberations shall be secret.

(2) During the deliberations between members of the Board, the opinion of the rapporteur shall be heard first, followed by that of the additional rapporteur if one has been appointed and, if the rapporteur is not the Chairman, the Chairman's last.

(3) If voting is necessary, votes shall be taken in the same sequence; even if the Chairman is the rapporteur, he shall vote last. Abstentions shall not be permitted.

Article 17

Submission of case by the Board as composed under Rule 109, paragraph 2(a), EPC to the Board as composed under Rule 109, paragraph 2(b), EPC

If, in proceedings under Article 112a EPC, the Board as composed under Rule 109, paragraph 2(a), EPC fails after deliberation to reach the unanimous conclusion that the petition for review should be rejected as clearly inadmissible or unallowable, it shall submit the petition without delay and without comment as to its merit to the Board as composed under Rule 109, paragraph 2(b), EPC for decision.

Article 18

Reasons for the decision or opinion

(1) Subject to Rule 109, paragraph 2(a), EPC the decision or opinion of the Board shall be in accordance with the votes of the majority of its members.

(2) In proceedings under Article 23, paragraph 1, first sentence, EPC or Article 112 EPC, the reasons for such decision or opinion may also indicate the opinions held by a minority of the members if a majority of the members of the Board agrees. Neither the names of the members forming any such minority nor the size of such minority may be indicated.

(3) The final decision of the Enlarged Board of Appeal in proceedings under Article 23, paragraph 1, first sentence, EPC may be published, due regard being taken of the confidentiality of the proceedings.

Article 19

Binding nature of the Rules of Procedure

These Rules of Procedure shall be binding upon the Enlarged Board of Appeal, provided that they do not lead to a situation which would be incompatible with the spirit and purpose of the Convention.

Article 20

Entry into force

These Rules of Procedure shall enter into force on 1 April 2015.

Done at Munich, 19 March 2015

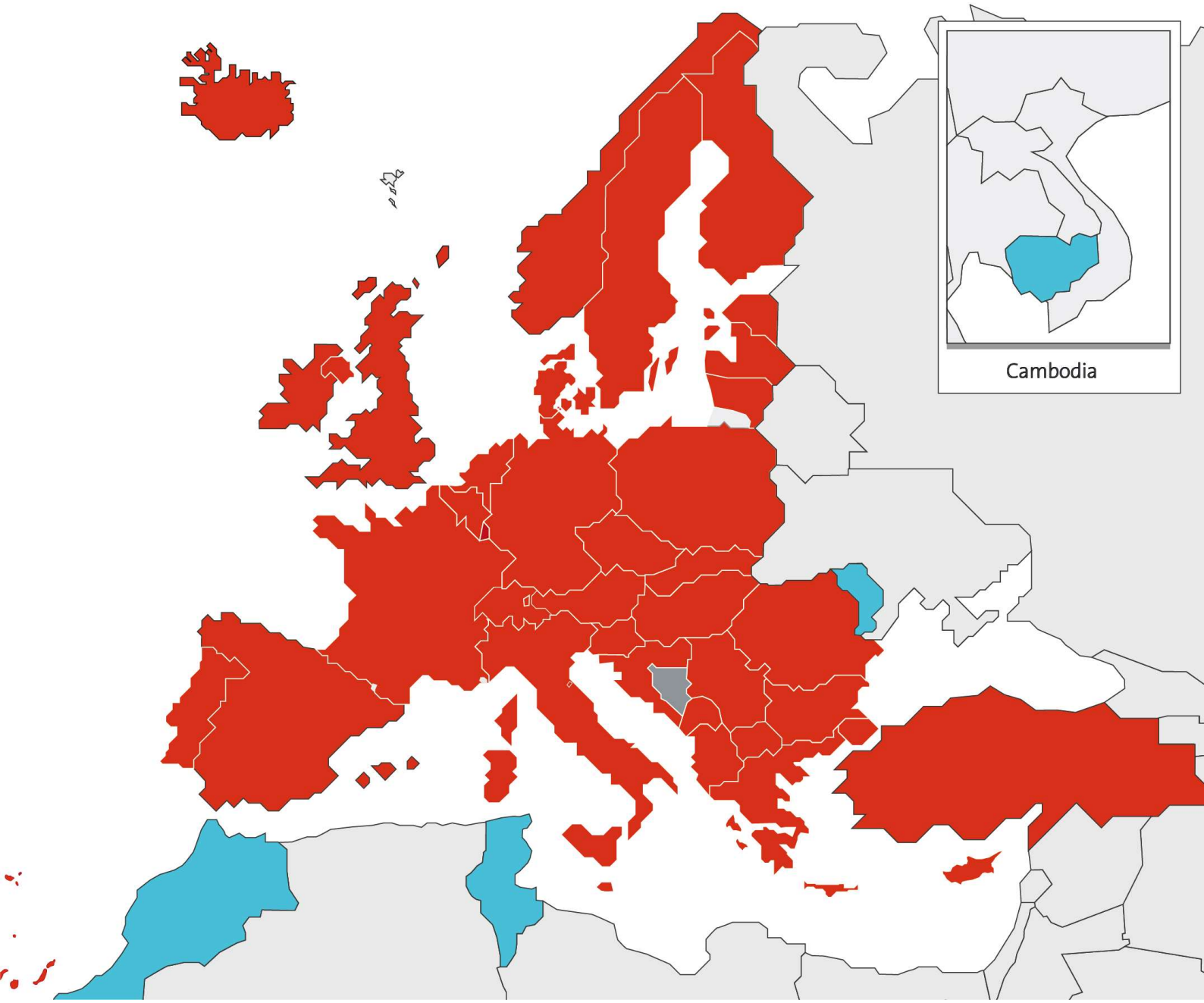
For the Enlarged Board of Appeal

The Chairman

Wim VAN DER EIJK

[1] CA/D 3/15, published in OJ EPO 2015, A35.

Last updated: 1.4.2022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Member states of the European Patent Organisation

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The following states (sorted alphabetically) are currently members of the European Patent Organisation.

> See the list of member states sorted according to the date of accession

Code	Member state	Since
AL	Albania	1 May 2010
AT	Austria	1 May 1979
BE	Belgium	7 October 1977
BG	Bulgaria	1 July 2002
CH	Switzerland	7 October 1977
CY	Cyprus	1 April 1998
CZ	Czech Republic	1 July 2002
DE	Germany	7 October 1977
DK	Denmark	1 January 1990
EE	Estonia	1 July 2002
ES	Spain	1 October 1986
FI	Finland	1 March 1996

FR	France	7 October 1977
GB	United Kingdom	7 October 1977
GR	Greece	1 October 1986
HR	Croatia	1 January 2008
HU	Hungary	1 January 2003
IE	Ireland	1 August 1992
IS	Iceland	1 November 2004
IT	Italy	1 December 1978
LI	Liechtenstein	1 April 1980
LT	Lithuania	1 December 2004
LU	Luxembourg	7 October 1977
LV	Latvia	1 July 2005
MC	Monaco	1 December 1991
ME	Montenegro	1 October 2022
MK	North Macedonia	1 January 2009
MT	Malta	1 March 2007
NL	Netherlands	7 October 1977
NO	Norway	1 January 2008
PL	Poland	1 March 2004
PT	Portugal	1 January 1992
RO	Romania	1 March 2003
RS	Serbia	1 October 2010
SE	Sweden	1 May 1978
SI	Slovenia	1 December 2002
SK	Slovakia	1 July 2002
SM	San Marino	1 July 2009
TR	Türkiye	1 November 2000

Last updated: 26.9.2022

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Code	Member state	Since
BE	Belgium	7 October 1977
DE	Germany	7 October 1977
FR	France	7 October 1977
LU	Luxembourg	7 October 1977
NL	Netherlands	7 October 1977
CH	Switzerland	7 October 1977
GB	United Kingdom	7 October 1977
SE	Sweden	1 May 1978
IT	Italy	1 December 1978
AT	Austria	1 May 1979
LI	Liechtenstein	1 April 1980
GR	Greece	1 October 1986
ES	Spain	1 October 1986
DK	Denmark	1 January 1990
MC	Monaco	1 December 1991
PT	Portugal	1 January 1992
IE	Ireland	1 August 1992

FI	Finland	1 March 1996
CY	Cyprus	1 April 1998
TR	Türkiye	1 November 2000
BG	Bulgaria	1 July 2002
CZ	Czech Republic	1 July 2002
EE	Estonia	1 July 2002
SK	Slovakia	1 July 2002
SI	Slovenia	1 December 2002
HU	Hungary	1 January 2003
RO	Romania	1 March 2003
PL	Poland	1 March 2004
IS	Iceland	1 November 2004
LT	Lithuania	1 December 2004
LV	Latvia	1 July 2005
MT	Malta	1 March 2007
HR	Croatia	1 January 2008
NO	Norway	1 January 2008
MK	North Macedonia	1 January 2009
SM	San Marino	1 July 2009
AL	Albania	1 May 2010
RS	Serbia	1 October 2010
ME	Montenegro	1 October 2022

Last updated: 19.3.2019

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Extension states

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Between 1993 and 2009, the European Patent Organisation signed extension agreements with ten non-member states. Only the extension agreement with **Bosnia and Herzegovina (BA)** is still in force:

As regards the remaining nine countries (former extension states, current member states), please note that the extension system remains applicable to European and international patent applications filed before termination of the relevant agreement and to European patents granted on the basis of such applications.

The complete list of extension agreements concluded by the European Patent Organisation:

Slovenia −

Official title: Agreement implementing Article 3(3) of the Co-operation Agreement between the Government of the Republic of Slovenia and the European Patent Organisation of 2 July 1993

Agreement signed on: 2.7.1993

Entry into force on: 1.3.1994

Termination of the Agreement: 30.11.2002

Lithuania +

Official title: Agreement implementing Article 3(3) of the Co-operation Agreement between the Government of the Republic of Lithuania and the European Patent Organisation of 25 January 1994

Agreement signed on: 25.1.1994

Entry into force on: 5.7.1994

Termination of the Agreement: 30.11.2004

Latvia +

Official title: Agreement implementing Article 3(3) of the Co-operation Agreement between the Government of the Republic of Latvia and the European Patent Organisation of 25 January 1994

Agreement signed on: 25.1.1994

Entry into force on: 1.5.1995

Termination of the Agreement: 30.6.2005

Romania +

Official title: Agreement between the Government of Romania and the European Patent Organisation on co-operation in the field of patents (Co-operation Agreement)

Agreement signed on: 9.9.1994

Entry into force on: 15.10.1996

Termination of the Agreement: 28.2.2003

Croatia +

Official title: Agreement between the Government of the Republic of Croatia and the European Patent Organisation on co-operation in the field of patents (Co-operation and Extension Agreement)

Agreement signed on: 16.6.2003

Entry into force on: 1.4.2004

Termination of the Agreement: 31.12.2007

Albania +

Official title: Agreement between the Government of Albania and the European Patent Organisation on co-operation in the field of patents (Co-operation Agreement)

Agreement signed on: 3.11.1995

Entry into force on: 1.2.1996

Termination of the Agreement: 30.4.2010

North Macedonia +

Official title: Agreement on co-operation in the field of patents between the Government of the Former Yugoslav Republic of Macedonia and the European Patent Organisation (Co-operation Agreement)

Agreement signed on: 24.6.1997

Entry into force on: 1.11.1997

Termination of the Agreement: 31.12.2008

Serbia +

Official title: Agreement between the Federal Government of the Federal Republic of Yugoslavia and the European Patent Organisation on co-operation in the field of patents (Co-operation and Extension Agreement)

Agreement signed on: 26.11.2001

Entry into force on: 1.11.2004

Termination of the Agreement: 30.9.2010

Bosnia and Herzegovina +

Official title: Agreement between Bosnia and Herzegovina and the European Patent Organisation on co-operation in the field of patents (Co-operation and Extension Agreement)

Agreement signed on: 1.12.2003

Entry into force on: 1.12.2004

Termination of the Agreement: still in force

Montenegro +

Official title: Agreement between the Government of Montenegro and the European Patent Organisation on extension of European patents (Extension Agreement)

Agreement signed on: 13.2.2009

Entry into force on: 1.3.2010

Termination of the Agreement: 30.09.22

Last updated: 29.9.2022

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Validation states

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Since 2010, the European Patent Organisation has signed validation agreements with five non-member states. Validation agreements with four of these countries entered into force:

MA **Morocco**

MD **Republic of Moldova**

TN **Tunisia**

KH **Cambodia**

Complete list of validation agreements concluded by the European Patent Organisation:

Morocco −

Official title: Agreement between the Government of the Kingdom of Morocco and the European Patent Organisation on validation of European patents (Validation agreement)

Agreement signed on: 17.12.2010

Entry into force on: 1.3.2015

Status of the Agreement: in force

Republic of Moldova +

Official title: Agreement between the Government of the Republic of Moldova and the European Patent Organisation on validation of European patents (Validation agreement)

Agreement signed on: 16.10.2013

Entry into force on: 1.11.2015

Status of the Agreement: in force

Tunisia +

Official title: Agreement between the Government of the Republic of Tunisia and the European Patent Organisation on Validation of European patents (Validation agreement)

Agreement signed on: 3.7.2014

Entry into force on: 1.12.2017

Status of the Agreement: in force

Cambodia +

Official title: Agreement between the Royal Government of the Kingdom of Cambodia and the European Patent Organisation on validation of European patents (Validation agreement)

Agreement signed on: 23.1.2017

Entry into force on: 1.3.2018

Status of the Agreement: in force

Georgia +

Official title: Agreement between the Government of Georgia and the European Patent Organisation on validation of European patents (Validation agreement)

Agreement signed on: 31.10.2019

Last updated: 17.10.2019

Extension/validation system

Between 1993 and 2009 the European Patent Organisation signed co-operation and European patent extension agreements with a number of European states that are (or at the time were) not party to the EPC ("extension agreements").

Since 2010, it has concluded further agreements providing for European patents to have effect in non-contracting states ("validation agreements"). However, these validation agreements are not limited to European countries.

Applicants for a European patent have a simple and cost-effective way of obtaining patent protection in such countries. If an applicant submits a request for extension/validation and pays the extension/validation fee(s) in due time, European patent applications (direct and Euro-PCT filings) and patents can be extended to/validated in these countries, where they will in principle have the same effect as national applications and patents, will be subject to national law and will enjoy essentially the same protection as patents that the EPO grants for EPC contracting states.

The extension and validation systems are largely the same as the designation system for contracting states. For example, the period for payment of the extension/validation fee is the same as the period for payment of the designation fee. However, the extension and validation systems are based not on direct application of the EPC but solely on the relevant national law modelled on the EPC. Hence they are subject to the national extension/validation rules of the country concerned.

For more information on extension/validation system, please refer to the guidelines for examination:

- **Extension and validation of European patent applications and patents to States not party to the EPC** (Guidelines for Examination A-III, 12)

Extension

Currently, extension can be requested with effect for

Bosnia-Herzegovina, and

Montenegro.

Please note that the extension system remains applicable to European and international patent applications filed before termination of the relevant agreement and to European patents granted on the basis of such applications. For the complete list of extension agreements concluded by the European Patent Organisation, please refer to the relevant table.

For more information on the extension system, please refer to:

- **Extension of European patents to Slovenia** (OJ 1994, 75)
- **Extension of European patents to Bosnia and Herzegovina (BA)** (OJ 2004, 619)
- **Extension of European patents to Montenegro (ME)** (OJ 2010, 10)
- **Notice from the European Patent Office dated 2 November 2009 concerning the re-introduction of a grace period for the payment of extension fees** (OJ 2009, 603)

Validation

Currently, validation can be requested with effect for

Morocco,

Republic of Moldova,

Tunisia, and

Cambodia

- **Notice from the European Patent Office dated 5 February 2015 concerning the time limits for paying validation fees** (C 2015, A19)

For the list of validation agreements concluded by the European Patent Organisation, please refer to the relevant table.

For more information on the validation system for each state, please refer to:

Morocco (MA)

- **Validation of European patents in Morocco** (OJ 2016, A5)
- **Validation of European patents in Morocco (MA) with effect from 1 March 2015** (OJ 2015, A20)
- **Decision of the President of the European Patent Office dated 5 February 2015 fixing the amount of the fee for validating European patent applications and patents in Morocco** (OJ 2015, A18)

Republic of Moldova (MD)

- **Validation of European patents in the Republic of Moldova** (OJ 2016, A67)
- **Validation of European patents in the Republic of Moldova (MD) with effect from 1 November 2015** (OJ 2015, A85)
- **Decision of the President of the European Patent Office dated 1 October 2015 fixing the amount of the fee for validating European patent applications and patents in the Republic of Moldova** (OJ 2015, A84)

Tunisia (TN)

- **Validation of European patents in Tunisia (TN) with effect from 1 December 2017** (OJ 2017, A85)
- **Decision of the President of the European Patent Office dated 12 October 2017 fixing the amount of the fee for validating European patent applications and patents in Tunisia** (OJ 2017, A84)

Cambodia (KH)

- **Validation of European patents in Cambodia (KH) with effect from 1 March 2018** (OJ 2018, A16)
- **Decision of the President of the European Patent Office dated 7 February 2018 fixing the amount of the fee for validating European patents in Cambodia** (OJ 2018, A15)

For more information, please refer to:

- **the websites of the relevant national patent authorities**
- **the EPO brochure "National law relating to the EPC"**

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Europäisches Patentamt
European Patent Office
Office européen des brevets

Print

Agreement on the application of Article 65 EPC – London Agreement

URL

https://www.epo.org/law-practice/legal-texts/london-agreement.html

Location

Home > Law & practice > Legal texts > London Agreement

The Agreement on the application of Article 65 EPC – the London Agreement – is an optional agreement aiming at reducing the costs relating to the translation of European patents. It is the fruit of the longstanding efforts to provide for a cost attractive post-grant translation regime, which began in the 1990s in the framework of the European Patent Organisation and gained momentum at the Intergovernmental Conference held in Paris on 24 and 25 June 1999 (see OJ EPO 1999, 545). It was concluded at the Intergovernmental Conference held in the London on 17 October 2000 (see OJ EPO 2001, 549).

Download

Agreement dated 17 October 2000 on the application of Article 65 EPC
(PDF, 53 KB).

The EPC contracting states which have ratified or acceded to the Agreement undertake to waive, entirely or largely, the requirement for translations of European patents. Under Article 1(1), (2) and (3) of the London Agreement,

- a state which has an official language in common with one of the official languages of the EPO shall dispense entirely with the translation requirements provided for in Article 65(1) EPC;
- a state which does not have an official language in common with one of the official languages of the EPO shall dispense with the translation requirements provided for in Article 65(1) EPC if the European patent has been granted in the official language of the EPO prescribed by that State, or translated into that language and supplied under the conditions provided for in Article 65(1) EPC. These states may however require that a translation of the claims into one of their official languages be supplied.

Status of accession and ratification +

The London Agreement entered into force on 1 May 2008, following the deposit of the instruments of ratification and accession by 13 EPC contracting states – including the three where the most European patents took effect in 1999, that is, France, Germany and the United Kingdom (see Article 6(1) of the Agreement). Under Article 6, paragraph 2, of the Agreement any accession by a state after 1 May 2008 shall take effect on the first day of the fourth month after the deposit of the instrument of accession.

EPC Contracting State	Signature	Instrument of	Deposited on	Entry into force
Albania		accession	31.5.2013	1.9.2013
Austria				
Belgium		accession	2.5.2019	1.9.2019
Bulgaria				
Croatia	------	accession	31.10.2007	1.5.2008
Cyprus				
Czech Republic				
Denmark	17.10.2000	ratification	18.1.2008	1.5.2008
Estonia				
Finland		accession	25.7.2011	1.11.2011
France	29.6.2001	ratification	29.1.2008	1.5.2008
Germany	17.10.2000	ratification	19.2.2004	1.5.2008
Greece				
Hungary	------	accession	28.9.2010	1.1.2011
Iceland	------	accession	31.8.2004	1.5.2008
Ireland		accession	25.11.2013	1.3.2014
Italy				
Latvia	------	accession	5.4.2005	1.5.2008
Liechtenstein	17.10.2000	ratification	23.11.2006	1.5.2008
Lithuania	------	accession	22.1.2009	1.5.2009
Luxembourg	20.3.2001	ratification	18.9.2007	1.5.2008
North Macedonia		accession	20.10.2011	1.2.2012
Malta				
Monaco	17.10.2000	ratification	12.11.2003	1.5.2008
Netherlands	17.10.2000	ratification	5.10.2006	1.5.2008
Norway	------	accession	26.9.2014	1.1.2015

EPC Contracting State	Signature	Instrument of	Deposited on	Entry into force
Poland				
Portugal				
Romania				
San Marino				
Serbia				
Slovakia				
Slovenia	------	accession	18.9.2002	1.5.2008
Spain				
Sweden	17.10.2000	ratification	29.4.2008	1.5.2008
Switzerland	17.10.2000	ratification	12.6.2006	1.5.2008
Turkey				
United Kingdom	17.10.2000	ratification	15.8.2005	1.5.2008

Key points +

Entry into force

The London Agreement entered into force on 1 May 2008.

Scope of application

The London Agreement applies to European patents in respect of which the mention of grant is published in the European Patent Bulletin after the Agreement enters into force for the state concerned (see its Article 9). The new translation regime thus applies in those states which have ratified or acceded to the London Agreement to all European patents in respect of which the mention of grant was published in the European Patent Bulletin on or after 1 May 2008. For Albania, Lithuania and North Macedonia (previously known as the "Former Yugoslav Republic of Macedonia"), the London Agreement has no impact on the existing translation regime.

In Denmark, France (see Paris court of appeal judgment of 14 April 2010), Iceland, Latvia, Luxembourg, Monaco, the Netherlands, Slovenia, Sweden, Switzerland/Liechtenstein and the United Kingdom, the new rules also apply to European patents granted before 1 May 2008 and amended on or after that date (mention published in the European Patent Bulletin) in opposition, appeal or limitation proceedings. This is also the case for Hungary if a European patent was granted before 1 January 2011 and was amended on or after that date in opposition, appeal or limitation proceedings.

For Germany, the old translation requirements continue to apply to European patents granted before 1 May 2008 and amended on or after that date. For Finland, they also continue to apply to European patents granted before 1 November 2011, and for Norway to those granted before 1 January 2015.

For Croatia, there are no such transitional provisions.

Regarding the transitional provisions in Switzerland/Liechtenstein and the United Kingdom stipulating that European patents in respect of which the mention of grant was published before 1 May 2008 also fall under the London Agreement regime, see the information published by the Swiss Federal Institute of Intellectual Property and the UK Intellectual Property Office.

Belgium's accession to the London Agreement entered into force on 1 September 2019.

Please note that Belgium has already previously amended its law in order to bring it in line with the London Agreement (see OJ EPO 2016, A99). Therefore, there are no changes to the current translation requirements in Belgium.

As regards the transitional provisions, Belgian law provides that for European patents granted for Belgium in English in respect of which the mention of grant, maintenance in amended form or limitation is published in the European Patent Bulletin before 1 January 2017, a translation of the specification into Dutch, French or German must still be supplied in accordance with Article 65(1) EPC.

Dispensation with translation requirements

The London Agreement distinguishes between (1) states having an official language in common with one of the official languages of the EPO (English, French and German) and (2) states having no official language in common with one of the official languages of the EPO.

1. States having an official language in common with one of the official languages of the EPO dispense with translation requirements under Article 65(1) EPC (Article 1(1) of the London Agreement).

This provision currently applies to the following states:

- Belgium
- France
- Germany
- Ireland
- Liechtenstein
- Luxembourg
- Monaco
- Switzerland
- United Kingdom

2. States which do not have an official language in common with one of the official languages of the EPO may require that a translation of the claims into one of their official languages be supplied (Article 1(3) of the London Agreement).

The following states require that the claims be supplied in their official language:

Albania (Albanian)

Croatia (Croatian)

Denmark (Danish)

Finland (Finnish)

North Macedonia (Macedonian)

Hungary (Hungarian)

Iceland (Icelandic)

Latvia (Latvian)

Lithuania (Lithuanian)

Netherlands (Dutch)

Norway (Norwegian)

Sweden (Swedish)

Slovenia (Slovene)

The above states dispense with further translation requirements if the European patent has been granted in an official language of the EPO prescribed by them, or translated into that language and supplied under the conditions provided for in Article 65(1) EPC (Article 1(2) of the London Agreement).

The following states have prescribed English:

Albania

Croatia

Denmark

Finland

Hungary

Iceland

Netherlands

Norway

Sweden

In Denmark, Finland, Hungary, Iceland, the Netherlands, Norway and Sweden, the European patent may also be supplied in the national language.

The following states have not prescribed any language under Article 1(2) of the London Agreement:

North Macedonia

Latvia

Lithuania

Slovenia

Please consult the EPO's publication "National law relating to the EPC" for further details regarding validation requirements in the EPC contracting states.

National legal bases +

A comprehensive list of legal bases relating to validation requirements in the EPC contracting states is available in the EPO's publication "National law relating to the EPC".

Albania

- Article 87/d of the Law No. 9947 on Industrial Property of 7 July 2008 as amended by Law No. 55/2014 of 29 May 2014

Belgium

- Art. 94, 96 of the Belgian law of 29 June 2016 on miscellaneous provisions of economic law, **Belgisch Staatsblad/Moniteur belge, 06.07.2016 (41701)**
- Law of 23 March 2019 assenting to the following international treaties on intellectual property:
  - International Convention for the Protection of New Varieties of Plants of 2 December 1961, as revised at Geneva on 10 November 1972, 23 October 1978 and 19 March 1991
  - London Agreement of 17 October 2000 on the application of Article 65 EPC

  ↗ **Belgisch Staatsblad/Moniteur belge, 21.06.2019 (63940)**

Croatia

- Article 108o of the Patents Act (OG 173/03, 87/05 and 76/07)

Denmark

- Section 77.1 of the Patents Act as amended by **Act No. 451 of 10.6.2003**

France

- Article 10 de la Loi sur la lutte contre la contrefaçon du 17.10.2007, modifiant l'article L. 614-7 du code de la propriété intellectuelle

Germany

- Articles 8a, 8b and 10 of the German "Gesetz zur Verbesserung der Durchsetzung von Rechten des geistigen Eigentums" dated 7 July 2008 relate to the London Agreement on the application of Article 65 EPC; these provisions entered into force with retrospective effect from 1 May 2008.

Hungary

Article 84/H of Law No. XXXIII of 1995 on the protection of inventions by patents

Article 11 of Decree No. 20/2002 (XII. 12.) IM of the Minister of Justice on the detailed formalities of patent applications, plant varieties applications, and documents filed in relation to European patent applications, European patents and international patent applications (formalities decree)

Article 4(2) of Decree No. 19/2005 (IV. 12.) GKM of the Minister of Economy and Transport on the fees for administrative services in industrial property procedures before the Hungarian Patent Office (fee decree)

Iceland

Section 77.1 of Patents Act No. 17/1991 as amended by Act No. 53 of 2004

Latvia

Article 71.2 of the Patents Act of 15.2.2007

Lithuania

Article 59$^{(3)}$(2) and (3) of the Patent Law as published in “Valstybės žinios” No. 85/2005

Slovenia

Article 27.2 of the Industrial Property Act of 23.5.2001

Switzerland/Liechtenstein

Bundesbeschluss /**Arrêté fédéral** of 16.12.2005

United Kingdom

www.ipo.gov.uk

Last updated: 10.4.2017

Übereinkommen über die Anwendung des Artikels 65 des Übereinkommens über die Erteilung europäischer Patente

Die Vertragsstaaten dieses Übereinkommens

IN IHRER EIGENSCHAFT als Vertragsstaaten des Übereinkommens vom 5. Oktober 1973 über die Erteilung europäischer Patente (Europäisches Patentübereinkommen),

IN BEKRÄFTIGUNG ihres Bestrebens, die Zusammenarbeit zwischen den europäischen Staaten auf dem Gebiet des Schutzes der Erfindungen zu verstärken,

GESTÜTZT AUF Artikel 65 des Europäischen Patentübereinkommens,

IN ANERKENNUNG der Bedeutung des Ziels, die im Zusammenhang mit der Übersetzung europäischer Patente entstehenden Kosten zu senken,

UNTER HINWEIS auf die Notwendigkeit, dieses Ziel umfassend zu verfolgen,

ENTSCHLOSSEN, wirksam zu einer solchen Kostensenkung beizutragen

SIND WIE FOLGT ÜBEREINGEKOMMEN:

Artikel 1
Verzicht auf Übersetzungserfordernisse

(1) Jeder Vertragsstaat dieses Übereinkommens, der eine Amtssprache mit einer der Amtssprachen des Europäischen Patentamts gemein hat, verzichtet auf die in Artikel 65 Absatz 1 des Europäischen Patentübereinkommens vorgesehenen Übersetzungserfordernisse.

(2) Jeder Vertragsstaat dieses Übereinkommens, der keine Amtssprache mit einer der Amtssprachen des Europäischen Patentamts gemein hat, verzichtet auf die in Artikel 65 Absatz 1 des Europäischen Patentübereinkommens vorgesehenen Übersetzungserfordernisse, wenn das europäische Patent in der von diesem Staat vorgeschriebenen Amtssprache des Europäischen Patentamts erteilt oder in diese Sprache übersetzt und nach Maßgabe des Artikels 65 Absatz 1 des Europäischen Patentübereinkommens eingereicht worden ist.

Agreement on the application of Article 65 of the Convention on the Grant of European Patents

The States parties to this Agreement,

IN THEIR CAPACITY as Contracting States to the Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973,

REAFFIRMING their desire to strengthen co-operation between the States of Europe in respect of the protection of inventions,

HAVING REGARD to Article 65 of the European Patent Convention,

RECOGNISING the importance of the objective to reduce the costs relating to the translation of European patents,

STRESSING the need for widespread adherence to that objective,

DETERMINED to contribute effectively to such cost reduction,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1
Dispensation with translation requirements

(1) Any State party to this Agreement having an official language in common with one of the official languages of the European Patent Office shall dispense with the translation requirements provided for in Article 65, paragraph 1, of the European Patent Convention.

(2) Any State party to this Agreement having no official language in common with one of the official languages of the European Patent Office shall dispense with the translation requirements provided for in Article 65, paragraph 1, of the European Patent Convention, if the European patent has been granted in the official language of the European Patent Office prescribed by that State, or translated into that language and supplied under the conditions provided for in Article 65, paragraph 1, of the European Patent Convention.

Accord sur l'application de l'article 65 de la Convention sur la délivrance de brevets européens

Les Etats parties au présent accord,

EN LEUR QUALITE d'Etats parties à la Convention sur la délivrance de brevets européens (Convention sur le brevet européen) du 5 octobre 1973,

REAFFIRMANT leur désir de renforcer la coopération entre les Etats européens dans le domaine de la protection des inventions,

VU l'article 65 de la Convention sur le brevet européen,

RECONNAISSANT l'importance de l'objectif visant à réduire les coûts liés à la traduction des brevets européens,

SOULIGNANT la nécessité d'une large adhésion à cet objectif,

DETERMINES à contribuer efficacement à une telle réduction des coûts,

SONT CONVENUS DES DISPOSITIONS SUIVANTES :

Article premier
Renonciation aux exigences en matière de traduction

(1) Tout Etat partie au présent accord ayant une langue officielle en commun avec une des langues officielles de l'Office européen des brevets renonce aux exigences en matière de traduction prévues à l'article 65, paragraphe 1 de la Convention sur le brevet européen.

(2) Tout Etat partie au présent accord n'ayant aucune langue officielle en commun avec une des langues officielles de l'Office européen des brevets renonce aux exigences en matière de traduction prévues à l'article 65, paragraphe 1 de la Convention sur le brevet européen, si le brevet européen a été délivré dans la langue officielle de l'Office européen des brevets prescrite par cet Etat, ou traduit dans cette langue et fourni dans les conditions prévues à l'article 65, paragraphe 1 de la Convention sur le brevet européen.

(3) Die in Absatz 2 genannten Staaten behalten das Recht zu verlangen, daß eine Übersetzung der Patentansprüche in eine ihrer Amtssprachen nach Maßgabe des Artikels 65 Absatz 1 des Europäischen Patentübereinkommens eingereicht wird.

(4) Dieses Übereinkommen ist nicht so auszulegen, als schränke es das Recht der Vertragsstaaten dieses Übereinkommens ein, auf ein Übersetzungserfordernis ganz zu verzichten oder großzügigere Übersetzungserfordernisse festzulegen, als sie in den Absätzen 2 und 3 angeführt sind.

Artikel 2
Übersetzungen im Fall von Streitigkeiten

Dieses Übereinkommen ist nicht so auszulegen, als schränke es das Recht der Vertragsstaaten dieses Übereinkommens ein, den Patentinhaber im Fall von Streitigkeiten über ein europäisches Patent zu verpflichten, auf eigene Kosten

a) auf Antrag eines vermeintlichen Patentverletzers eine vollständige Übersetzung in eine Amtssprache des Staates vorzulegen, in dem die vermeintliche Patentverletzung stattgefunden hat,

b) auf Verlangen des zuständigen Gerichts oder einer gerichtsähnlichen Behörde im Rahmen eines Verfahrens eine vollständige Übersetzung in eine Amtssprache des betreffenden Staates vorzulegen.

Artikel 3
Unterzeichnung – Ratifikation

(1) Dieses Übereinkommen liegt für die Vertragsstaaten des Europäischen Patentübereinkommens bis zum 30. Juni 2001 zur Unterzeichnung auf.

(2) Dieses Übereinkommen bedarf der Ratifikation. Die Ratifikationsurkunden werden bei der Regierung der Bundesrepublik Deutschland hinterlegt.

Artikel 4
Beitritt

Dieses Übereinkommen steht nach Ablauf der Unterzeichnungsfrist nach Artikel 3 Absatz 1 den Vertragsstaaten des Europäischen Patentübereinkommens und den Staaten zum Beitritt offen, die zum Beitritt zu jenem Übereinkommen berechtigt sind. Die Beitrittsurkunden werden bei der Regierung der Bundesrepublik Deutschland hinterlegt.

(3) The States referred to in paragraph 2 shall continue to have the right to require that a translation of the claims into one of their official languages be supplied under the conditions provided for in Article 65, paragraph 1, of the European Patent Convention.

(4) Nothing in this Agreement shall be construed as restricting the right of the States parties to this Agreement to dispense with any translation requirement or to apply more liberal translation requirements than those referred to in paragraphs 2 and 3.

Article 2
Translations in case of dispute

Nothing in this Agreement shall be construed as restricting the right of the States parties to this Agreement to prescribe that, in the case of a dispute relating to a European patent, the patent proprietor, at his own expense,

(a) shall supply, at the request of an alleged infringer, a full translation into an official language of the State in which the alleged infringement took place,

(b) shall supply, at the request of the competent court or quasi judicial authority in the course of legal proceedings, a full translation into an official language of the State concerned.

Article 3
Signature – Ratification

(1) This Agreement shall be open for signature by any Contracting State to the European Patent Convention until 30 June 2001.

(2) This Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the Federal Republic of Germany.

Article 4
Accession

This Agreement shall, on expiry of the term for signature mentioned in Article 3, paragraph 1, be open to accession by any Contracting State to the European Patent Convention and any State which is entitled to accede to that Convention. Instruments of accession shall be deposited with the Government of the Federal Republic of Germany.

(3) Les Etats visés au paragraphe 2 conservent le droit d'exiger qu'une traduction des revendications dans une de leurs langues officielles soit fournie dans les conditions prévues à l'article 65, paragraphe 1 de la Convention sur le brevet européen.

(4) Le présent accord ne saurait être interprété en vue de restreindre le droit des Etats parties au présent accord de renoncer à toute exigence en matière de traduction ou d'appliquer en matière de traduction des règles moins contraignantes que celles visées aux paragraphes 2 et 3.

Article 2
Traductions en cas de litige

Le présent accord ne saurait être interprété en vue de restreindre le droit des Etats parties au présent accord de prescrire que, en cas de litige relatif à un brevet européen, le titulaire du brevet fournit, à ses frais,

a) à la demande du prétendu contrefacteur, une traduction complète du brevet dans une langue officielle de l'Etat où la contrefaçon alléguée du brevet a eu lieu,

b) à la demande de la juridiction compétente ou d'une autorité quasi juridictionnelle dans le cadre d'une procédure, une traduction complète du brevet dans une langue officielle de l'Etat concerné.

Article 3
Signature – Ratification

(1) Le présent accord est ouvert jusqu'au 30 juin 2001 à la signature de tout Etat partie à la Convention sur le brevet européen.

(2) Le présent accord est soumis à ratification. Les instruments de ratification sont déposés auprès du gouvernement de la République fédérale d'Allemagne.

Article 4
Adhésion

Après l'expiration du délai de signature mentionné à l'article 3, paragraphe 1, le présent accord est ouvert a l'adhésion de tout Etat partie à la Convention sur le brevet européen et de tout Etat habilité à adhérer à ladite Convention. Les instruments d'adhésion sont déposés auprès du gouvernement de la République fédérale d'Allemagne.

Artikel 5
Ausschluß von Vorbehalten

Kein Vertragsstaat kann Vorbehalte zu diesem Übereinkommen machen.

Artikel 6
Inkrafttreten

(1) Dieses Übereinkommen tritt am ersten Tag des vierten Monats nach Hinterlegung der letzten Ratifikations- oder Beitrittsurkunde von acht Vertragsstaaten des Europäischen Patentübereinkommens einschließlich der drei Staaten, in denen 1999 die meisten europäischen Patente wirksam wurden, in Kraft.

(2) Jede Ratifikation oder jeder Beitritt nach Inkrafttreten dieses Übereinkommens wird am ersten Tag des vierten Monats nach der Hinterlegung der Ratifikations- oder Beitrittsurkunde wirksam.

Artikel 7
Geltungsdauer des Übereinkommens

Dieses Übereinkommen wird auf unbegrenzte Zeit geschlossen.

Artikel 8
Kündigung

Jeder Vertragsstaat dieses Übereinkommens kann es jederzeit kündigen, nachdem es drei Jahre in Kraft war. Die Kündigung wird der Regierung der Bundesrepublik Deutschland notifiziert. Sie wird ein Jahr nach dem Tag der Notifikation wirksam. Vor dem Wirksamwerden der Kündigung erworbene Rechte werden davon nicht berührt.

Artikel 9
Anwendungsbereich

Dieses Übereinkommen gilt für europäische Patente, für die der Hinweis auf die Erteilung nach dem Inkrafttreten des Übereinkommens für den betreffenden Staat im Europäischen Patentblatt bekanntgemacht worden ist.

Artikel 10
Sprachen des Übereinkommens

Dieses Übereinkommen ist in einer Urschrift in deutscher, englischer und französischer Sprache abgefaßt, wobei jeder Wortlaut gleichermaßen verbindlich ist, und wird bei der Regierung der Bundesrepublik Deutschland hinterlegt.

Article 5
Prohibition of reservations

No State party to this Agreement may make reservations thereto.

Article 6
Entry into force

(1) This Agreement shall enter into force on the first day of the fourth month after the deposit of the last instrument of ratification or accession by eight Contracting States to the European Patent Convention, including the three States in which the most European patents took effect in 1999.

(2) Any ratification or accession after the entry into force of this Agreement shall take effect on the first day of the fourth month after the deposit of the instrument of ratification or accession.

Article 7
Duration of the Agreement

This Agreement shall be concluded for an unlimited duration.

Article 8
Denunciation

Any State party to this Agreement may denounce it at any time once it has been in force for three years. Notification of denunciation shall be given to the Government of the Federal Republic of Germany. The denunciation shall take effect one year after the date of receipt of such notification. No rights acquired pursuant to this Agreement before the denunciation took effect shall thereby be impaired.

Article 9
Scope

This Agreement shall apply to European patents in respect of which the mention of grant was published in the European Patent Bulletin after the Agreement entered into force for the State concerned.

Article 10
Languages of the Agreement

This Agreement, drawn up in a single original in the English, French and German languages shall be deposited with the Government of the Federal Republic of Germany, the three texts being equally authentic.

Article 5
Interdiction des réserves

Aucun Etat partie au présent accord ne peut faire de réserves à son égard.

Article 6
Entrée en vigueur

(1) Le présent accord entre en vigueur le premier jour du quatrième mois suivant le dépôt du dernier des instruments de ratification ou d'adhésion de huit Etats parties à la Convention sur le brevet européen, dont les trois Etats dans lesquels le plus grand nombre de brevets européens a pris effet en 1999.

(2) Toute ratification ou adhésion postérieure à l'entrée en vigueur du présent accord prend effet le premier jour du quatrième mois suivant le dépôt de l'instrument de ratification ou d'adhésion.

Article 7
Durée de l'accord

Le présent accord est conclu sans limitation de durée.

Article 8
Dénonciation

Tout Etat partie au présent accord peut à tout moment le dénoncer, dès lors que ce dernier a été en vigueur pendant trois ans. La dénonciation est notifiée au gouvernement de la République fédérale d'Allemagne. Elle prend effet à l'expiration du délai d'une année à compter de la date de réception de cette notification. En ce cas, il n'est pas porté atteinte aux droits acquis antérieurement à la prise d'effet de cette dénonciation.

Article 9
Champ d'application

Le présent accord s'applique aux brevets européens pour lesquels la mention de la délivrance a été publiée dans le Bulletin européen des brevets, après que l'accord est entré en vigueur pour l'Etat concerné.

Article 10
Langues de l'accord

Le présent accord est rédigé en un exemplaire en langues allemande, anglaise et française, qui est déposé auprès du gouvernement de la République fédérale d'Allemagne, les trois textes faisant également foi.

Artikel 11
Übermittlungen und Notifikationen

(1) Die Regierung der Bundesrepublik Deutschland stellt beglaubigte Abschriften des Übereinkommens her und übermittelt sie den Regierungen aller anderen Staaten, die das Übereinkommen unterzeichnet haben oder ihm beigetreten sind.

(2) Die Regierung der Bundesrepublik Deutschland notifiziert den in Absatz 1 genannten Regierungen

a) jede Unterzeichnung,
b) die Hinterlegung jeder Ratifikations- oder Beitrittsurkunde,
c) den Zeitpunkt des Inkrafttretens dieses Übereinkommens,
d) jede Kündigung nach Artikel 8 und den Zeitpunkt ihres Wirksamwerdens.

(3) Die Regierung der Bundesrepublik Deutschland läßt dieses Übereinkommen beim Sekretariat der Vereinten Nationen registrieren.

ZU URKUND DESSEN haben die hierzu ernannten Bevollmächtigten nach Vorlage ihrer in guter und gehöriger Form befundenen Vollmachten dieses Übereinkommen unterschrieben.

Geschehen zu London am 17. Oktober 2000 in einer Urschrift in deutscher, englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Article 11
Transmissions and notifications

(1) The Government of the Federal Republic of Germany shall draw up certified true copies of this Agreement and shall transmit them to the Governments of all signatory or acceding States.

(2) The Government of the Federal Republic of Germany shall notify to the Governments of the States referred to in paragraph 1:

(a) any signature;
(b) the deposit of any instrument of ratification or accession;
(c) the date of entry into force of this Agreement;
(d) any denunciation received pursuant to Article 8 and the date on which it will take effect.

(3) The Government of the Federal Republic of Germany shall register this Agreement with the Secretariat of the United Nations.

In WITNESS WHEREOF, the Plenipotentiaries authorised thereto, having presented their Full Powers, found to be in good and due form, have signed this Agreement.

Done at London on 17 October 2000, in one original, in English, French and Germany, each text being equally authentic.

Article 11
Transmissions et notifications

(1) Le gouvernement de la République fédérale d'Allemagne établit des copies certifiées conformes du présent accord et les transmet aux gouvernements des Etats signataires ou adhérents.

(2) Le gouvernement de la République fédérale d'Allemagne notifie aux gouvernements des Etats visés au paragraphe 1 :

a) Les signatures ;
b) Le dépôt de tout instrument de ratification ou d'adhésion ;
c) la date d'entrée en vigueur du présent accord ;
d) toute dénonciation reçue en application de l'article 8 et la date à laquelle celle-ci prend effet.

(3) Le gouvernement de la République fédérale d'Allemagne fait enregistrer le présent accord auprès du Secrétariat de l'Organisation des Nations Unies.

EN FOI DE QUOI les plénipotentiaires désignés à cette fin, après avoir présenté leurs pleins pouvoirs reconnus en bonne et due forme, ont signé le présent accord.

Fait à Londres le dix-sept octobre deux mille en un exemplaire original, en allemand, anglais et français, tous les textes faisant également foi.

Europäisches Patentamt
European Patent Office
Office européen des brevets

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Location

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A. Introduction

A1. European patent system

A2. Validation and extension system

A1. European patent system

The centralised, fundamentally autonomous and uniform procedure for the grant of European patents, introduced by the European Patent Convention (EPC), is linked in a special way with the national patent law of the member states of the European Patent Organisation, and at a number of stages it "interfaces" with the national legal systems – a feature essential to smooth interaction between European and national law. In each of the contracting states for which it is granted, the European patent has the effect of and is subject to the same conditions as a national patent granted by that state, unless otherwise provided in the EPC (Article 2(2) EPC).

The salient characteristic of these interfaces is that, at the outset or in the course of the European grant procedure or after it has been completed, the patent applicant or proprietor may or must take certain steps before the patent authorities of the contracting states in order to acquire or maintain certain rights in those states. It is therefore of primordial importance for all European applicants and proprietors to be familiar with and carefully observe such procedural steps laid down by national law and the conditions for their validity, if full advantage is to be derived from the European patent system and loss of rights is to be avoided.

The European Patent Office intends this booklet to be a concise and reliable guide to the most important provisions and requirements under the EPC contracting states' national law governing European patent applications and patents, for the use of European patent applicants and proprietors and all others concerned with the European patent system. The synopses given in the following tables have been prepared in close co-operation with the authorities of the contracting states responsible for the protection of industrial property.

Although we have exercised the greatest care in drawing up the tables, we cannot vouch for the absolute completeness and accuracy of the information given. If only because of their conciseness and the fact that they concentrate on the bare essentials, the tables can be no substitute for consultation of the national legal sources themselves, supplemented where appropriate by professional advice from authorised persons, and it cannot be stated with any certainty that the legal provisions summarised in them will not have changed by the time this booklet appears. In particular, the reader should not assume that the official fees given at various points in the tables have not been increased in the meantime. It is therefore advisable always to refer back to the official publications of the contracting states so as to keep up to date with the development of national legislation and official practice.

The EPO will continue to provide regular and, as far as possible, up-to-date coverage in its Official Journal of legal developments in the contracting states. The reader is in particular referred to the online version of the brochure "National law relating to the EPC"*, which is updated whenever the EPO learns of any relevant changes at national level.

* *www.epo.org/law-practice/legal-texts/national-law.html*

A2. Validation and extension system

The European Patent Organisation has concluded agreements on extending or validating the protection conferred by European patents (extension/validation agreements) with states which are not party to the EPC.

These agreements form the basis of extension and validation systems providing patent applicants with a simple and cost-effective way of obtaining patent protection in these other, non EPC countries. At the applicant's request and on payment of the extension or validation fee, European patent applications (direct or Euro-PCT, provided PCT applications include the designation both for a European patent and for such non-EPC states) and patents can be extended to these countries, where they will have the same effects as national applications and patents.

At present, it is possible to request:

- extension to

Bosnia and Herzegovina (as from 1 December 2004)

- validation in

Morocco (as from 1 March 2015)

Republic of Moldova (as from 1 November 2015)

Tunisia (as from 1 December 2017)

Cambodia (as from 1 March 2018)

Note: Extension or validation is possible only for applications (Euro direct or PCT) filed after the date of entry into force of the relevant agreement.

The extension and validation systems largely correspond to the EPC system operating in the EPC contracting states, except that they are based not on direct application of the EPC but solely on national law modelled on the EPC. The relevant procedure is thus governed by the national extension or validation rules of the country concerned.

Those rules which are identical for all the states concerned are summarised below, while the states' main individual requirements are shown in the relevant tables immediately after the information for the contracting states.

Extension or validation fee

The extension or validation fee is payable to the EPO. The time limit for payment of the fee is:

- for European applications

six months from the date on which the European Patent Bulletin mentions the publication of the European search report.

- for Euro-PCT applications

within the period for performing the acts required for an international application to enter the European phase.

Withdrawal of the request for extension or validation

A request for extension or validation is deemed withdrawn if the extension or validation fee is not paid or the application is withdrawn, refused or deemed withdrawn.

Subsequent payment of extension or validation fees

If the fee for an extension or validation state has not been paid within the basic period, the applicant can pay the extension or validation fee subsequently in combination with a 50% surcharge

1. within two months of expiry of the basic period (on the "re-introduced grace period", see OJ EPO 2009, 603; and OJ EPO 2015, A19) or

2. within two months of notification of a communication of loss of rights owing to non-payment of the designation fee.

In the latter case, a subsequent payment is possible only if the conditions set out in detail in the Guidelines for Examination, A-III, 12.2, are met. Under those conditions, the applicant can request further processing for the designations deemed to be withdrawn (Article 121; Rule 135 EPC), paying the extension or validation fees at the same time.

The synopses given in the following tables have been drawn up in close co-operation with the authorities responsible for the protection of industrial property in the extension and validation states. They give an overview of the most important provisions and requirements applicable under each state's national law on extended or validated European patent applications and patents. They are intended to be as accurate as possible, but it is always advisable to consult the states' own official publications to keep up to date with any changes in their national legislation on extension or validation and in their national offices' related practice.

Accession to the EPC of an extension state

The extension agreement between an extension state and the European Patent Organisation will terminate with the entry into force of the EPC in that state. It will thereafter no longer be possible to extend European patent applications and patents to the former extension state. The **extension system will, however, continue to apply** to all European and international applications **filed prior to the date of entry into force of the EPC in that state**, as well as to all European patents granted in respect of such applications.

The legal situation outlined above exists in Slovenia (termination of the extension agreement with effect from 1 December 2002), in Romania (termination of the extension agreement with effect from 1 March 2003), in Lithuania (termination of the extension agreement with effect from 1 December 2004), in Latvia (termination of the extension agreement with effect from 1 July 2005), in Croatia (termination of the extension agreement with effect from 1 January 2008), in North Macedonia (termination of the extension agreement with effect from 1 January 2009), in Albania (termination of the extension agreement with effect from 1 May 2010), Serbia (termination of the extension agreement with effect from 1 October 2010) and in Montenegro (termination of the extension agreement with effect from 1 October 2022).

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B. Abbreviations

(See also Table I, section 4)

AGEPI	State Agency on Intellectual Property (Rep. of Moldova)
AL	Albania
ALL	Albanian lek
AT	Austria
BA	Bosnia and Herzegovina
BAM	Bosnian convertible mark
BE	Belgium
BG	Bulgaria
BGBl.	Bundesgesetzblatt
BGN	Bulgarian lev
Bl.f.PMZ	Blatt für Patent-, Muster- und Zeichenwesen
BOE	Boletín oficial del Estado
BOPI	Bulletin officiel de la propriété industrielle - Brevets d'invention
CH	Switzerland
CHF	Swiss franc
CY	Cyprus
CZ	Czech Republic
CZK	Czech koruna
DE	Germany
DK	Denmark
DKK	Danish krone
DKPTO	Danish Patent and Trademark Office
DPMA	German Patent and Trademark Office

EDBI	Eidiko Deltio Biomichanikis Idioktisias (Greek Industrial Property Bulletin)
EE	Estonia
EEA	European Economic Area
EP	European
EPC	European Patent Convention
EPO	European Patent Office
ES	Spain
EU	European Union
EUR	Euro
ΦEK	Fyllo Efimeridos tis Kyberniseos (Greek Law Gazette)
FI	Finland
FR	France
GBP	Pound sterling
GDIP	General Directorate of Industrial Property (Albania)
GR	Greece
GRUR Int.	Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil
G.U.	Gazzetta Ufficiale
HIPO	Hungarian Intellectual Property Office
HR	Croatia
HRK	Croatian kuna
HU	Hungary
HUF	Hungarian forint
IE	Ireland
INPI	Institut national de la propriété industrielle (France)
INPI	Instituto Nacional da Propriedade Industrial (Portugal)
IP	Industrial Property
IPI	Swiss Federal Institute of Intellectual Property
IPLT	Industrial Property - Laws and Treaties
IPO	Intellectual Property Office (UK)
IPOI	Intellectual Property Office of Ireland
IPPO	Industrial Property Protection Office
IPRD	Industrial Property Registrations Directorate (Malta)
ISIPO	Icelandic Intellectual Property Office
IPO	Icelandic Patent Office
ISK	Iceland króna
IT	Italy
J.M.	Journal de Monaco
JORF	Journal officiel de la République Française
LGBl.	Liechtensteinisches Landesgesetzblatt
LI	Liechtenstein
LT	Lithuania

LTPI	Lois et traités de propriété industrielle
LU	Luxembourg
LV	Latvia
MA	Morocco
MAD	Moroccan dirham
MC	Monaco
MD	Republic of Moldova
ME	Montenegro
MK	North Macedonia
MKD	Macedonian denar
MT	Malta
n/a	not applicable
NIPO	Norwegian Industrial Property Office
NL	Netherlands
NN	Narodne Novine (Croatia)
NO	Norway
NOK	Norwegian krone
NPO	Netherlands Patent Office (Octrooicentrum Nederland)
OBI	Organismos Biomichanikis Idioktisias (Greek Industrial Property Organisation)
OEPM	Oficina Española de Patentes y Marcas (Spain)
OJ EPO	Official Journal of the European Patent Office
OMPIC	Moroccan Industrial and Commercial Property Office
OPRI	Office de la Propriété Intellectuelle (Belgium)
OSIM	State Office for Inventions and Trademarks (Romania)
PIBD	Propriété industrielle - Bulletin documentaire
PL	Poland
PLN	Polish Zloty
PPO	Patent Office of the Republic of Poland
PRH	Patentti- ja rekisterihallitus (Finland)
PRV	Patent- och registreringsverket (Swedish Intellectual Property Office)
PT	Portugal
RO	Romania
RON	New Romanian leu
RS	Serbia
RSD	Serbian dinar
SäädKok	Suomen Säädöskokoelma
SE	Sweden
SEK	Swedish krona
SFS	Svensk författningssamling
SG	State Gazette (Bulgaria)
SI	Slovenia

S.I.	Statutory Instruments
SIPO	Slovenian Intellectual Property Office
SK	Slovakia
Sl. list CG	Official Journal of Montenegro
Sl. list RCG	Official Journal of the Republic of Montenegro
Sl. list SCG	Official Journal of the State Union Serbia and Montenegro
SM	San Marino
SOIP	State Office of Industrial Property (North Macedonia)
SR	Systematische Rechtssammlung (Switzerland)
Stb	Staatsblad
TR	Turkey
TRY	Turkish lira
UIBM	Ufficio Italiano Brevetti e Marchi (Italian Patent and Trademark Office)
UK	United Kingdom
USBM	Ufficio di Stato Brevetti e Marchi (San Marino)
USD	US Dollar

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I. National legal bases

This table contains a (not necessarily exhaustive) list of important national legal sources (laws, regulations, decrees, etc.) relevant for European patent applications and patents in the various EPC contracting states and the extension and validation states. Most of them are referred to again in the subsequent tables. The title of these legal sources is given in the official language of the state in question. Where necessary, a translation into the official language of the EPO in which this booklet is published is given underneath in italics in square brackets. To keep the table to a reasonable size, the "original title" in the case of states with more than one official language is given only in one of these languages. The titles of the extension and validation states' legal bases appear only as translated into the EPO official language of this booklet.

The dates on which the various items of referenced legislation entered into force have not been included, as this would have cluttered up the tables - especially in cases where some articles of certain laws and regulations entered into force at different times.

Where the Office knows of translations into one of the official languages of the EPO of the legal sources listed, these are referenced. English and French translations of legal texts relating to intellectual property can also be consulted in WIPO's electronic database "WIPO Lex" (*www.wipo.int/wipolex/en*). It should be noted, however, that these translations are not always up-to-date and that at all times only the original version given in the official publications is the authentic text.

The abbreviations used in the following tables have been introduced for the sake of clarity and do not always coincide with the official abbreviations used in the contracting states.

Albania

Central Industrial Property Office
Drejtoria e Përgjithshme e Pronësisë Industriale General Directorate of Industrial Property (GDIP) Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve TIRANA Tel. +355 4 22 34 412 Fax +355 4 22 34 412
www.dppm.gov.al **mailinf@dppm.gov.al**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Ligji Nr. 9947 date 7.7.2008 Per Pronesine Industriale i ndryshuar me Ligjin Nr.10/2013 i datës 14.2.2013, dhe Ligji 55/2014 i datës 29.5.2014, dhe Ligji 17/2017 i datës 16.2.2017	Gazeta Zyrtare No. 121, 2008 No. 29, 2013 No. 96, 2014 No. 43, 2017		
[1. Law No. 9947 on Industrial Property of 7 July 2008, as amended by Law No. 10/2013 of 14 February 2013, by Law No. 55/2014 of 29 May 2014 and by Law No. 17/2017 of 16 February 2017]		IPLT AL 1-001 (English)	PL
2. Rregullore "Per Ieshimin e patentave per shpikjet dhe modelet e perdorimit" Nr. 1707, date 29.12.2008, i ndryshuar me VKM Nr. 618, datë 7.9.2011, dhe me VKM Nr. 38 datë 21.1.2015, dhe me VKM Nr. 460, datë 26.7.2018	Gazeta Zyrtare No. 213, 2008 No. 139, 2011 No. 7, 2015 No. 114, 2018		
[2. Regulation No. 1707 of 29 December 2008 on patents and utility patents and utility models, as amended by Decree of the Government No. 618 of 7 September 2011, by Decree of the Government No. 38 of 21 January 2015 and by Decree of the Government No. 460 of 26 July 2018]		-	PR

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. VKM No. 883, 13 Maj 2009 Per tarifat e Objekteve te Pronesise Industriale e ndryshuar me VKM Nr. 37 datë 21.1.2015, dhe me VKM Nr. 316 datë 31.5.2018	Gazeta Zyrtare No. 134, 2009 No. 7, 2015 No. 82, 2018		
[3. Decree of the Government on State fees No. 883 of 13 May 2009, as amended by Decree of the Government No. 37 of 21 January 2015 and by Decree of the Government No. 316 of 31 May 2018]		-	Fees Decr.
4. Ligji Nr. 8488 Date 13.5.1999 Per mbrojtjen e topografise se qarqeve te integruar, i ndryshuar me Ligjin Nr. 9957 date 17.7.2008, dhe me Ligjin 66/2014 date 26.6.2014	Gazeta Zyrtare No. 18, 1999 No. 123, 2008 No. 114, 2014		
[4. Law No. 8488 of 13 May 1999 on the protection of topographies of integrated circuits, as amended by Law No. 9957 of 17 July 2008, and by the Law No. 66/2014 of 26 June 2014]		-	-

Austria

Central Industrial Property Office
Österreichisches Patentamt Dresdner Str. 87 Postfach 95 1200 WIEN Tel. +43 1 53424-0 Fax +43 1 53424-535
www.patentamt.at **info@patentamt.at**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Bundesgesetz vom 16. Dezember 1978 über die Einführung des Europäischen Patentübereinkommens und des Vertrages über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens (Patentverträge-Einführungsgesetz)	BGBI Nr. 52/1979; Nr. 234/1984; Nr. 418/1992; Nr. 181/1996; Nr. 175/1998; I Nr. 143/2001; I Nr. 149/2004; I Nr. 42/2005; I Nr. 81/2007; I Nr. 2/2008; I Nr. 126/2009; I Nr. 126/2013		
[1. Federal Law of 16 December 1978 on the introduction of the European Patent Convention and of the Patent Cooperation Treaty (Introductory Law on Patent Treaties)]		IPLT AT 2-002 (English, French)	ILPT
2. Patentgesetz 1970	BGBI Nr. 259/1970; Nr. 234/1984; Nr. 382/1986; Nr. 418/1992; Nr. 771/1992; Nr. 212/1994; Nr. 634/1994; Nr. 181/1996; Nr. 175/1998; I Nr. 191/1999; I Nr. 143/2001; I Nr. 149/2004; I Nr. 42/2005; I Nr. 130/2005; I Nr. 151/2005; I Nr. 96/2006; I Nr. 81/2007; I Nr. 126/2009; I Nr. 135/2009; I Nr. 126/2013; I Nr. 71/2016; I Nr. 124/2017; I Nr. 37/2018		
[2. Patent Law 1970]		IPLT AT 2-001 (English, French)	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Verordnung des Präsidenten des Patentamts über Eingaben an das Patentamt sowie über das Verfahren in Patent-, Schutzzertifikats-, Gebrauchsmuster-, Halbleiterschutz-, Marken- und Musterangelegenheiten (Patentamtsverordnung - PAV) Verordnung der Präsidentin des Patentamtes über die Verfahren und die Publikationen im Bereich des Patentamtes (Patentamtsverordnung 2019 - PAV)	PBl. 2018, Nr. 12, Anhang PBl. 2018, Nr. 12, Anhang, idF PBl. 2020, Nr. S 2		
[3. Regulation of the President of the Patent Office on the filing of documents with the Patent Office and on patent, supplementary protection certificate, utility model, semiconductor protection, trademark and design procedures (Patent Office Regulation)] *[Regulation of the President of the Patent Office on the procedures and publications of the Patent Office (Patent Office Regulation 2019)]*		-	POR
4. Bundesgesetz über die im Bereich des Patentamtes zu zahlenden Gebühren und Entgelte (Patentamtsgebührengesetz – PAG) in der Fassung VO über die Valorisierung der festen Gebührensätze des Patentamtsgebührengesetzes (PAG-ValV 2014)	BGBl I Nr. 149/2004; I Nr. 81/2007; I Nr. 126/2009; I Nr. 111/2010; I Nr. 36/2011; I Nr. 126/2013; I Nr. 71/2016; I Nr. 124/2017 und I Nr. 89/2018 idF PBl. 2014, Nr. 4		
[4. Federal Law on the Fees Payable to the Patent Office (Law on Patent Office Fees - LPOF) as amended by its President's ordinance valorising the fixed rates under the Federal Law on Patent Office Fees (LPOF-ValOrd 2014)]		-	LPOF

Belgium

Central Industrial Property Office
Office de la Propriété Intellectuelle auprès du Service public fédéral Économie, PME, Classes moyennes et Énergie City Atrium C Rue du Progrès 50 1210 BRUXELLES Tel. +32 2 2779011 Fax +32 2 2775262
https://economie.fgov.be/fr/themes/propriete-intellectuelle/institutions-et-acteurs/office-belge-de-la-propriete **opridie-tech@economie.fgov.be**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Loi du 21 avril 2007 portant diverses dispositions relatives à la procédure de dépôt des demandes de brevet européen et aux effets de ces demandes et des brevets européens en Belgique, modifiée en dernier lieu par la Loi du 19 décembre 2017	Moniteur belge du 4.9.07		
[1. Law of 21 April 2007 on various provisions relating to the procedure for filing European patent applications and to the effects of such applications and of European patents in Belgium, as last amended by the law of 19 December 2017]		-	Law of 21.4.07

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Loi du 8 juillet 1977 portant approbation des actes internationaux suivants : 1° Convention sur l'unification de certains éléments du droit des brevets d'invention, faite à Strasbourg le 27 novembre 1963 ; 2° Traité de coopération en matière de brevets et Règlement d'exécution, faits à Washington le 19 juin 1970 ; 3° Convention sur la délivrance de brevets européens (Convention sur le brevet européen), Règlement d'exécution et quatre Protocoles, faits à Munich le 5 octobre 1973 ; 4° Convention relative au brevet européen pour le Marché commun (Convention sur le brevet communautaire) et Règlement d'exécution, faits à Luxembourg le 15 décembre 1975 modifiée en dernier lieu par la Loi du 15 avril 2018	Moniteur belge du 30.9.77 et du 9.3.85		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Law of 8 July 1977 adopting the following international acts: 1. Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, done at Strasbourg on 27 November 1963 2. Patent Cooperation Treaty and Regulations, done at Washington on 19 June 1970 3. Convention on the Grant of European Patents (European Patent Convention), Implementing Regulations and Four Protocols, done at Munich on 5 October 1973 4. Convention for the European patent for the common market (Community Patent Convention) and Implementing Regulations, done at Luxembourg on 15 December 1975, as last amended by the law of 15 April 2018]		BI.f.PMZ 1978, 276 (German) IPLT BE 2-001 (English)	Law of 8.7.77
3. Loi du 10 janvier 1955 relative à la divulgation et à la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'État	Moniteur belge du 26.1.55		
[3. Law of 10 January 1955 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State]		BI.f.PMZ 1955, 346 (German)	-
4. Arrêté royal du 18 juillet 1966 portant coordination des lois sur l'emploi des langues en matière administrative, modifié en dernier lieu par la Loi du 21 avril 2016	Moniteur belge du 2.8.66		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[4. Royal Decree of 18 July 1966 co-ordinating the laws on the use of languages for administrative purposes, as last amended by the law of 21 April 2016]		-	-
5. Arrêté royal du 5 décembre 2007 relatif au dépôt d'une demande de brevet européen, à sa transformation en demande de brevet belge et à l'enregistrement de brevets européens produisant effet en Belgique, modifié en dernier lieu par l'arrêté royal du 21 septembre 2020	Moniteur belge du 12.12.07		
[5. Royal Decree of 5 December 2007 relating to the filing of European patent applications and their conversion into Belgian patent applications and the registration of European patents having effect in Belgium, as last amended by Royal Decree of 21 September 2020]		-	RD of 5.12.07
6. Arrêté royal du 27 février 1981 relatif au dépôt d'une demande de brevet européen, à sa transformation en demande de brevet national et à l'enregistrement de brevets européens produisant effet en Belgique, modifié en dernier lieu par l'arrêté royal du 21 septembre 2020	Moniteur belge du 5.3.81		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Royal Decree of 27 February 1981 relating to the filing of European patent applications and their conversion into national patent applications and the registration of European patents having effect in Belgium, as last amended by Royal Decree of 21 September 2020]		IPLT BE 2-002 (English) Bl.f.PMZ 1983, 166 (German)	RD of 27.2.81
7. Arrêté royal du 2 décembre 1986 relatif à la demande, à la délivrance et au maintien en vigueur des brevets d'invention, modifié en dernier lieu par l'arrêté royal du 30 septembre 2020	Moniteur belge du 6.12.86		
[7. Royal Decree of 2 December 1986 on patent applications and the grant and renewal of patents, as last amended by Royal Decree of 30 September 2020]		IPLT BE 2-005 (English) Moniteur belge of 8.1.00 (German)	RD of 2.12.86
8. Arrêté royal du 18 décembre 1986 relatif aux taxes et taxes supplémentaires dues en matière de brevets d'invention, modifié en dernier lieu par l'arrêté royal du 12 juillet 2019	Moniteur belge du 23.12.86		
[8. Royal Decree of 18 December 1986 concerning fees and supplementary fees payable in respect of patents, as last amended by Royal Decree of 12 July 2019]		-	RD (Fees)

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Loi du 10 avril 2014 portant insertion des dispositions réglant des matières visées à l'article 77 de la Constitution dans le livre XI "Propriété intellectuelle" du Code de droit économique, portant insertion d'une disposition spécifique au livre XI dans le livre XVII du même Code, et modifiant le Code judiciaire en ce qui concerne l'organisation des cours et tribunaux en matière d'actions relatives aux droits de propriété intellectuelle et à la transparence du droit d'auteur et des droits voisins	Moniteur belge du 12.6.2014		
[9. Law of 10 April 2014 inserting provisions on matters under Art. 77 of the Constitution into Book XI (Intellectual Property) of the Economic Law Code (ELC), inserting a provision relating specifically to Book XI into Book XVII of the ELC and amending the Judiciary Code provisions on judicial system for litigation relating to IP rights and to the transparency of copyright and related rights]		-	ELC (Economic Law Code)
10. Loi du 19 avril 2014 portant insertion du Livre XI "Propriété intellectuelle" dans le Code de droit économique, et portant insertion des dispositions propres au Livre XI dans les Livres I, XV et XVII du même Code, modifiée en dernier lieu par la Loi du 26 octobre 2015	Moniteur belge du 12.6.2014		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[10. Law of 19 April 2014 inserting Book XI ("Intellectual Property") into the Economic Law Code (ELC) and inserting provisions relating to Book XI into Books I, XV and XVII of the ELC, as last amended by the law of 26 October 2015]		-	ELC (Economic Law Code)
11. Arrêté royal du 31 août 2014 relatif à la mise en œuvre, en ce qui concerne la signature électronique, de l'article I.14,11°, du Code de droit économique	Moniteur belge du 11.9.2014		
[11. Royal Decree of 31 August 2014 implementing Art. I.14(11) of the Economic Law Code with respect to electronic signatures]		-	RD (electronic signature)
12. Arrêté royal du 4 septembre 2014 relatif à la mise en œuvre des dispositions relatives aux brevets d'invention de la loi du 19 avril 2014 portant insertion du livre XI, "Propriété intellectuelle" dans le Code de droit économique et portant insertion des dispositions propres au livre XI dans les livres I, XV et XVII du même Code	Moniteur belge du 11.9.2014		
[12. Royal Decree of 4 September 2014 implementing the patent-related provisions of the Law of 19 April 2014 inserting Book XI ("Intellectual Property") into the Economic Law Code (ELC) and inserting provisions relating to Book XI into Books I, XV and XVII of the ELC]		-	RD of 4.9.14

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
13. Arrêté royal du 12 mai 2015 portant exécution des articles XI.82 à XI.90 du livre XI du Code de droit économique, relatif au dépôt d'une demande de brevet européen, à sa transformation en demande de brevet belge et à l'enregistrement de brevets européens produisant effet en Belgique, modifié en dernier lieu par l'arrêté royal du 21 septembre 2020	Moniteur belge du 22.5.2015		
[13. Royal Decree of 12 May 2015 implementing Art. XI.82 to XI.90 of Book XI of the Economic Law Code on the filing of European patent applications, their conversion to Belgian patent applications and registration of European patents valid in Belgium, as last amended by Royal Decree of 21 September 2020]		-	RD of 12.5.15
14. Loi du 29 juin 2016 portant dispositions diverses en matière d'Économie, modifiée en dernier lieu par la Loi du 18 avril 2017	Moniteur belge du 6.7.2016		
[14. Law of 29 June 2016 on miscellaneous provisions of economic law, as last amended by the law of 18 April 2017]		-	Law of 29.6.16
15. Loi du 8 juillet 2018 portant des dispositions en vue de la protection du titre de mandataire en brevets	Moniteur belge du 19.7.2018		
[15. Law of 8 July 2018 introducing provisions protecting the title of patent attorney]		-	Law of 8.7.18

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
16. Loi du 23 mars 2019 portant assentiment aux actes internationaux suivants en matière de propriété intellectuelle : 1° La Convention internationale pour la protection des obtentions végétales du 2 décembre 1961, révisée à Genève le 10 novembre 1972, le 23 octobre 1978 et le 19 mars 1991 ; 2° L'Accord sur l'application de l'article 65 de la Convention sur la délivrance de brevets européens, fait à Londres le 17 octobre 2000	Moniteur belge du 21.6.2019		
[16. Law of 23 March 2019 assenting to the following international treaties on intellectual property: 1. International Convention for the Protection of New Varieties of Plants of 2 December 1961, as revised at Geneva on 10 November 1972, 23 October 1978 and 19 March 1991; 2. London Agreement of 17 October 2000 on the application of Article 65 EPC]		-	Law of 23.3.19
17. Arrêté royal du 21 septembre 2020 relatif à la délivrance, par l'Office de la Propriété Intellectuelle, de documents et d'informations en matière de propriété industrielle, modifié en dernier lieu par l'arrêté royal du 17 novembre 2021	Moniteur belge du 5.10.2020		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[17. Royal Decree of 21 September 2020 on the issue by the Intellectual Property Office of documents and information relating to intellectual property, as last amended by Royal Decree of 17 November 2021]		-	RD of 21.9.20
18. Arrêté royal du 30 septembre 2020 relatif à la représentation en matière de brevets, modifié en dernier lieu par l'arrêté royal du 30 mai 2021	Moniteur belge du 4.11.20		
[18. Royal Decree of 30 September 2020 on representation in patent matters, as last amended by Royal Decree of 30 May 2021]		-	RD of 30.9.20

Bulgaria

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Закон за патентите и регистрацията на полезните модели (загл. изм. ДВ, бр. 64 от 2006 г., в сила от 9.11.2006 г.), отразена деноминацията от 5.7.1999 г., обнародван ДВ бр. 27/2.4.1993 г., допълнен ДВ бр. 83/1.10.1996 г., изменен бр. 11/29.1.1998 г., изменен ДВ бр. 81/14.9.1999 г., изменен ДВ бр. 45/30.4.2002 г., изменен ДВ бр. 66/9.7.2002 г., допълнен ДВ бр. 17/21.2.2003 г., изменен ДВ. бр. 30/11.4.2006 г., изменен ДВ бр. 64/8.8.2006 г., изменен ДВ бр. 31/13.4.2007 г., изменен ДВ. бр. 59/20.7.2007 г., изменен ДВ бр.36/4.4.2008 г., изменен ДВ бр. 19/9.3.2010г., изменен ДВ. бр. 38/18.5.2012 г., изм. ДВ. бр. 58 от 18 Юли 2017 г., изменен и допълнен ДВ. бр.98 от 13.12.2019г., изменен и допълнен ДВ. бр.92 от 27.10 2020 г.	State Gazette (SG)/(JO) No. 27/2.4.1993, 83/1.10.1996, 11/29.1.1998, 81/14.9.1999, 45/30.4.2002, 66/9.7.2002, 68/16.7.2002, 17/21.2.2003, 30/11.4.2006, 64/8.8.2006, 31/13.4.2007, 59/20.7.2007, 36/4.4.2008, 19/9.3.2010, 38/18.5.2012, 58/18.7.2017, 98/13.12.2019, 92/27.10.2020		
		Bulgarian Patent Office website at *https://www.bpo.bg/en/obekti/patenti-za-izobreteniya/pjpm-zakonodatelstvo* (English)	PL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Law on Patents and Utility Model Registration (title amended by SG No. 64/2006; in force as from 9.11.2006 and reflecting the currency reform of 5.7.1999), promulgated by SG No. 27/2.4.1993, supplemented by SG No. 83/1.10.1996, amended by SG No. 11/29.1.1998, amended by SG No. 81/14.9.1999, amended by SG No. 45/30.4.2002, amended by SG No. 66/9.7.2002, supplemented by SG No. 17/21.2.2003, amended by SG No. 30/11.4.2006, amended by SG No. 64/8.8.2006, amended by SG No. 31/13.4.2007, amended by SG No. 59/20.7.2007, amended by SG No. 36/4.4.2008, amended by SG No. 19/9.3.2010, amended by SG No. 38/18.5.2012, amended by SG No. 58/18.7.2017, Amended and supplemented by SG No. 98/13.12.2019, Amended and supplemented by SG No. 92/27.10.2020]			
2. Наредба за секретните патенти, приета с постановление на Министерския съвет № 331 от 20.12.2008 г., обн. ДВ бр. 2/9.1.2009 г., изм. ДВ. бр.8 от 28 Януари 2014 г.	State Gazette No. 2/9.1.2009, 28.1.2014		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Regulation on secret patents, adopted by Decree of the Council of Ministers No. 331/20.12.2008, promulgated by SG No. 2/9.1.2009, as amended by SG No. 8/28.1.2014]		Bulgarian Patent Office website at *https://www.bpo.bg/en/obekti/patenti-za-izobreteniya/pjpm-zakonodatelstvo* (Bulgarian)	-
3. Тарифа за таксите, които се събират от Патентното ведомство на Република България, в сила от 30.12.1999, приета с постановление на Министерски съвет № 242/27.12.1999 г., отразена деноминацията от 27.12.1999, обнародвана ДВ бр. 114/30.12.1999, изменена ДВ бр.117/17.12.2002, изменена ДВ бр. 91/15.11.2005, изменена ДВ бр. 35/ 27.4.2007 г., поправена ДВ бр. 42/29.5.2007 г., изменена ДВ бр. 31/15.4.2011 г., изменена и допълнена ДВ бр. 99/12.12.2017 г., изменена и допълнена ДВ. бр.36/14.04.2020, изменена и допълнена ДВ. бр.18/02.03.2021	State Gazette No. 114/30.12.1999, 117/17.12.2002, 91/15.11.2005, 35/27.4.2007, 42/29.5.2007, 31/15.4.2011 99/12.12.2017, 36/14.04.2020, 18/02.03.2021		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Schedule of fees collected by the Patent Office, adopted by Decree of the Council of Ministers No. 242/27.12.1999 (reflecting the currency reform of 27.12.1999), promulgated in SG No. 114/30.12.1999, amended by SG No. 117/17.12.2002, amended by SG No. 91/19.11.2005, amended by SG No. 35/27.4.2007, amended by SG No. 42/29.5.2007, amended by SG No. 31/15.4.2011, amended and supplemented by SG No. 99/12.12.2017, amended and supplemented by SG No. 36/14.04.2020, amended and supplemented by SG No. 18/02.03.2021]		Bulgarian Patent Office website at *https://www.bpo.bg/en/tarifi* (English)	Decr. Fees
4. Наредба за оформяне, подаване и експертиза на заявки за патенти, приета с постановление на Министерския съвет № 53 от 19.3.2008 г., обнародвана ДВ бр. 33/28.3.2008 г.	State Gazette No. 33/28.3.2008		
[4. Regulation on drafting, filing and examination of applications for patents, adopted by Decree of the Council of Ministers No. 53/19.3.2008, promulgated by SG No. 33/28.3.2008]		Bulgarian Patent Office website at *https://www.bpo.bg/bg/obekti/patenti-za-izobreteniya/pjpm-zakonodatelstvo* (Bulgarian)	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Наредба за разглеждане на спорове по закона за патентите и регистрацията на полезните модели, приета с Постановление на Министерския съвет № 55 от 9.3.2011 г., обнародвана ДВ бр. 21/15.3.2011 г.	State Gazette No. 21/15.3.2011		
[5. Regulations on disputes under the law governing patents and utility model registration, adopted by Government Decree No. 55/9.3.2011, promulgated by SG No. 21/15.3.2011]		Bulgarian Patent Office website at *https://www.bpo.bg/bg/obekti/patenti-za-izobreteniya/pjpm-zakonodatelstvo* (Bulgarian)	-

Switzerland

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Bundesgesetz betreffend die Erfindungspatente vom 25. Juni 1954 (Patentgesetz)	SR 232.14		
[1. Federal Law on Patents for Inventions of 25 June 1954 (Patent Act)]		IPLT CH 2-001 (English)	PA
2. Verordnung über die Erfindungspatente vom 19. Oktober 1977 (Patentverordnung)	SR 232.141		
[2. Ordinance on Patents for Inventions of 19 October 1977 (Patent Ordinance)]		IPLT CH 2-002	PO

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Verordnung des IGE über Gebühren vom 14. Juni 2016 (GebV-IGE)	SR 232.148		
[3. IPI Fees Regulation of 14 June 2016 (Fees Regulation)]		-	Fees Reg.
4. Bundesgesetz über das Verwaltungsverfahren vom 20. Dezember 1968	SR 172.021		
[4. Federal Law on administrative procedure of 20 December 1968]		-	-
5. Vertrag zwischen der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über den Schutz der Erfindungspatente vom 22. Dezember 1978 (Patentschutzvertrag)	SR 0.232.149.514		
[5. Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection of 22 December 1978 (Patent Treaty)]		OJ EPO 1980, 407 (English, French) IPLT LI-CH 2-001 (English, French)	Treaty CH/LI of 22.12.78
6. Ausführungsvereinbarung zum schweizerisch-liechtensteinischen Patentschutzvertrag vom 10. Dezember 1979	SR 0.232.149.514.1		
[6. Implementing Agreement to the Treaty between Switzerland and Liechtenstein in respect of Patents of 10 December 1979]		OJ EPO 1980, 412 (English, French) IPLT LI-CH 2-001 (English, French)	-

Cyprus

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patent Law 1998 Patent (Amendment) Law 1999 Patent (Amendment) Law 2000 Patent (Amendment) Law 2002 Patent (Amendment) Law 2006	Cyprus Gazette Part I, 6.4.98 Part I, 19.3.99 Part I, 17.11.00 Part I, 9.8.02, Part I, 28.7.06	IPLT CY 2-001 (English, French) Bl.f.PMZ 2003, 15 (German)	PL
2. Patent (Fees) Regulations 1999 Patent (Fees) (Amendment) Regulations 2013	Cyprus Gazette Part III (I), 26.3.99 Part III (I), 1.2.13	-	PFR

Czech Republic

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patentový zákon: Zákon č. 527/1990 Sb., o vynálezech a zlepšovacích návrzích, ve znění předpisů pozdějších	Sbírka zákonů č. 527/1990 č. 519/1991 č. 116/2000 č. 207/2000 č. 173/2002 č. 501/2004 č. 59/2005 č. 413/2005 č. 221/2006 č. 378/2007 č. 303/2013 č. 183/2017 č. 196/2017 č. 261/2021		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Patent Act: Law No. 527/1990 Coll., on inventions and rationalisation proposals, as amended by subsequent laws]		Czech Industrial Property Office website at www.upv.gov.cz (English)	PA
2. Zákon č. 206/2000 Sb., o ochraně biotechnologických vynálezů	Sbírka zákonů č. 206/2000		
[2. Law No. 206/2000 Coll., on the protection of biotechnological inventions]		Czech Industrial Property Office website at www.upv.gov.cz (English)	-
3. Zákon č. 634/2004 Sb., o správních poplatcích ve znění předpisů pozdějších	Sbírka zákonů č. 634/2004		
[3. Law No. 634/2004 Coll., on administrative fees, as amended by subsequent laws]		Czech Industrial Property Office website at www.upv.gov.cz (English)	LAdmFees
4. Zákon č. 173/2002 Sb., o poplatcích za udržování patentů a dodatkových ochranných osvědčení pro léčiva a pro přípravky na ochranu rostlin, ve znění předpisů pozdějších	Sbírka zákonů č.173/2002 č. 377/2005		
[4. Law No. 173/2002 Coll., on renewal fees for patents and supplementary protection certificates for pharmaceuticals and plant protection products, as amended by subsequent laws]		Czech Industrial Property Office website at www.upv.gov.cz (English)	LRenFees
5. Zákon č. 500/2004 Sb. správní řád ve znění předpisů pozdějších	Sbírka zákonů č. 500/2004		
[5. Law No. 500/2004 Coll., Administrative Procedure Code, as amended by subsequent laws]		-	APC
6. Zákon č. 150/2002 Sb., soudní řád správní, ve znění předpisů pozdějších	Sbírka zákonů č. 150/2002		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Law No. 150/2002 Coll., Administrative Court Procedure Code, as amended by subsequent laws]		-	ACP
7. Vyhláška č. 550/1990 Sb. o řízení ve věcech vynálezů a průmyslových vzorů, ve znění vyhlášky č. 21/2002 Sb.	Sbírka zákonů č. 550/1990 č. 21/2002		
[7. Decree No. 550/1990 Coll., on the procedure in matters of inventions and industrial designs as amended by Decree No. 21/2002 Coll.]		Czech Industrial Property Office website at www.upv.gov.cz (English)	DP

Denmark

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patentloven, lovbekendtgørelse nr. 90 af 29. januar 2019	DKPTO website at www.dkpto.dk		
[1. Consolidated Patents Act No. 90 of 29 January 2019]		DKPTO website at www.dkpto.org (English)	PA
2. Bekendtgørelse om patenter og supplerende beskyttelsescertifikater nr. 2111 af 24. november 2021	DKPTO website at www.dkpto.org		
[2. Order concerning Patents and Supplementary Protection Certificates: No 2111 of 24 November 2021.]		DKPTO website at www.dkpto.org (English) Translation will soon be available	PO

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Bekendtgørelse om ændring af reglerne om konsumption i patentloven m. v. nr. 238 af 30. marts 1994	DKPTO website at www.dkpto.org		
[3. Order No. 238 of 30 March 1994 amending the Provisions about Exhaustion of Rights in the Patents Act, etc.]			
4. Lov om hemmelige patenter, lovbekendtgørelse nr. 107 af 24. januar 2012	DKPTO website at www.dkpto.org		
[4. Consolidated Secret Patents Act No. 107 of 24 January 2012]		DKPTO website at www.dkpto.org (English)	Law No. 107/2012

Germany

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Gesetz zu dem Übereinkommen vom 27. November 1963 zur Vereinheitlichung gewisser Begriffe des materiellen Rechts der Erfindungspatente, dem Vertrag vom 19. Juni 1970 über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens und dem Übereinkommen vom 5. Oktober 1973 über die Erteilung europäischer Patente (Gesetz über internationale Patentübereinkommen) vom 21. Juni 1976, zuletzt geändert durch Artikel 1 des Gesetzes vom 20. August 2021	*www.gesetze-im-internet.de* BGBl 1976 II 649; 1979 I 1269; 1986 I 1446; 1991 II 1354; 1993 I 366; 1998 I 1827; 2001 I 3656; 2003 I 2470; 2004 I 390; 2007 I 2166; 2008 I 1191; 2013 I 3830; 2015 I 1474; 2017 I 2541 2021 I 3914		
[1. Law on the European Convention on the Unification of Certain Points of Substantive Law on Patents for Invention of 27 November 1963, the Patent Cooperation Treaty of 19 June 1970, and the Convention on the Grant of European Patents of 5 October 1973 (Law on International Patent Treaties) of 21 June 1976, as last amended by Article 3 of the Law of 20 August 2021]		IPLT DE 2-001 (English, French)	LIPC
2. Gesetz über das Gemeinschaftspatent und zur Änderung patentrechtlicher Vorschriften (Gemeinschaftspatentgesetz) vom 26. Juli 1979, zuletzt geändert durch das Zweite Gesetz über das Gemeinschaftspatent vom 20. Dezember 1991	BGBl 1979 I 1269; 1986 I 1446; 1991 II 1354		
[2. Law concerning the Community patent and amending certain provisions of patent law (Community Patent Law) of 26 July 1979, as last amended by the Second Law on the Community Patent of 20 December 1991]		-	CPL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Patentgesetz in der Fassung der Bekanntmachung vom 16. Dezember 1980, zuletzt geändert durch Artikel 1 des Gesetzes vom 30. August 2021	BGBl 1981 I 1; 1986 I 1446; 1986 I 2326; 1990 I 422; 1991 II 1354; 1992 I 727; 1993 I 366; 1994 I 2278; 1994 I 3082; 1996 I 1546; 1998 I 1827; 1998 I 2030; 1999 I 2598; 2001 I 1206; 2001 I 1887; 2001 I 3138; 2001 I 3656; 2002 I 2681; 2002 I 2850; 2004 I 390; 2004 I 718; 2004 I 3232; 2005 I 146; 2005 I 2570; 2006 I 1318; ber. 2006 I 2737; 2007 I 2166; 2007 I 2614; 2007 I 2840; 2007 I 2897; 2008 I 1191; 2008 I 2586; 2009 I 2521; 2011 I 2302; 2013 I 3786; 2013 I 3799; 2013 I 3830; 2015 I 1474; 2015 I 2092; 2015 I 2178; 2016 I 558; 2017 I 1121; 2017 I 2541; 2017 I 3346; 2017 I 3546 2021 I 4074		
[3. Consolidated Patent Law as published on 16 December 1980, last amended by Article 4 of the Law of 30 August 2021]		*www.gesetze-im-internet.de/englisch_patg/index.html* (English)	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Gesetz über die Kosten des Deutschen Patent- und Markenamts und des Bundespatentgerichts (Patentkostengesetz) vom 13. Dezember 2001, zuletzt geändert durch Artikel 2 des Gesetzes vom 30. August 2021	BGBl 2001 I 3656; 2002 I 2681; 2003 I 2470; 2004 I 390; 2004 I 718; 2004 I 3232; 2006 I 1318; ber. 2006 I 2737; 2007 I 2166; 2008 I 1191; 2009 I 2446; 2009 I 2521; 2013 I 3799; 2013 I 3830; 2015 I 1474; 2016 I 558; 2018 I 2357 2021 I 4074		
[4. Law concerning the Costs of the German Patent and Trade Mark Office and of the Federal Patents Court (Patent Costs Law) of 13 December 2001, last amended by Article 3 of the Law of 11 December 2018]		excerpt, DPMA A9514.1/1.19 *www.dpma.de/english/our_office/law/index.html* (English)	LPF
5. Gesetz zu der Vereinbarung vom 21. Dezember 1989 über Gemeinschaftspatente und zu dem Protokoll vom 21. Dezember 1989 über eine etwaige Änderung der Bedingungen für das Inkrafttreten der Vereinbarung über Gemeinschaftspatente sowie zur Änderung patentrechtlicher Vorschriften (Zweites Gesetz über das Gemeinschaftspatent) vom 20. Dezember 1991, zuletzt geändert durch Artikel 2 Abs. 4 des Gesetzes zur Modernisierung von Verfahren im patentanwaltlichen Berufsrecht vom 14. August 2009	BGBl 1991 II 1354; 2007 I 2166 i.V.m. 2009 I 2827		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[5. Law on the Agreement relating to Community Patents of 21 December 1989 and concerning the Protocol on a possible modification of the conditions of entry into force of the Agreement relating to Community patents of 21 December 1989 and amending certain provisions of patent law (Second Law on the Community Patent) of 20 December 1991, last amended by Article 2(4) of the law of 14 August 2009 modernising procedures under the law governing the patent-agent profession]		-	2. CPL
6. Verordnung über die Übersetzungen der Ansprüche europäischer Patentanmeldungen vom 18. Dezember 1978, zuletzt geändert durch Artikel 2 der Verordnung vom 12. Dezember 2018	BGBl 1978 II 1469; 1993 II 1989; 2011 II 738; 2018 II 2446		
[6. Regulation on the translations of the claims of European patent applications of 18 December 1978, last amended by Article 2 of the Regulation of 12 December 2018]		-	Publ. Reg.
7. Verordnung über die Zahlung der Kosten des Deutschen Patent- und Markenamts und des Bundespatentgerichts (Patentkostenzahlungsverordnung - PatKostZV) vom 15. Oktober 2003, zuletzt geändert durch Artikel 4 der Verordnung über den elektronischen Rechtsverkehr beim Deutschen Patent- und Markenamt und zur Änderung weiterer Verordnungen für das Deutsche Patent- und Markenamt vom 1. November 2013	BGBl 2003 I 2083; 2013 I 3906		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[7. Ordinance on Payment of Costs charged by the German Patent and Trade Mark Office and of the Federal Patent Court (Patent Costs Payment Ordinance) of 15 October 2003, last amended by Article 4 of the Ordinance of 1 November 2013 on electronic legal dealings with the German Patent and Trade Mark Office and amending other ordinances relating to the German Patent and Trade Mark Office]		DPMA: 9511.1 (English), A 9511.2 (French)	Cost Ord.
8. Verordnung zum Verfahren in Patentsachen vor dem Deutschen Patent- und Markenamt (Patentverordnung - PatV) vom 1. September 2003, zuletzt geändert durch Artikel 1 der Verordnung vom 12. Dezember 2018	BGBl 2003 I 1702; 2004 I 897; 2004 I 3532; 2011 I 996; 2012 I 2630; 2018 I 2446		
[8. Ordinance on Patent Procedures before the German Patent and Trade Mark Office (Patent Ordinance) of 1 September 2003, last amended by Article 1 of the Ordinance of 12 December 2018]		DPMA: P 2790.1a/4.19 www.dpma.de/english/our_office/law/index.html (English) P 2790.2a/4.19 www.dpma.de/service/formulare/patent/index.html (French)	PO
9. Gesetz über die Erstreckung von gewerblichen Schutzrechten (Erstreckungsgesetz - ErstrG) vom 23. April 1992, zuletzt geändert durch Artikel 14 Absatz 2 des Gesetzes vom 4. April 2016	BGBl 1992 I 938; 1994 II 1438; 1997 I 3224; 1998 I 1827; 2001 I 3656; 2004 I 390; 2016 I 558		
[9. Law on the Extension of Industrial Property Rights (Extension Law) of 23 April 1992, as last amended by Article 14(2) of the Law of 4 April 2016]		IPLT DE 1-006 (English, French)	Ext. Law
10. Verordnung über das Deutsche Patent- und Markenamt (DPMA-Verordnung – DPMAV) vom 1. April 2004, zuletzt geändert durch Artikel 7 der Verordnung vom 10. August 2021	BGBl 2004 I 514; 2006 I 2159; 2010 I 83; 2010 I 330; 2013 I 3799; 2013 I 3906; 2016 I 558; 2018 I 2444 2021 I 3490		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[10. Ordinance of 1 April 2004 on the German Patent and Trade Mark Office, as last amended by Article 1 of the Ordinance of 10 August 2021]		-	DPMAV
11. Verordnung über den elektronischen Rechtsverkehr beim Deutschen Patent- und Markenamt (ERVDPMAV) vom 1. November 2013, zuletzt geändert durch Artikel 2 der Verordnung vom 10. Dezember 2018	BGBl 2013 I 3906; 2014 I 18; 2015 I 1474; 2016 I 558; 2017 I 2745; 2018 I 2444		
[11. Ordinance of 1 November 2013 on electronic legal dealings with the German Patent and Trade Mark Office (OELDDPMA), as last amended by Article 2 of the Ordinance of 10 December 2018]		-	OELDDPMA

Estonia

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patendiseadus, vastu võetud 16. märtsil 1994, viimati muudetud 20. veebruaril 2019	RT I 1994, 25, 406 RT I, 19.3.2019, 5		
[1. Patent Act, passed on 16 March 1994, as last amended on 20 February 2019]		Estonian Patent Office website at *www.epa.ee/en/legal-acts/acts* (English)	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Riigilõivuseadus, vastu võetud 10. detsembril 2014, viimati muudetud 15. detsembril 2021	RT I, 30.12.2014, 1 RT I, 03.01.2022, 2		
[2. State Fees Act, passed on 10 December 2014, as last amended on 15 December 2021]		Estonian Patent Office website at *www.epa.ee/en/additional-info/fees* (English)	FA
3. Euroopa patentide väljaandmise konventsiooni kohaldamise seadus, vastu võetud 17. aprillil 2002, viimati muudetud 19. juunil 2014	RT I 2002, 38, 233 RT I, 29.6.2014, 109		
[3. Act on implementing the Convention on the Grant of European Patents, passed on 17 April 2002, as last amended on 19 June 2014]		Estonian Patent Office website at *www.epa.ee/en/legal-acts/acts* (English)	IA
4. Patenditaotluse sisu- ja vorminõuded ning Patendiametile esitamise kord, Justiitsiministri 3. jaanuari 2012 määrus nr 2, viimati muudetud 7. jaanuaril 2015	RT I, 10.1.2012, 2 RT I, 13.1.2015, 1		
[4. Requirements concerning the content and format of patent applications and the procedure for filing the same, Regulation No. 2 of the Minister of Justice of 3 January 2012, as last amended on 7 January 2015]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Euroopa patentide väljaandmise konventsiooni kohaselt väljaantavate patentidega seotud riigilõivude Eesti Patendiameti kontole kandmise ja Euroopa patendi jõushoidmise riigilõivude Euroopa Patendiametile ülekandmise kord, Rahandusministri 11. juuli 2002. a määrus nr 89, viimati muudetud 22. detsembril 2011	RTL 2002, 84, 1295 RT I, 29.12.2011, 36		
[5. Order concerning the procedure for paying into the account of the Estonian Patent Office fees relating to patents granted under the European Patent Convention and transferring to the European Patent Office renewal fees for European patents, Regulation No. 89 of the Minister of Finance of 11 July 2002, as last amended on 22 December 2011]		-	RFI
6. Euroopa patenditaotluse Eesti Patendiametile esitamise ja Euroopa Patendiametile edastamise, Euroopa patenditaotluse patendinõudluse ja patendikirjelduse tõlke esitamise ja avalikustamise ning Euroopa patenditaotluse siseriiklikuks patenditaotluseks ja kasuliku mudeli registreerimise taotluseks muutmise kord, Justiitsministri 3. jaanuari 2012. a määrus nr 3, viimati muudetud 28. mail 2013	RT I, 10.1.2012, 3 RT I, 31.5.2013, 2		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Order concerning the procedure for filing European patent applications with the Estonian Patent Office, transmitting them to the European Patent Office, furnishing and publishing a translation of the claims of European patent applications and European patent specifications and converting European patent applications into national patent applications and utility model applications, Regulation No. 3 of the Minister of Justice of 3 January 2012, as last amended on 28 May 2013]		-	REP

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Ley 24/2015, de 24 de julio, de Patentes	BOE núm. 177/2015, 62765		
[1. Patent Law 24/2015 of 24 July 2015]		-	NPL
2. Real Decreto 316/2017, de 31 de marzo, por el que se aprueba el Reglamento de ejecución de la Ley 24/2015, de 24 de julio, de Patentes	BOE núm. 78/2017, 25281		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Royal Decree 316/2017 of 31 March 2017, approving the Regulation on the implementation of Patent Law 24/2015 of 24 July 2015]		-	RD 316
3. Orden Ministerial ETU/320/2018, de 26 de marzo, por la que se establecen los requisitos y condiciones en las que otros habilitados, distintos de los expresamente facultados por los artículos 154.2 y 169.2 de la Ley 24/2015, de 24 de julio, de Patentes, podrán traducir patentes europeas y solicitudes internacionales de patentes a que se refieren dichos artículos			
[3. Ministerial Order ETU/320/2018 of 26 March 2018 establishing the requirements and conditions under which persons other than those expressly authorised by Articles 154.2 and 169.2 of Patent Law 24/2015 of 24 July 2015 may translate European patents and international patent applications referred to in those articles]		-	MO 320
4. Ley 46/1998, de 17 de diciembre sobre la introducción del euro	BOE núm. 302/98, 42460		
[4. Law 46/1998 of 17 December 1998 on the introduction of the euro]		-	-

Finland

Central Industrial Property Office

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patenttilaki 15.12.1967/550, muutettu viimeksi lailla nro 717/2016 - 25.8.2016	SäädKok 550/1967 653/1967 575/1971 407/1980 387/1985 801/1991 577/1992 1034/1992 1409/1992 593/1994 717/1995 1695/1995 243/1997 650/2000 990/2004 896/2005 295/2006 684/2006 392/2010 954/2010 478/2011 743/2011 863/2011 1096/2011 101/2013 23/2016 (pas encore en vigueur) 717/2016		
[1. Patents Act No. 550/67 of 15 December 1967, as last amended by Act No. 717/2016 of 25 August 2016]		PRH website at *www.prh.fi* (English) *www.finlex.fi* (Consolidated version in Finnish and Swedish)	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Patenttiasetus 26.9.1980/669, muutettu viimeksi asetuksella nro 580/2013 – 18.7.2013	SäädKok 669/1980 505/1985 583/1992 71/1994 595/1994 104/1996 246/1997 674/2000 1200/2004 144/2006 1118/2007 603/2008 1097/2011 580/2013		
[2. Patents Decree No. 669/80 of 26 September 1980, as last amended by Decree No. 580/2013 of 18 July 2013]		PRH website at *www.prh.fi* (English) *www.finlex.fi* (Consolidated version in Finnish and Swedish)	PD
3. Laki maanpuolustukselle merkityksellisistä keksinnöistä 15.12.1967/551, muutettu viimeksi lailla nro 104/2013 – 31.1.2013	SäädKok 551/1967 795/1989 599/1995 1397/1995 1697/1995 245/1997 104/2013		
[3. Act on inventions of importance to the defence of the country No. 551/67 of 15 December 1967, as last amended by Act No. 104/2013 of 31 January 2013]		*www.finlex.fi* (Consolidated version in Finnish and Swedish)	Defence inventions
4. Patenttimääräykset 12.2.2019	-		
[4. Patent Office Regulations of 12 February 2019]		PRH website at *www.prh.fi* (English and Swedish)	POR
5. Työ- ja elinkeinoministeriön asetus Patentti- ja rekisterihallituksen maksullisista suoritteista vuosina 2022 ja 2023 2.12.2021/1057	SäädKok 1057/2021		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[5. Decree No. 1057 of 2 December 2021 of the Ministry of Employment and Economy on the fees chargeable by the Finnish Patent and Registration Office]		www.prh.fi (Finnish and Swedish)	Fees Decr.

France

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Code de la propriété intellectuelle (partie législative)	www.legifrance.gouv.fr		
[1. Intellectual Property Code (legislative part)]		IPLT FR 1-001 (English)	PL
2. Code de la propriété intellectuelle (partie réglementaire)	www.legifrance.gouv.fr		
[2. Intellectual Property Code (regulations)]		IPLT FR 1-002 (English)	Reg.
3. Arrêté du 24 avril 2008 relatif aux redevances de procédures perçues par l'Institut national de la propriété industrielle, tel que modifié par l'arrêté du 6 mars 2020	JORF du 26.4.2008 10.9.2008 13.6.2015 8.3.2020		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Order of 24 April 2008 on the procedural fees of the "Institut national de la propriété industrielle", as amended by order of 6 March 2020]		-	Fees Ord. of 24.4.08 (as amended 6.3.20)
4. Décision 2020-36 du 1er avril 2020 relative aux modalités de paiement des annuités de brevet, de certificat d'utilité et de certificat complémentaire de protection	www.inpi.fr https://www.inpi.fr/sites/default/files/decision_2020-36_modalites_de_paiement_des_annuites_avril_2020.pdf		
[4. Decision No. 2020-36 of 1 April 2020 on the procedure for electronic payment of renewal fees for patents, utility model certificates and supplementary protection certificates]		-	DG Dec. No. 2020-36
5. Décision n° 2015-73 du 9 juillet 2015 relative aux modalités de dépôt électronique via EPOLINE des demandes de brevet d'invention et de certificats d'utilité ainsi que des pièces complémentaires y afférentes	www.inpi.fr https://www.inpi.fr/sites/default/files/decision_eolf-_version_consolidee_au_1er_septembre_2020.pdf		
[5. Decision No. 2015-73 of 9 July 2015 on the procedure for electronic filing via "epoline" of applications for patents and utility certificates and of additional and related documents]		-	DG Dec. No. 2015-73 (cons.)
6. Décision n° 2018-156 du 8 novembre 2018 relative aux modalités de dépôt des demandes de brevets et des procédures et échanges subséquents	www.inpi.fr https://www.inpi.fr/sites/default/files/decision-2018-156.pdf		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Decision No. 2018-156 of 8 November 2018 on the procedure for filing patent applications and on subsequent proceedings and submissions]		-	DG Dec. No. 2018-156
7. Décision n° 2017-146 du 9 octobre 2017 relative aux modalités de dépôt des demandes d'inscription au registre national d'une rectification ou d'un acte affectant la propriété ou la jouissance d'un dépôt, version consolidée au 12 juillet 2021	*www.inpi.fr https://www.inpi.fr/sites/default/files/decision_2017-146_inscription_electronique_obligatoire_oct_17_-_version_consolidee_au_12_juillet_2021.pdf*		
[7. Decision No. 2017-146 of 9 October 2017 on the procedure for filing requests for entry in the national register of a correction or measure relating to ownership or enjoyment of a filed application (consolidated version of 12 July 2021)]		-	DG Dec. No. 2017-146 (cons.)

Greece

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Νόμος 1733/1987 "Μεταφορά τεχνολογίας εφευρέσεις, τεχνολογική καινοτομία και σύσταση Επιτροπής Ατομικής Ενέργειας" όπως τροποποιήθηκε από το άρθρο 18 του νόμου 1739/1987, το Προεδρικό Διάταγμα 54/1992 και το άρθρο 9 του νόμου 2359/1995 και τα άρθρα 1 & 3-8 του νόμου 4605/2019	ΦΕΚ 171 A' 22.9.1987 201 A' 20.11.1987 22 A' 14.2.1992 241 A' 21.11.1995 52 A' 1.4.2019		
[1. Law No. 1733/1987 on technology transfer, inventions, technological innovation and the establishment of a Nuclear Energy Commission, as amended by Article 18 of Law No. 1739/1987 and Presidential Decree No. 54/1992 and by Article 9 of Law No. 2359/1995 and Articles 1 & 3-8 of Law No. 4605/2019]		Bl. f. PMZ 1988, 330 (German) IPLT GR 1-001 (English, French)	Law No. 1733/87
2. Νόμος 4325/1963 περί εφευρέσεων αφορωσών την εθνικήν άμυναν της χώρας και τροποποιήσεως του Ν. 2527/1920 "περί διπλωμάτων ευρεσιτεχνίας"	ΦΕΚ 156 A' 27.9.1963		
[2. Law No. 4325/1963 on inventions relating to national defence and amending Law No. 2527/1920 on patents]		-	Law No. 4325/63
3. Νόμος 1607/1986 "Κύρωση της σύμβασης για την χορήγηση Ευρωπαϊκών διπλωμάτων ευρεσιτεχνίας, που υπογράφηκε στο Μόναχο στις 5 Οκτωβρίου1973"	ΦΕΚ 85 A' 30.6.1986		
[3. Law No. 1607/1986 on the ratification of the Convention on the Grant of European Patents, done at Munich on 5 October 1973]		-	Law No. 1607/86

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Νόμος 3396 "Κύρωση της Πράξης Αναθεώρησης της Σύμβασης για την χορήγηση των Ευρωπαϊκών διπλωμάτων ευρεσιτεχνίας (Σύμβαση για το Ευρωπαϊκό δίπλωμα ευρεσιτεχνίας της 5ης Οκτωβρίου 1973, η οποία τροποποιήθηκε στις 17 Δεκεμβρίου 1991) της 29ης Νοεμβρίου 2000"	ΦΕΚ 246 Α' 6.10.2005		
[4. Law No. 3396 on the ratification of the Revision Act of the Convention on the Grant of European Patents (European Patent Convention of 5 October 1973, as amended on 17 December 1991) of 29 November 2000]		-	-
5. Νόμος 3966 "Εναρμόνιση εθνικού δικαίου με την οδηγία 2004/48/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 29ης Απριλίου 2004 σχετικά με την επιβολή δικαιωμάτων διανοητικής ιδιοκτησίας, άρθρο. 53"	ΦΕΚ 118 Α' 24.5.2011		
[5. Law No. 3966, bringing national legislation into line with the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, Article 53]		-	-
6. Προεδρικό Διάταγμα 77/1988 σχετικά με τις διατάξεις εφαρμογής της σύμβασης για τη χορήγηση Ευρωπαϊκών διπλωμάτων ευρεσιτεχνίας, όπως τροποποιήθηκε με το Προεδρικό διάταγμα 46/2012	ΦΕΚ 33 Α' 25.2.1988 246 Α' 95 Α' 23.4.2012		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Presidential Decree No. 77/1988 on provisions for implementing the Convention on the Grant of European Patents, as last amended by Presidential Decree No. 46/2012]		Bl. f. PMZ 1988, 338 (German)	Pres. Decr. No. 77/88
7. Προεδρικό διάταγμα 321/2001 σχετικά με την προσαρμογή στην Οδηγία 98/44/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για την έννομη προστασία των βιοτεχνολογικών εφευρέσεων	ΦΕΚ 218 Α' 1.10.2001		
[7. Presidential Decree No. 321/2001 adopting Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions]		-	-
8. Υπουργική απόφαση 15928/ΕΦΑ/1253 σχετικά με την κατάθεση αίτησης για χορήγηση διπλώματος ευρεσιτεχνίας ή πιστοποιητικού υποδείγματος χρησιμότητας στον Ο.Β.Ι και τήρηση βιβλίων. Τροποποιήθηκε με την Υπουργική απόφαση αριθ. 3111/ΕΦΑ/433	ΦΕΚ 778 Β' 31.12.1987 309 Β' 27.3.1998		
[8. Ministerial Decision No. 15928/EFA/1253 on the filing of applications for patents or utility models with OBI and on keeping registers, as last amended by Ministerial Decision No. 3111/EFA/433]		-	Min. Dec. No. 3111/EFA/433

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Υπουργική απόφαση 30560/544/1997 "Κατάθεση αίτησης στον ΟΒΙ για χορήγηση συμπληρωματικού πιστοποιητικού προστασίας για τα φυτοπροστατευτικά προϊόντα"	ΦΕΚ 665 Β' 7.8.1997		
[9. Ministerial decision No. 30560/544/1997 on the filing of applications with the OBI for a supplementary protection certificate in respect of plant protection products]		-	-
10. Υπουργική απόφαση 14905/ΕΦΑ/3058/1997 "Κατάθεση αίτησης στον Ο.Β.Ι. για χορήγηση συμπληρωματικού πιστοποιητικού προστασίας για τα φάρμακα"	ΦΕΚ 1162 Β' 30.12.1997		
[10. Ministerial Decision No. 14905/EFA/3058/1997 on the filing of applications with the OBI for a supplementary protection certificate in respect of medicinal products]		-	-
11. Υπουργική απόφαση 11475/ΕΦΑ/2388 σχετικά με την διαδικασία κατάθεσης αίτησης στον Ο.Β.Ι. για εξάμηνη παράταση της διάρκειας ισχύος του συμπληρωματικού πιστοποιητικού προστασίας για παιδιατρικά φάρμακα	ΦΕΚ 1165 Β' 25.6.2008		
[11. Ministerial Decision No. 11475/EFA/2388 on the filing of applications with the OBI for the six-month extension of the supplementary protection certificate in respect of paediatric medicinal products]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
12. Υπουργική απόφαση 10374/2009 "Διαδικασία κατάρτισης της έκθεσης έρευνας ή της τελικής έκθεσης έρευνας"	ΦΕΚ 1594 Β' 4.8.2009		
[12. Ministerial decision No. 10374/2009 on the procedure for the drawing up of the search report or the final search report by the OBI]		-	-
13. Απόφαση του Διοικητικού Συμβουλίου του Οργανισμού Βιομηχανικής Ιδιοκτησίας ΔΣ 03/2012 της 10ης Φεβρουαρίου 2012 σχετικά με τη μεταβολή του τρόπου υπολογισμού των τελών προέρευνας στον Ο.Β.Ι.	ΕΔΒΙ 1/2012, Τεύχος Α'		
[13. Decision of the Administrative Council of the Industrial Property Organisation 03/2012 of 10 February 2012 concerning a change in the method of calculating the fee for searches on behalf of third parties]		-	Dec. of 10.2.2012
14. Νόμος 4144/2013, άρθρο 79 "Ρύθμιση θεμάτων Οργανισμού Βιομηχανικής Ιδιοκτησίας"	ΦΕΚ 88 Β' 18.4.2013		
[14. Law 4144/2013 Article 79 "Regulatory issues of the Hellenic Industrial Property Organisation (OBI)"]		-	-
15. Υπουργική απόφαση 12625/1/2014 Ηλεκτρονική διακίνηση εγγράφων από και προς τον Οργανισμό Βιομηχανικής Ιδιοκτησίας (ΟΒΙ) και ηλεκτρονική κατάθεση αίτησης καταχώρισης σχεδίου ή υποδείγματος	ΦΕΚ 3258 Β' 4.12.2014		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[15. Ministerial decision No. 12625/1/2014 "Electronic distribution of documents to and from the Hellenic Industrial Property Organisation (OBI) and electronic filing of industrial design or model registration"]		-	-
16. Νόμος 2943/2001 (άρθρα 6-11) Κεφάλαιο 3ο "Τμήματα Κοινοτικών Σημάτων"	ΦΕΚ 203 Α' 12.9.2001		
[16. Law 2943/2001 (Articles 6-11) Chapter 3 "Community Trade Marks Chambers"]		-	-
17. Απόφαση του Διοικητικού Συμβουλίου του Οργανισμού Βιομηχανικής Ιδιοκτησίας ΔΣ 13/Α01/2016 της 31ης Αυγούστου 2016 σχετικά με τη μεταβολή του τέλους της έκθεσης έρευνας με αιτιολογημένη γνώμη, με αναδρομική ισχύ από 1.1.2016	ΕΔΒΙ 8/2016 Τεύχος Α'		
[17. Decision of the Administrative Council of the Industrial Property Organisation 13/A01/2016 of 31 August 2016 concerning a change in the fee for the enhanced search report with written opinion, valid from 1.1.2016]		-	Dec. of 31.8.2016
18. Νόμος 4512/2018, άρθρα 123 και 124 "Ρύθμιση θεμάτων ργανισμού Βιομηχανικής Ιδιοκτησίας"	ΦΕΚ 5 Α' 17.1.2018		
[18. Law 4512/2018 Articles 123 and 124 "Regulatory issues of the Hellenic Industrial Property Organisation (OBI)"]		-	Law No. 4512/2018

Croatia

Central Industrial Property Office
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www.dziv.hr **info@dziv.hr**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o patentu	Narodne Novine NN 16/20		
[1. Patent Act]		Croatian Intellectual Property Office website at: *https://www.dziv.hr/en/ip-legislation/national-legislation/patents/*	PA
2. Pravilnik o patentu	NN 55/20		
[2. Patent Ordinance]		Croatian Intellectual Property Office website at: *https://www.dziv.hr/en/ip-legislation/national-legislation/patents/*	PO
3. Zakon o naknadama u području intelektualnog vlasništva	NN 66/21		
[3. Act on the fees in the field of intellectual property]		Croatian Intellectual Property Office website at: *https://www.dziv.hr/en/ip-legislation/national-legislation/patents/*	AFees
4. Uredba o naknadama za postupke u području intelektualnog vlasništva i stručne usluge Državnog zavoda za intelektualno vlasništvo	NN 119/21		
[4. Regulation on Fees for Proceedings in the Field of Intellectual Property and Professional Services of the State Intellectual Property Office]		Croatian Intellectual Property Office website at: *www.dziv.hr/en/ip-legislation/national-legislation/patents*	RFees

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Sporazum Vlade Republike Hrvatske i Europske patentne organizacije o suradnji na području patenata (Sporazum o suradnji i proširenju)	NN - IA. 14/03		
[5. Agreement on co-operation in the field of patents between the Government of the Republic of Croatia and the European Patent Organisation (Co-operation and Extension Agreement)]		-	Ext. Agr.
6. Zakon o općem upravnom postupku	NN 47/09, 110/21		
[6. Law on General Administrative Procedure]		-	Law on GAP

Hungary

Central Industrial Property Office
Szellemi Tulajdon Nemzeti Hivatala (Hungarian Intellectual Property Office, HIPO) II. János Pál pápa tér 7 1081 BUDAPEST Postal address: P.O. Box 415 1438 BUDAPEST Tel. +36 1 312 44 00 Fax +36 1 474 5534
www.hipo.gov.hu **sztnh@hipo.gov.hu**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. 1995. évi XXXIII. törvény a találmányok szabadalmi oltalmáról	Magyar Közlöny (Official Gazette) 1995/35 (V.5.)		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Act XXXIII of 1995 on the protection of inventions by patents]		Hungarian Intellectual Property Office (HIPO) website at *https://www.sztnh.gov.hu/en/legal-sources/patents* (English)	PA
2. 2007. évi CXXX. törvény az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegének kihirdetéséről	Magyar Közlöny (Official Gazette) 2007/157 (XI.20.)		
[2. Act CXXX of 2007 on the promulgation of the European Patent Convention as revised in 2000]		-	PromEPC
3. 319/2007 (XII.5.) Korm. rendelet az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegéhez kapcsolódó Végrehajtási Szabályzat kihirdetéséről 43/2010 (II.26.) Korm. rendelet az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegéhez kapcsolódó Végrehajtási Szabályzat 2009.március 25-én, az Európai Szabadalmi Szervezet Igazgatótanácsának CA/D 2/09. számú határozatával megállapított módosításának kihirdetéséről	Magyar Közlöny (Official Gazette) 2007/168 (XII.5.), 2010/28 (II.26.)		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
44/2010 (II.26.) Korm. rendelet az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegéhez kapcsolódó Végrehajtási Szabályzat 2009. március 25-én, az Európai Szabadalmi Szervezet Igazgatótanácsának CA/D 3/09. számú határozatával megállapított módosításának kihirdetéséről 45/2010 (II.26.) Korm. rendelet az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegéhez kapcsolódó Végrehajtási Szabályzat 2009. október 27-én, az Európai Szabadalmi Szervezet Igazgatótanácsának CA/D 20/09. számú határozatával megállapított módosításának kihirdetéséről			

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
46/2010 (II.26.) Korm. rendelet az Európai Szabadalmi Egyezmény 2000-ben felülvizsgált szövegéhez kapcsolódó Végrehajtási Szabályzat 2009. október 28-án, az Európai Szabadalmi Szervezet Igazgatótanácsának CA/D 18/09. számú határozatával megállapított módosításának kihirdetéséről			
[3. Government Decree No. 319/2007 (XII.5.) on the promulgation of the Implementing Regulations to the European Patent Convention as revised in 2000 Government Decree No. 43/2010 (II.26.) publishing an amendment, adopted on 25 March 2009 by decision CA/D 2/09 of the Administrative Council of the European Patent Organisation, to the Implementing Regulations to the EPC 2000		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
Government Decree No. 44/2010 (II.26.) publishing an amendment, adopted on 25 March 2009 by decision CA/D 3/09 of the Administrative Council of the European Patent Organisation, to the Implementing Regulations to the EPC 2000 Government Decree No. 45/2010 (II.26.) publishing an amendment, adopted on 27 October 2009 by decision CA/D 20/09 of the Administrative Council of the European Patent Organisation, to the Implementing Regulations to the EPC 2000 Government Decree No. 46/2010 (II.26.) publishing an amendment, adopted on 28 October 2009 by decision CA/D 18/09 of the Administrative Council of the European Patent Organisation, to the Implementing Regulations to the EPC 2000]			

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. 20/2002. (XII.12.) IM rendelet a szabadalmi bejelentés, az európai szabadalmi bejelentésekkel és az európai szabadalmakkal, illetve a nemzetközi szabadalmi bejelentésekkel összefüggő beadványok, valamint a növényfajta-oltalmi bejelentés részletes alaki szabályairól	Magyar Közlöny (Official Gazette) 2002/154 (XII.12.), 2008/71 (V.8.), 2010/199 (XII.28.), 2011/35 (XII.22.), 2012/76 (VI.25.)		
[4. Decree No. 20/2002 (XII.12.) of the Minister of Justice on the detailed formalities of patent applications, plant varieties applications, documents filed in relation to European patent applications, European patents and international patent applications, as last amended by Decree No. 30/2012 (VI.25.) of the Minister of Public Administration and Justice]		-	PForm

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. 19/2005. (IV.12.) GKM rendelet a Magyar Szabadalmi Hivatal előtti iparjogvédelmi eljárások igazgatási szolgáltatási díjairól	Magyar Közlöny (Official Gazette) 2005/47 (IV.12.), 2008/71 (V.8.), 2009/75 (VI.3.), 2010/199 (XII.28.), 2011/157 (XII.22.)		
[5. Decree No. 19/2005 (IV.12.) of the Minister of Economy and Transport on the fees for administrative services in industrial property procedures before the Hungarian Patent Office, as last amended by Decree No. 35/2011 (XII.22.) of the Minister of Public Administration and Justice]		HIPO website at *www.hipo.gov.hu/sites/default/files/19_2005_gkm_fees_20190118.pdf* (English)	FeeDecr

Ireland

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www.ipoi.gov.ie **ipinfo@ipoi.gov.ie**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patents Act 1992 Patents (Amendment) Act 2006 Patents (Amendment) Act 2012 Intellectual Property (Miscellaneous Provisions) Act 2014 Knowledge Development Box (Certification of Inventions) Act 2017 Copyright and Other Intellectual Property Law Provisions Act 2019	S.I. No. 1 of 1992 S.I. No. 31 of 2006 S.I. No. 1 of 2012 S.I. No. 36 of 2014 S.I. No. 6 of 2017 S.I. No. 586 of 2019	LTPI IE 2-001 (French) Bl.f.PMZ 1998, 99, 165 (German)	PA
2. Patents Rules 1992 Patents (Amendment) Rules 2006 Patents (Amendment) Rules 2008 Patents (Amendment) Rules 2009 Patents (Amendment) Rules 2011 Patents (Amendment) Rules 2012 Patents (Amendment) Rules 2017 Patents (Amendment) Rules 2019	S.I. No. 179 of 1992 S.I. No. 142 of 2006 S.I. No. 71 of 2008 S.I. No. 194 of 2009 S.I. No. 79 of 2011 S.I. No. 334 of 2012 S.I. No. 206 of 2017 S.I. No. 589 of 2019	-	PR
3. Register of Patent Agents Rules 1992 Register of Patent Agent Rules 2015	S.I. No. 180 of 1992 S.I. No. 580 of 2015	-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Patents Act 1992 (Commencement) Order 1992 Patents (Amendment) Act 2006 (Certain Provisions) (Commencement) Order 2007 Patents (Amendment) Act 2006 (Certain Provisions) (Commencement) Order 2009 Patents (Amendment) Act 2006 (Section 41) (Commencement) Order 2010 Patents (Amendment) Act 2012 (Commencement) Order 2012 Knowledge Development Box (Certification of Inventions) Act 2017 (Commencement) Order 2017 Copyright and Other Intellectual Property Law Provisions Act (Commencement) Order 2019	S.I. No. 181 of 1992 S.I. No. 761 of 2007 S.I. No. 196 of 2009 S.I. No. 432 of 2010 S.I. No. 329 of 2012 S.I. No. 204 of 2017 S.I. No. 586 of 2019	-	-
5. The European Communities (Supplementary Protection Certificate) Regulations 1993 European Communities (Supplementary Protection Certificate) (Amendment) Regulations 2001 European Communities (Supplementary Protection Certificate) Regulations 2008	S.I. No. 125 of 1993 S.I. No. 648 of 2001 S.I. No. 307 of 2008	-	-
6. Patents (International Arrangements) Order 1996	S.I. No. 38 of 1996	-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
7. European Communities (Legal Protection of Biotechnological Inventions) Regulations 2000 European Communities (Limitation of Effect of Patent) Regulations 2006 European Communities (Compulsory Licensing of Patents Relating to the Manufacture of Pharmaceutical Products for Export to Countries with Public Health Problems) Regulations 2008	S.I. No. 247 of 2000 S.I. No. 50 of 2006 S.I. No. 408 of 2008	-	-
8. Patents, Trade Marks, Copyright and Designs (Fees) Rules 2001 Patents, Trade Marks and Designs (Fees) (Amendment) Rules 2008 Patents, Trade Marks and Designs (Fees) (Amendment) Rules 2012 Patents, Trade Marks and Designs (Fees) (Amendment) (No. 2) Rules 2012 Patents, Trade Marks and Designs (Fees) (Amendment) Rules 2017 Patents, Trade Marks and Designs (Fees) (Amendment) Rules 2018	S.I. No. 482 of 2001 S.I. No. 72 of 2008 S.I. No. 30 of 2012 S.I. No. 335 of 2012 S.I. No. 205 of 2017 S.I. No. 564 of 2018	-	Patent Fees Rules

Iceland

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Lög um einkaleyfi nr. 17/1991, síðast breytt með lögum nr. 57/2021	Stjórnartíðindi A-deild 17/1991 92/1991 67/1993 36/1996 91/1996 132/1997 82/1998 28/2002 72/2003 22/2004 53/2004 54/2004 12/2005 127/2005 108/2006 167/2007 98/2009 25/2011 126/2011 40/2018 32/2019 57/2021		
[1. Patents Act No. 17/1991, last amended by Act No. 57/2021]		Icelandic Intellectual Property Office website at www.isipo.is (English)	PA
2. Reglugerð um einkaleyfi nr. 477/2012	Stjórnartíðindi B-deild 477/2012		
[2. Patent Regulation No. 477/2012]		Icelandic Intellectual Property Office website at www.isipo.is (English)	PR
3. Reglugerð um gjöld fyrir einkaleyfi, vörumerki, hönnun o.fl., nr. 1050/2020	Stjórnartíðindi B-deild 1050/2020		
[3. Regulation concerning fees for patents, trademarks, design, etc. No. 1050/2020] **Updated on a regular basis.*		Icelandic Intellectual Property Office website at www.isipo.is (English)	Fees Reg.

Italy

Central Industrial Property Office

Central Industrial Property Office
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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Legge n. 260 del 26 maggio 1978 Ratifica ed esecuzione di atti internazionali in materia di brevetti, firmati, rispettivamente, a Strasburgo il 27 novembre 1963, a Washington il 19 giugno 1970, a Monaco il 5 ottobre 1973 ed a Lussemburgo il 15 dicembre 1975	Suppl. ord. alla G.U. N. 156 del 7.6.1978		
[1. Law No. 260 of 26 May 1978 Ratification and implementation of international patent acts signed in Strasbourg on 27 November 1963, in Washington on 19 June 1970, in Munich on 5 October 1973 and in Luxembourg on 15 December 1975 respectively]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Codice della Proprieta' Industriale - Decreto Legislativo 10 febbraio 2005 n. 30	Suppl. ord. alla G.U. N. 52 del 4.3.2005		
[2. Legislative Decree No. 30 of 10 February 2005 - Code of Industrial Property]		Bl.f.PMZ 2007, 17, 67, 131, 170 (German)	PL
3. Legge n. 296 del 27 dicembre 2006 - Legge Finanziaria 2007	G.U. N. 299 del 27.12.2006 Suppl. ord. alla G.U. N. 244		
[3. Law No. 296 of 27 December 2006 - Annual Budget Law 2007]		-	Fees Law
4. Decreto Ministeriale del 2 aprile 2007 Determinazione dei diritti sui brevetti e modelli in attuazione del comma 851 dell'Art. 1 della Legge n. 296 del 27 dicembre 2006	G.U. N. 81 del 6.4.2007		
[4. Ministerial decree of 2 April 2007 Fixing of fees for patents and models in accordance with Art. 1 of Law No. 296 of 27 December 2006]		-	Min. Decr. of 2.4.2007

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Legge n. 224 del 29 novembre 2007 Ratifica ed esecuzione dell'atto recante la revisione della convenzione sul rilascio del brevetto europeo della CBE Monaco 29 novembre 2000	Suppl. ord. alla G.U. N. 281 del 3.12.2007		
[5. Law No. 224 of 29 November 2007 ratifying and implementing the Act revising the European Patent Convention, Munich, 29 November 2000]		-	-
6. Decreto Ministeriale del 27 giugno 2008 Accordo tra l'Ufficio italiano brevetti e marchi e l'organizzazione europea dei brevetti sulle modalita' di svolgimento delle ricerche di anteriorita' e la redazione dei rapporti di ricerca, firmato il 18 giugno 2008	G.U. N. 153 del 2.7.2008		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Ministerial Decree of 27 June 2008 Agreement between the Italian Patent and Trademark Office and EPO, signed on 18 June 2008, fixing the carrying out of searches on prior art and issue of search reports for Italian patent applications]		-	-
7. Decreto Ministeriale n. 33 del 13 gennaio 2010 Regolamento di attuazione del Codice Proprieta' Industriale adottato con Decreto Legislativo del 10 febbraio 2005 n. 30	G.U. N. 56 del 9.3.2010		
[7. Ministerial Decree No. 33 of 13 January 2010 Implementing Regulations to the Code of Industrial Property, adopted by Legislative Decree No. 30 of 10 February 2005]		-	Min. Decr. No. 33

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
8. Circolare istruzioni operative del Ministero dell'economia e delle finanze del 5 febbraio 2010 Modifica delle coordinate dei conti di corrispondenza da utilizzare per gli incassi dall'estero a favore delle Pubbliche Amministrazioni, in euro dai paesi che non hanno adottato la moneta unica e in valuta diversa dall'euro	www.dt.tesoro.it/it/attivita_istituzionali/pagamenti_da_e_per_estero/		
[8. Circular on Operational Instructions of the Ministry of Economy and Finance of 5 February 2010 Change to the correspondent account details to be used for foreign payments to Public Administrations, in euros from countries that have not adopted the single currency, and in currency other than euros]		-	Circ. of 5.2.2010

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Decreto Legislativo del 13 agosto 2010 n. 131 Modifiche al Codice Proprieta' industriale n. 30	Suppl. ord. N. 195/L alla G.U. del 18.8.2010		
[9. Legislative Decree No. 131 of 13 August 2010 Modifications to the Legislative Decree No. 30 – Code of Industrial Property]		-	-
10. Provvedimento dell'Agenzia delle Entrate del 20 novembre 2014 Estensione delle modalita' di versamento, mediante modello "F24" ed "F24 Enti pubblici" dei diritti relativi ai titoli di proprieta' industriale e delle tasse sulle concessioni governative sui marchi	G.U. N. 281 del 3.12.2014		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[10. Provision of the Agenzia delle Entrate (Italian Revenue Agency) of 20 November 2014 Extension of the methods of payment, via Forms "F24" and "F24 Public Authorities", of fees relating to industrial property rights and taxes on government concessions on trade marks]		-	Prov. of 20.11.2014
11. Decreto Ministeriale del 26 gennaio 2015 Criteri e modalita' per il deposito telematico dei titoli della proprieta' industriale	G.U. N. 24 del 30.1.2015		
[11. Ministerial Decree of 26 January 2015 Criteria and methods for online filing of industrial property rights]		-	Min. Decr. of 26.1.2015

Liechtenstein

Central Industrial Property Office

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Vertrag zwischen der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über den Schutz der Erfindungspatente vom 22. Dezember 1978 (Patentschutzvertrag)	LGBl. 1980 Nr. 31		
[1. Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (Patent Treaty) of 22 December 1978]		OJ EPO 1980, 407 (English, French) IPLT LI-CH 2-001 (English, French)	Treaty CH/LI of 22.12.78
2. Ausführungsvereinbarung zum schweizerisch-liechtensteinischen Patentschutzvertrag vom 10. Dezember 1979	LGBl. 1980 Nr. 32		
[2. Implementing Agreement to the Treaty between Switzerland and Liechtenstein in respect of patents of 10 December 1979]		OJ EPO 1980, 407 (English, French) IPLT LI-CH 2-001 (English, French)	-
3. Gesetz vom 26. September 1979 zum Vertrag zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über den Schutz der Erfindungspatente	LGBl. 1980 Nr. 33		
[3. Law of 26 September 1979 on the Treaty between the Principality of Liechtenstein and the Swiss Confederation on Patent Protection]		-	-

* For other legal provisions applicable to Liechtenstein, see Switzerland Nos. 1-4

Lithuania

Central Industrial Property Office

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Lietuvos Respublikos patentų įstatymas Nr. XI-1261 (2010 12 23), pakeistas įstatymu Nr. XIII-548 (2017 06 29)	Lietuvos Respublikos Teisės aktų registras (Register of Legal Acts of the Republic of Lithuania)		
[1. Patent law of the Republic of Lithuania No. XI-1261 of 23 December 2010, as last amended by Law No. XIII-548 of 29 June 2017]		-	PL
2. Mokesčių už pramoninės nuosavybės objektų registravimą įstatymas Nr. IX-352 (2001 06 05), pakeistas įstatymu Nr. XIII-550 (2017 06 29)	Lietuvos Respublikos Teisės aktų registras		
[2. Law on fees for the registration of industrial property objects of 5 June 2001 No. IX-352, as amended by Law No. XIII-550 of 29 June 2017]		-	Fees Law
3. Lietuvos Respublikos Vyriausybės 2014 m. rugsėjo 24 d. nutarimas Nr. 1015 "Dėl įgaliojimų suteikimo įgyvendinant Lietuvos Respublikos patentų įstatymo 49 straipsnį"	Lietuvos Respublikos Teisės aktų registras		
[3. Order of the Government of the Republic of Lithuania No. 1015 of 24 September 2014 concerning the authority to implement Article 49 of the Patent Law]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Valstybinio patentų biuro direktoriaus 2001 m. gruodžio 27 d. įsakymas Nr. 118 "Dėl papildomos apsaugos liudijimų išdavimo", pakeistas įsakymu Nr. 3R-20 (2016 03 31)	Lietuvos Respublikos Teisės aktų registras		
[4. Order of the Director of the State Patent Bureau No. 118 of 27 December 2001 on the grant of supplementary protection certificates, amended by Order No. 3R-20 of 31 March 2016]		-	-
5. Valstybinio patentų biuro direktoriaus 2006 m. balandžio 24 d. įsakymas Nr. 3R-29 "Dėl Europos patentų paraiškų padavimo ir Europos patentų galiojimo Lietuvos Respublikoje (išplėtimo į Lietuvos Respubliką) tvarkos aprašo patvirtinimo", pakeistas įsakymu Nr. 3R-36 (2017 06 26)	Lietuvos Respublikos Teisės aktų registras		
[5. Order of the Director of the State Patent Bureau No. 3R-29 of 24 April 2006 on the filing of European patent applications and the effects of European patents in the Republic of Lithuania, amended by Order No. 3R-36 of 26 June 2017]		-	-

Luxembourg

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www.gouvernement.lu/pi **dpi@eco.etat.lu**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Loi du 27 mai 1977 portant a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich, le 5 octobre 1973 ; b) adaptation de la législation nationale en matière de brevets, telle que modifiée par la Loi du 20 juillet 1992 (voir 3.)	Mémorial A 1977, 872		
[1. Law of 27 May 1977, (a) approving the Convention on the Grant of European Patents signed at Munich on 5 October 1973, (b) amending the national legislation on patents as amended by Law of 20 July 1992 (see 3.)]		Bl.f.PMZ 1978, 334 (German) IPLT LU 2-003 (English)	Law of 27.5.77
2. Règlement grand-ducal du 9 mai 1978 pris en exécution de la Loi du 27 mai 1977 portant a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich le 5 octobre 1973 ; b) adaptation de la législation nationale en matière de brevets	Mémorial A 1978, 528		
[2. Grand-Ducal Regulation of 9 May 1978 implementing the Law of 27 May 1977, (a) approving the Convention on the Grant of European Patents, signed at Munich on 5 October 1973, (b) amending the national legislation on patents]		-	Reg. of 9.5.78

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Loi du 20 juillet 1992 portant modification du régime des brevets d'invention, telle que modifiée par la Loi du 24 mai 1998, Loi du 11 août 2001, Loi du 7 avril 2006, Loi du 25 avril 2008 et la Loi du 22 mai 2009	Mémorial A N° 49/1992, 1592; N° 45/1998, 685; N° 106/2001, 2175 N° 68/2006, 1326; N° 54/2008, 758; N° 117/2009, 1684		
[3. Law of 20 July 1992 amending the provisions relating to patents, as amended by Law of 24 May 1998, by Law of 11 August 2001, by Law of 7 April 2006, by Law of 25 April 2008 and by Law of 22 May 2009]		Bl.f.PMZ 1998, 292 (German) IPLT LU 2-005 (English)	PL
4. Règlement grand-ducal du 17 novembre 1997 concernant la procédure et les formalités administratives en matière de brevets d'invention	Mémorial A N° 96/1997, 2946		
[4. Grand-Ducal Patents Decree (implementing procedures) of 17 November 1997 on the procedure and administrative formalities relating to patents of invention]		-	Decr.
5. Règlement grand-ducal du 17 novembre 1997 portant fixation des taxes et rémunérations à percevoir en matière de brevets d'invention, tel que modifié par le Règlement grand-ducal du 30 décembre 2010	Mémorial A N° 96/1997, 2956; N° 75/2004, 1108; N° 252/2010, 4601		
[5. Grand-Ducal Decree of 17 November 1997 on the fixing of fees and costs relating to patents of invention, as amended by Grand-Ducal Decree of 30 December 2010]		-	Fees Reg.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
6. Loi du 8 juillet 1967 concernant la divulgation et la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'État	Mémorial A 1967, 796		
[6. Law of 8 July 1967 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State]		-	Law of 8.7.67
7. Règlement grand-ducal du 18 septembre 1969 pris en exécution de l'article 4, alinéa final, de la Loi du 8 juillet 1967 concernant la divulgation et la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'État	Mémorial A 1969, 1234		
[7. Grand-Ducal Regulation of 18 September 1969 implementing Article 4, final paragraph, of the Law of 8 July 1967 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State]		-	Reg. of 18.9.69

Latvia

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. 2007. gada 15. februāra Patentu likums ar 2015. gada 19. novembra grozījumiem 1. 2007. gada 15. februāra Patentu likums ar 2021. gada 15. jūnija grozījumiem, stājas spēkā 2021. gada 12. jūlijā	Latvijas Vēstnesis No. 34(3610), 27.2.2007 No. 240 (5558), 8.12.2015 Latvijas Vēstnesis No. 121B 28.06.2021.		
[1. Patent Law adopted on 15 February 2007, as amended on 19 November 2015]		-	PL
2. 2008. gada 1. aprīļa Ministru kabineta noteikumi Nr. 224 Patentu un patentu pieteikumu noteikumi ar 2015. gada 22. decembra grozījumiem 2. 2008. gada 1. aprīļa Ministru kabineta noteikumi Nr. 224 Patentu un patentu pieteikumu noteikumi ar 2022. gada 22. februāra grozījumiem, stājas spēkā 2022. gada 25. februārī	Vēstnesis No. 53, 4.4.2008 Latvijas Vēstnesis No. 39, 24.02.2022.		
[2. Regulations of the Cabinet of Ministers No. 224 of 1 April 2008 Regulations on patents and patent applications, as amended on 22 December 2015]		-	PR
3. 2015. gada 15. decembra Ministru Kabineta noteikumi Nr. 723 Patentu valdes sniegto maksas pakalpojumu cenrādis ar 2020. gada 7. maija grozījumiem, stājās spēkā 2020. gada 9. maijā	Vēstnesis No. 248 (5566), 18.12.2015 Latvijas Vēstnesis No. 88B 08.05.2020.		
[3. Regulations of the Cabinet of Ministers No. 723 of 15 December 2015 on prices for services of the Patent Office]		-	Fees Reg.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. 2015. gada 18. jūnija Rūpnieciskā īpašuma institūciju un procedūru likums, stājas spēkā 2016. gada 1. janvārī	Vēstnesis No. 127 (5445), 2.7.2015		
[4. Law on Industrial Property Institutions and Procedures of 18 June 2015, entered into force on 1 January 2016]		-	IPL

Malta

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Industrial Property Registrations Directorate Commerce Department Ministry for the Economy and Industry (Malta) Lascaris Bastions Dahlet Gnien is-Sultan VALLETTA, VLT 1933 Tel. +356 2569 0100, 2122 6688
www.commerce.gov.mt **ipoffice@gov.mt**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. ATT DWAR IL-PRIVATTIVI INDUSTRIJALI U D-DISINNI Sabiex jipprovdi dwar ir-reġistrazzjoni u r-regolamentazzjoni ta' privattivi industrijali u disinni. 1 ta' Ġunju, 2002 L-ATT XVII ta' l-2000, kif emendat bl-Atti IX ta' l-2003 u XVIII ta' l-2005; u bl-Avviżi Legali 181 u 186 ta' l-2006, u 426 ta' l-2007	Government Gazette of Malta No. 16 967 11.7.2000		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. PATENTS AND DESIGNS ACT To make provision for the registration and regulation of patents and designs. 1 June 2002 ACT XVII of 2000, as amended by Acts IX of 2003 and XVIII of 2005, and Legal Notices 181 and 186 of 2006, and 426 of 2007]		Government Gazette of Malta No. 16 967 11.7.2000 (English)	PA 2000
2. ATT Nru. XVIII ta' l-2005 Att biex jemenda l-Att dwar il-Privattivi Industrijali u d-Disinni, Kap. 417	Government Gazette of Malta No. 17 853 16.12.2005		
[2. ACT No. XVIII of 2005 Patents and Designs (Amendment) Act 2005]		Government Gazette of Malta No. 17 853 16.12.2005 (English)	Act XVIII 2005
3. A.L.117 ta' l -2002 Regolamenti ta' l-2002 dwar il-Privattivi	Government Gazette of Malta No. 17 241 24.5.2002		
[3. Legal Notice No. 117 of 2002 Patents Regulations 2002]		Government Gazette of Malta No. 17 241 24.5.2002 (English)	L.N. 117/2002
4. A.L 260 ta l -2002 Regolamenti ta' l-2002 dwar il-Privattivi (Prodotti ta' Protezzjoni għall-Pjanti)	Government Gazette of Malta No. 17 288 13.9.2002		
[4. Legal Notice No. 260 of 2002 Patents (Plant Protection Products) Regulations 2002]		Government Gazette of Malta No. 17 288 13.9.2002 (English)	L.N. 260/2002
5. A.L. 261 ta l- 2002 Regolamenti ta' l-2002 dwar il-Privattivi (Prodotti Mediċinali)	Government Gazette of Malta No. 17 288 13.9.2002		
[5. L.N. No. 261 of 2002 Patents (Medicinal Products) Regulations 2002]		Government Gazette of Malta No. 17 288 13.9.2002 (English)	L.N. 261/2002
6. A.L. 98 ta' l-2007 Regolamenti ta' l-2007 dwar it-Trattat ta' Kooperazzjoni dwar il-Privattivi	Government Gazette of Malta No. 18 064 13.4.2007		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. L.N. No. 98 of 2007 Patent Cooperation Treaty Regulations 2007]		Government Gazette of Malta No. 18 064 13.4.2007 (English)	L.N. 98/2007
7. A.L. 99 ta' l-2007 Regolamenti ta' l-2007 dwar il-Konvenzjoni Ewropeja dwar il-Privattivi	Government Gazette of Malta No. 18 064 13.4.2007		
[7. L.N. No. 99 of 2007 European Patent Convention Regulations 2007]		Government Gazette of Malta No. 18 064 13.4.2007 (English)	L.N. 99/2007

Monaco

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Loi n° 606 du 20 juin 1955 sur les brevets d'invention, modifiée par la Loi n° 625 du 5 novembre 1956	J. M. du 27.6.55 et du 19.11.56		
[1. Law No. 606 of 20 June 1955 on Patents of Invention, as amended by Law No. 625 of 5 November 1956]		-	PA
2. Ordonnance souveraine n° 1.476 du 30 janvier 1957, modifiée par les Ordonnances souveraines n° 6.337 du 5 avril 2017 et n° 6.874 du 29 mars 2018	J. M. du 4.2.57 du 7.4.17 et du 6.4.18		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Sovereign Ordinance No. 1.476 of 30 January 1957, amended by Sovereign Ordinances No. 6.337 of 5 April 2017 and No. 6.874 of 29 March 2018]		-	SO No. 1.476
3. Ordonnance souveraine n° 6.722 du 26 décembre 2017 fixant le montant des droits applicables à l'occasion de l'accomplissement des formalités administratives en matière de propriété industrielle, modifiée par l'Ordonnance souveraine n° 7.954 du 2 mars 2020	J. M. du 29.12.17 et du 6.3.20		
[3. Sovereign Ordinance No. 6.722 of 26 December 2017 fixing the fees payable for administrative formalities relating to industrial property, amended by Sovereign Ordinance No. 7.954 of 2 March 2020]		-	SO (Fees)
4. Ordonnance souveraine n° 10.427 du 9 janvier 1992 concernant le brevet européen, modifiée par l'Ordonnance souveraine n° 6.874 du 29 mars 2018	J. M. du 17.1.92 et du 6.4.18		
[4. Sovereign Ordinance No. 10.427 of 9 January 1992 concerning European patents, amended by Sovereign Ordinance No. 6.874 of 29 March 2018]		-	SO No. 10.427
5. Arrêté ministériel n° 93-553 du 21 octobre 1993 concernant les modalités de délivrance du brevet européen, modifié par l'Ordonnance souveraine n° 6.874 du 29 mars 2018	J. M. du 22.10.93 et du 6.4.18		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[5. Ministerial Decree No. 93-553 of 21 October 1993 concerning arrangements for the grant of European patents, amended by Sovereign Ordinance No. 6.874 of 29 March 2018]		-	MD
6. Ordonnance souveraine n° 13.827 du 15 décembre 1998 relative à l'introduction de l'euro, modifiée par l'Ordonnance souveraine n° 15.256 du 15 février 2002	J.M. du 18.12.98 et du 22.2.02		
[6. Sovereign Ordinance No. 13.827 of 15 December 1998 concerning the introduction of the euro, amended by Sovereign Ordinance No. 15.256 of 15 February 2002]		-	-
7. Arrêté ministériel n° 2017-217 du 5 avril 2017 relatif aux modalités d'application de l'OS n° 1.476, modifiée par l'Ordonnance souveraine n° 6.874 du 29 mars 2018	J.M. du 7.4.17 et du 6.4.18		
[7. Ministerial Decree No. 2017-217 of 5 April 2017 on arrangements for applying SO No. 1.476, amended by Sovereign Ordinance No. 6.874 of 29 March 2018]		-	-

Montenegro

Central Industrial Property Office
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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o patentima	Sl. list CG, br. 42/2015, 2/2017 I 146/21		
[1. Patent Law]		-	PL
2. Pravilnik o sadržini registara, prijava i drugih podnesaka, načinu podnošenja prijava i objavljivanju podataka u postupcima pravne zaštite pronalazaka	Sl. list CG, br. 8/2016		
[2. Rules on the contents of registers, applications and other submissions, notification and publication of data in procedures for the legal protection of inventions]		-	Rules
3. Zakon o potvrdjivanju sporazuma izmedju Crne Gore i EPO o proširenju evropskih patenata (Sporazum o proširenju)	Sl. list CG, Međunarodni ugovori, br. 5/2009		
[3. Law on ratification of the extension agreement between Montenegro and the EPO (Extension Agreement)]		-	-
4. Zakon o administrativnim taksama	Sl. list RCG, br. 55/2003, 46/2004, 81/2005, 2/2006; Sl. list CG, br. 18/2019		
[4. Law on administrative fees]		-	LAdmFees
5. Odluka o visini naknada i posebnih troskova postupka koji vodi Zavod za intelektualnu svojinu i naknada troskova za pruzanje informacionih usluga	Sl. list CG, br. 16/2008		
[5. Decision on procedural and patent-information fees charged by the Intellectual Property Offices]		-	Fees Dec.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
6. Zakon o upravnom postupku	Sl. list CG, br. 56/2014, 20/2015, 40/2016, 37/2017		
[6. Law on administrative procedure]		-	LAdmin.proc.

North Macedonia

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www.ippo.gov.mk **info@ippo.gov.mk**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Закон за индустриска сопственосткој се применува од 25 февруари 2009	Sluzben vesnik na Republika Makedonija No. 47/2002, No. 42/2003, No. 9/2004, No. 39/2006, No. 79/2007, No. 21/2009, No. 24/2011, No. 12/2014, No. 41/2014, No. 152/2015, No. 53/2016, No. 83/2018 No. 31/2020		
[1. Law on Industrial Property of 12 February 2009, applicable as from 25 February 2009]		WIPO website at www.wipo.int/wipolex MK008EN (English)	PL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Закон за административни такси	Sluzben vesnik na Republika Makedonija No. 17/1993, No. 20/1996, No. 7/1998, No. 13/2001, No. 24/2003, No. 19/2004, No. 61/2004, No. 95/2005, No. 70/2006, No. 92/2007, No. 88/2008, No. 130/2008, No. 6/2010, No. 145/2010, No. 17/2011		
[2. Law on administrative fees of 26 March 1993, as last amended on 11 February 2011]		-	Fees Law
3. Правилник за признавање на патент	Sluzben vesnik na Republika Makedonija No. 18/2004, No. 93/2006, No. 22/2009		
[3. Patent Regulations of 23 March 2004, as last amended on 29 August 2006]		-	Reg.
4. Закон за општа управна постапка	Sluzben vesnik na Republika Makedonija No. 38/2005, 124/2015		
[4. Law on General Administrative Procedure]		-	Law on GAP

Netherlands

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Rijksoctrooiwet 1995	https://wetten.overheid.nl/BWBR0007118/2021-08-01		
[1. Patents Act of the Kingdom 1995]		GRUR Int. 1996, 22 and Bl. f. PMZ 1996, 230 (German) IPLT NL 2-001 (English, French)	PA
2. Uitvoeringsbesluit Rijksoctrooiwet 1995 van 20 februari 1995, laatstelijk gewijzigd op 20 augustus 2010	https://wetten.overheid.nl/BWBR0007246/2016-10-07		
[2. Patent Rules of 20 February 1995, as last amended on 20 August 2010]		-	PR
3. Uitvoeringsregeling 2009 Rijksoctrooiwet 1995	https://wetten.overheid.nl/BWBR0026646/2010-04-01		
[3. Implementing Rules 2009 Patent Act 1995]		-	IR

Norway

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Lov om patenter (patentloven) av 15. desember 1967 nr 9	www.lovdata.no ISBN 82-504-1193-5		
[1. The Norwegian Patents Act of 15 December 1967, No. 9]		-	PL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Forskrift til patentloven (patentforskriften) av 14. desember 2007 nr 1417	www.lovdata.no I 2007 hefte 12		
[2. Regulations to the Norwegian Patents Act (Patent Regulations) of 14 December 2007, No. 1417]		-	PR
3. Lov om oppfinnelser av betydning for rikets forsvar av 26. juni 1953 nr 8	www.lovdata.no ISBN 82-504-1099-8		
[3. Inventions of Importance to the Defence of the Realm Act of 26 June 1953, No. 8]		-	Defence Act
4. Lov om retten til oppfinnelser som er gjort av arbeidstakere av 17. april 1970 nr 21	www.lovdata.no ISBN 82-504-1211-7		
[4. The Right to Inventions made by Employees Act of 17 April 1970, No. 21]		-	-
5. Forskrift om behandling av saker etter lov om oppfinnelser av betydning for rikets forsvar av 9. mars 2000 nr 215	www.lovdata.no Avd I 2000 564		
[5. Regulations on the Handling of Cases in accordance with the Inventions of Importance to the Defence of the Realm Act of 9 March 2000, No. 215]		-	-
6. Forskrift om betalinger mv. til Patentstyret og Klagenemnda for industrielle rettigheter av 26. mars 2014 nr. 333	www.lovdata.no I 2014 hefte 4		
[6. Regulations relating to payments, etc. to the Norwegian Industrial Property Office and the Board of Appeal for Industrial Property Rights of 26 March 2014, No. 333]		-	Fees Reg.

Poland

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Urząd Patentowy RP (Patent Office of the Republic of Poland) Al. Niepodległości 188/192 P.O. Box 203 00-950 WARSZAWA Tel. +48 22 5790555 Fax +48 22 5790001
www.uprp.pl

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Ustawa z dnia 30 czerwca 2000 r. Prawo własności przemysłowej	Dziennik Ustaw z 2021 r. poz. 324		
[1. Act of 30 June 2000 on industrial property law]	*Journal of Laws of 2021, item 324*	Polish Patent Office website at www.uprp.pl (English version is currently being updated)	IPL
2. Rozporządzenie Rady Ministrów z dnia 29.8.2001 w sprawie opłat związanych z ochroną wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych Zmienione:	Dziennik Ustaw Nr 90 poz. 1000, 31.8.2001 r.; Dziennik Ustaw 2004 Nr 35 poz. 309; 5.3.2004 r.; Dziennik Ustaw 2008 Nr 41 poz. 241, 11.3.2008 r.; Dziennik Ustaw z 2016 r. poz. 1623, 6.10.2016 r.		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
Rozporządzeniem Rady Ministrów z dnia 2 marca 2004 r. zmieniającym rozporządzenie w sprawie opłat związanych z ochroną wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych oraz Rozporządzeniem Rady Ministrów z dnia 26 lutego 2008 r. zmieniającym rozporządzenie w sprawie opłat związanych z ochroną wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych oraz Rozporządzeniem Rady Ministrów z dnia 8 września 2016 r. zmieniającym rozporządzenie w sprawie opłat związanych z ochroną wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych			
[2. Regulation of the Council of Ministers of 29 August 2001 on fees relating to the protection of inventions, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits, *as amended by* *the Regulation of the Council of Ministers of 2 March 2004,* *the Regulation of the Council of Ministers of 26 February 2008 and* *the Regulation of the Council of Ministers of 8 September 2016]*	*Journal of Laws of 2001, no. 90, item 1000* *31 August 2001* *Journal of Laws of 2004, no. 35, item 309* *5 March 2004* *Journal of Laws of 2008, no. 41, item 309,* *11 March 2008* *Journal of Laws of 2016, item 1623, 6 October 2016*	Polish Patent Office website at *www.uprp.pl* (English)	Fees Reg.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Rozporządzenie Prezesa Rady Ministrów z dnia 17 września 2001r. w sprawie dokonywania i rozpatrywania zgłoszeń wynalazków i wzorów użytkowych Zmienione Rozporządzeniem Prezesa Rady Ministrów z dnia 14 czerwca 2005 r. zmieniającym rozporządzenie w sprawie dokonywania i rozpatrywania zgłoszeń wynalazków i wzorów użytkowych oraz Rozporządzeniem Prezesa Rady Ministrów z dnia 2 marca 2015 r. zmieniającym rozporządzenie w sprawie dokonywania i rozpatrywania zgłoszeń wynalazków i wzorów użytkowych oraz Rozporządzeniem Prezesa Rady Ministrów z dnia 3 listopada 2016 r. zmieniającym rozporządzenie w sprawie dokonywania i rozpatrywania zgłoszeń wynalazków i wzorów użytkowych	Dziennik Ustaw Nr 102 poz. 1119 21.9.2001 r.; Dziennik Ustaw 2005 Nr 109, poz. 910, 14.6.2005 r. oraz Dziennik Ustaw 2015 poz. 366, 17.3.2015 r.; Dziennik Ustaw z 2016 r. poz. 1840, 15.11.2016		
[3. Regulation of the Prime Minister of 17 September 2001 on the filing and processing of patent and utility model applications, as amended by the Regulations of the Prime Minister of 14 June 2005, the Regulations of the Prime Minister of 2 March 2015 and the Regulations of the Prime Minister of 3 November 2016]	*Journal of Laws of 2001, no. 102, item 1119* *21 September 2001* *Journal of Laws of 2005, no. 109, item 910* *21 June 2005* *Journal of Laws of 2015, item 366* *17 March 2015* *Journal of Laws of 2016, item 1840* *15 November 2016*	-	FPR

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Rozporządzenie Rady Ministrów z dnia 23 lipca 2002r. w sprawie wynalazków i wzorów użytkowych dotyczących obronności lub bezpieczeństwa Państwa	Dziennik Ustaw z 2002 r. Nr. 123 poz. 1056 2.08.2002 r.		
[4. Regulation of the Council of Ministers of 23 July 2002 on inventions and utility models concerning national defence and the security of the State]	*Journal of Laws of 2002, no. 123,* *item 1056* *2 August 2002*	-	-
5. Ustawa z dnia 14 marca 2003 r. o dokonywaniu europejskich zgłoszeń patentowych oraz skutkach patentu europejskiego w Rzeczypospolitej Polskiej	Dziennik Ustaw z 2016 r. poz. 2, 04.01.2016.		
[5. Law of 14 March 2003 on the filing of European patent applications and the effects of the European patent in the Republic of Poland]	*Journal of Laws of 2016, item 2* *4 January 2016*	Polish Patent Office website at *www.uprp.pl* (English)	EPAL
6. Rozporządzenie Rady Ministrów z dnia 8 września 2016 r. zmieniające rozporządzenie w sprawie opłat związanych z ochroną wynalazków, wzorów użytkowych, wzorów przemysłowych, znaków towarowych, oznaczeń geograficznych i topografii układów scalonych	Dziennik Ustaw z 2016 r. poz. 1623		
[6. Regulation of the Council of Ministers of 8 September 2016 amending the regulation on fees relating to the protection of inventions, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits]	*Journal of Laws of 2016, item 1623*	-	Reg. of 8 September 2016

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
7. Rozporządzenie Prezesa Rady Ministrów z dnia 9 września 2016 r. w sprawie składania i rozpatrywania wniosków o udzielenie dodatkowego prawa ochronnego dla produktów leczniczych i produktów ochrony roślin	Dziennik Ustaw z 2016 r. poz. 1482, 16.9.2016 r.		
[7. Regulation of the Prime Minister of 9 September 2016 on the filing and processing of applications for the grant of a supplementary protection right for medicinal products and plant protection products]	*Journal of Laws of 2016, item 1482 16 September 2016*	-	-
8. Rozporządzenie Prezesa Rady Ministrów z dnia 12 stycznia 2017 r. w sprawie rejestrów prowadzonych przez Urząd Patentowy Rzeczypospolitej Polskiej	Dziennik Ustaw z 2017 r. poz. 115 18.1.2017 r.		
[8. Regulation of the Prime Minister of 12 January 2017 on registers kept by the Patent Office of the Republic of Poland]	*Journal of Laws of 2017, item 115 18 January 2017*	-	Reg. Registers
9. Rozporządzenie Prezesa Rady Ministrów z dnia 30 września 2016 r. w sprawie wzorów dokumentów patentowych, dodatkowych świadectw ochronnych, świadectw ochronnych, świadectw rejestracji oraz dowodów pierwszeństwa wydawanych przez Urząd Patentowy Rzeczypospolitej Polskiej	Dziennik Ustaw z 2016 r. poz. 1659, 11.10.2016 r.		
[9. Regulation of the Prime Minister of 30 September 2016 on templates for patent documents, supplementary protection certificates, certificates of registration and priority documents issued by the Patent Office of the Republic of Poland]	*Journal of Laws of 2016, item 1659 11 October 2016*	-	-

Portugal

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https://inpi.justica.gov.pt **servico.publico@inpi.pt**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Código da Propriedade Industrial Decreto-Lei n° 110/2018 de 10 de Dezembro de 2018 que revoga o Decreto-Lei n° 36/2003, alterado pelos Decretos-Leis n°s 318/2007, de 26 de Setembro, 360/2007, de 2 de Novembro e pela Lei n° 16/2008, de 1 de Abril, republicado pelo Decreto-Lei n° 143/2008, de 25 de Julho de 2008	Diário da República 1ª Série N° 237 de 10.12.2018 (Republication of the Industrial Property Code)		
[1. Industrial Property Code Decree Law No. 110/2018 of 10 December 2018 repealing Decree Law No. 36/2003 of 5 March 2003, amended by Decree Laws No. 318/2007 of 26 September 2007 and No. 360/2007 of 2 November 2007 and by Law No. 16/2008 of 1 April 2008, republished by Decree Law No. 143/2008 of 25 July 2008]		-	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Despacho n° 6142/2019 de 4 de Julho de 2019 que revoga o Despacho n° 9179/2016 de 19 de Julho de 2016 e o Despacho n° 3571/2014 de 6 de Março de 2014, relativo à Regulamentação dos requisitos formais dos requerimentos e dos documentos de instrução dos pedidos de concessão de direitos de propriedade industrial	Diário da República 2ª Série N° 126 de 4.7.2019		
[2. Order No. 6142/2019 of 4 July 2019 repealing Order No. 9179/2016 of 19 July 2016 and Order No. 3571/2014 of 6 March 2014 relating to the Regulation on formal requirements for applications and supporting documents for requests for the grant of industrial property rights]		-	-
3. Deliberação n.º 580/2021 publicada no Diário da República N° 110 de 8 de junho de 2021, que atualiza as tabelas de taxas anexas à Portaria n° 201-A/2019, de 1 de Julho 2019	Diário da República 1ª Série Nº 123 de 1.7.2019; N° 126 de 4.7.2019		
[3. Ministerial Order No. 201-A/2019 of 1 July 2019, updated by Resolution no. 580/2029 regarding fees]		-	Fees Res.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
4. Decreto-Lei n° 15/95 de 24 de Janeiro de 1995, relativo ao enquadramento legal da actuação dos agentes oficiais da propriedade industrial e dos procuradores autorizados, alterado pelo Decreto-Lei n° 54/2001, de 15 de Fevereiro de 2001, pelo Decreto-Lei n° 206/2002, de 16 de Outubro de 2002, a Lei n° 17/2010, de 4 de Agosto, a Portaria n° 1200/2010, de 29 de Novembro de 2010 e a Portaria n° 239/2013 de 25 de julho de 2013	Diário I Série-A N° 20/1995, 408; N° 39/2001, 845; N° 239/2002, 6774 Diário da República 1ª Série N° 150 de 4.8.2010; N° 231 de 29.11.2010; N° 142 de 25.7.2013		
[4. Decree Law No. 15/95 of 24 January 1995, as amended by Decree Law No. 54/2001 of 15 February 2001, Decree Law No. 206/2002 of 16 October 2002, Law No. 17/2010 of 4 August 2010, Order No. 1200/2010 of 29 November 2010 and Order No. 239/2013 of 25 July 2013 regarding official representatives]		BI.f.PMZ 1995, 295 (German)	Decr. Law

Romania

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Legea Nr. 64/1991 privind brevetele de invenţie republicată în Monitorul Oficial al României, Partea I, nr. 613 din 19 august 2014	Monitorul Oficial No. 212/1991 340/2002 752/2002 541/2007		
[1. Patent Law No. 64/1991, as republished in the Official Gazette of Romania, Part I, No. 613 of 19 August 2014]		IPLT RO-2-001 (English, French) GRUR Int. 1992, 196 (German)	PL
2. H.G. nr. 547 din 18 iunie 2008 pentru aprobarea Regulamentului de aplicare a Legii nr. 64/1991 privind brevetele de invenţie	Monitorul Oficial No. 456/2008		
[2. Government Decision No. 547/2008 of 18 June 2008 for the approval of the Regulations for implementing the Patent Law No. 64/1991]		-	Reg.
3. O.G. nr. 41/1998 privind taxele în domeniul protecţiei proprietăţii industriale şi regimul de utilizare a acestora, republicată în Monitorul Oficial al României, Partea I, nr. 959 din 29.11.2006	Monitorul Oficial No. 43/1998 471/2002 6/2006 226/9.4.2010		
[3. Government Ordinance No. 41/1998 on industrial property fees and the use thereof, as republished in the Official Gazette of Romania, Part I, No. 959 of 29 November 2006]		-	Fees Ord.
4. Art. III din Legea nr. 66/31.3.2010 pentru modificarea şi completarea Legii nr. 84/1998 privind mărcile şi indicaţiile geografice	Monitorul Oficial No. 226/9.4.2010		
[4. Art. III of Law No. 66/31.3.2010 amending and supplementing Law No. 84/1998 on trademarks and geographic indications]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Legea nr. 611/2002 din 13 noiembrie 2002 privind aderarea României la Convenţia privind eliberarea brevetelor europene, adoptată la Munchen la 5 octombrie 1973, precum şi la Actul de revizuire a acesteia, adoptat la Munchen la 29 noiembrie 2000	Monitorul Oficial No. 844/2002		
[5. Law No. 611/2002 of 13 November 2002 on Romania's Accession to the Convention on the Grant of European Patents of 5 October 1973, and to the Act Revising the Convention of 29 November 2000]		-	AccEPCLaw
6. Legea nr. 350 din 12.12.2007 privind modelele de utilitate	Monitorul Oficial No. 851/2007		
[6. Law No. 350 of 12 December 2007 on Utility Models]		-	LMU
7. Hotărâre a Guvernului nr. 1.457 din 12 noiembrie 2008 pentru aprobarea Regulamentului de aplicare a Legii nr. 350/2007 privind modelele de utilitate	Monitorul Oficial No. 814/4.12.2008		
[7. Government decision No. 1.457 of 12 November 2008 adopting implementing regulations for Law No. 350/2007 on utility models]		-	-
8. Legea nr. 16 din 6 martie 1995 privind protectia topografiilor produselor semiconductoare	Monitorul Oficial No. 45/9.3.1995 824/6.10.2006		
[8. Law No. 16 of 6 March 1995 on the protection of topographies of semiconductor products]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Ordin nr. 6 din 10.1.2007 pentru aprobarea Normelor de aplicare a Legii nr.16/1995 privind protecţia topografiilor produselor semiconductoare	Monitorul Oficial No. 90/5.2.2007		
[9. Order No. 6 of 10 January 2007 adopting implementing rules for Law No. 16/1995 on the protection of topographies of semiconductor products]		-	-

Serbia

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Закон о патентима	Official Gazette of the Republic of Serbia No. 99/2011, No. 113/2017, No. 95/2018, No. 66/2019, No. 123/2021		
[1. Patent Law, published on 27.12.2011, 8.12.2017, 8.12.2018, 18.9.2019 and 15.12.2021]			PL
2. Правилник о садржини потврда, пријава и захтева у поступку заштите проналазака, као и о начину подношења пријаве и објављивања проналазака	Official Gazette of the Republic of Serbia No. 78/2019		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Regulations on the content of certificates, applications and requests in the procedure of the protection of inventions, as well as the manner of filing the application and publication of inventions, published on 1.11.2019]		-	Rules
3. Закон о потврђивању Споразума између Савезне владе Савезне Републике Југославије и Европске патентне организације о сарадњи у области патената (Споразумом о сарадњи и проширењу)	Official Gazette of Serbia and Montenegro – International Agreements No. 14/2004		
[3. Cooperation and Extension Agreement, published on 18.6.2004]		-	CEA
4. Закон о републичким административним таксама			

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
	Official Gazette of the Republic of Serbia No. 43/2003, No. 51/2003, No. 53/2004, No. 42/2005, No. 61/2005, No. 101/2005, No. 42/2006, No. 47/2007, No. 54/2008, No. 5/2009, No. 54/2009, No. 35/2010, No. 50/2011, No. 70/2011, No. 55/2012, No. 93/2012, No. 47/2013, No. 65/2013, No. 57/2014, No. 45/2015, No. 83/2015, No. 112/2015, No. 50/2016, No. 61/2017, No. 113/2017, No. 3/2018, No. 50/2018, No. 38/2019, No. 98/2020, No. 144/2020, No. 62/2021		
[4. Law on the Republic's Administrative Fees] Entry into force on 30.4.2003; entry into force of the last amendments of the fees on 1.7.2021		-	Fees Law
5. Закон о посебним овлашћењима ради ефикасне заштите права интелектуалне својине	Official Gazette of the Republic of Serbia No. 46/2006, No. 104/2009		
[5. Law on special authorisations for the effective protection of intellectual property rights, published on 16.12.2009]		-	-
6. Уредба о упису у Регистар заступника који води Савезни завод за интелектуалну својину	Official Gazette of the Federal Republic of Yugoslavia No. 39/1995		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Rules on entry into the Register of Representatives of the Federal Intellectual Property Office, published on 25.8.1995]		-	-
7. Правилник о начину и програму полагања стручног испита за лица која се баве заступањем у области индустријске својине	Official Gazette of the Federal Republic of Yugoslavia No. 78/2019		
[7. Regulations on the program and manner of passing expert exam for the persons engaged in representation in the field of intellectual property, published on 1.11.2019]		-	-
8. Закон о општем управном поступку	Official Gazette of the Republic of Serbia No. 18/2016, No. 95/2018		
[8. Law on General Administrative Procedure, entry into force on 1.6.2017 and on 7.12.2018]		-	LGAP
9. Закон о потврђивању Конвенције о признавању европских патента (Конвенција о европском патенту) од 5. октобра 1973. године са изменама члана 63. Конвенције о европском патенту од 17. децембра 1991. године и изменама од 29. новембра 2000. године	Official Gazette of the Republic of Serbia – International Treaties No. 5/2010		
[9. Law on the ratification of the Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973 as amended by the act revising Article 63 EPC of 17 December 1991 and the act revising the EPC of 29 November 2000, published on 27.12.2011]		-	LREPC

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
10. Закон о патентима (На европске пријаве патената за које је захтевано проширење на Републику Србију, као и на европске патенте који су признати на основу таквих европских пријава примењиваће се одредбе поглавља 15. Закона о патентима ("Службени лист СЦГ", бр. 32/04, 35/04 и "Службени гласник РС", број 115/06)	Official Gazette of Serbia and Montenegro No. 32/2004, No. 35/2004 Official Gazette of the Republic of Serbia No. 115/2006		
[10. Patent Law, published on 2.7.2004 (the provisions of Chapter XV of the Patent Law ("Official Gazette of Serbia and Montenegro", No. 32/04, 35/04, and "Official Gazette of RS", No. 115/2006) are still applicable to European patent applications extended to the Republic of Serbia and to European patents which have been granted for such applications)]		-	PL Ext.

Sweden

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patentlag SFS 1967:837, ändrad enligt SFS 1971:626, SFS 1977:700, SFS 1977:730, SFS 1978:149, SFS 1978:150, SFS 1980:105, SFS 1981:816, omtryckt genom lag SFS 1983:433, SFS 1983:434 därefter ändrad genom SFS 1984:937, SFS 1986:233, SFS 1986:1156, SFS 1987:1330, SFS 1991:296, SFS 1992:1688, SFS 1993:1406, SFS 1994:105, SFS 1994:234, SFS 1994:1511, SFS 1996:847, SFS 1996:889, SFS 1996:890, SFS 1998:1456, SFS 2000:1158, SFS 2004:159, SFS 2004:161, SFS 2005:289, SFS 2005:692, SFS 2006:254, SFS 2006:625, SFS 2006:682, SFS 2007:242, SFS 2007:516, SFS 2007:517, SFS 2007:518, SFS 2007:636, SFS 2007:751, SFS 2008:131, SFS 2008:367, SFS 2009:111, SFS 2010:1395, SFS 2011:580, SFS 2013:84, SFS 2014:289, SFS 2014:434, SFS 2015:317, SFS 2016:192, SFS 2016:229, SFS 2016:726, SFS 2016:727, SFS 2018:273, SFS 2020:541	SFS 1967:837 1971:626 1977:700 1977:730 1978:149 1978:150 1980:105 1981:816 1983:433 1983:434 1984:937 1986:233 1986:1156 1987:1330 1991:296 1992:1688 1993:1406 1994:105 1994:234 1994:1511 1996:847 1996:889 1996:890 1998:1456 2000:1158 2004:159 2004:161 2005:289 2005:692 2006:254 2006:625 2006:682 2007:242 2007:516 2007:517 2007:518 2007:636 2007:751 2008:131 2008:367 2009:111 2010:1395 2011:580 2013:84 2014:289 2014:434 2015:317 2016:192 2016:229 2016:726 2016:727 2018:273, 2020:541		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Patents Act SFS 1967:837, amended by SFS 1971:626, SFS 1977:700, SFS 1977:730, SFS 1978:149, SFS 1978:150, SFS 1980:105, SFS 1981:816, reprinted SFS 1983:433 SFS 1983:434 and amended by SFS 1984:937, SFS 1986:233, SFS 1986:1156, SFS 1987:1330, SFS 1991:296, SFS 1992:1688, SFS 1993:1406, SFS 1994:105, SFS 1994:234, SFS 1994:1511, SFS 1996:847, SFS 1996:889, SFS 1996:890, SFS 1998:1456, SFS 2000:1158, SFS 2004:159, SFS 2004:161, SFS 2005:289, SFS 2005:692, SFS 2006:254, SFS 2006:625, SFS 2006:682, SFS 2007:242, SFS 2007:516, SFS 2007:517, SFS 2007:518, SFS 2007:636, SFS 2007:751, SFS 2008:131, SFS 2008:367, SFS 2009:111, SFS 2010:1395, SFS 2011:580, SFS 2013:84, SFS 2014:289, SFS 2014:434, SFS 2015:317, SFS 2016:192, SFS 2016:229, SFS 2016:726, SFS 2016:727, SFS 2018:273, SFS 2020:541]		BI.f.PMZ 1985, 174; 1995, 141, 142; 1996, 47; (German) IPLT SE 2-001 (English, French)	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Patentkungörelsen SFS 1967:838, ändrad genom SFS 1973:906, SFS 1975:1331, SFS 1977:144, SFS 1978:151, SFS 1979:135, SFS 1979:888, SFS 1980:137, SFS 1980:646, SFS 1980:685, SFS 1980:1122, SFS 1981:1017, SFS 1983:435, SFS 1984:938, SFS 1986:1221, SFS 1987:1332, SFS 1988:987, SFS 1989:503, omtryckt genom förordning SFS 1991:1331, därefter ändrad SFS 1993:197, SFS 1993:1312, SFS 1995:269, SFS 1996:225, SFS 1997:42, SFS 1999:139, SFS 2000:1160, SFS 2001:128, SFS 2001:774, SFS 2003:109, SFS 2003:1071, SFS 2004:162, SFS 2006:1067, SFS 2007:253, SFS 2007:519, SFS 2007:1120, SFS 2008:130, SFS 2008:368, SFS 2009:1155, SFS 2011:449, SFS 2012:620, SFS 2014:435, SFS 2016:580, SFS 2016:729, SFS 2017:1058, SFS 2018:273, SFS 2018:930	SFS 1973:906 1975:1331 1977:144 1978:151 1979:135 1979:888 1980:137 1980:646 1980:685 1980:1122 1981:1017 1983:435 1984:938 1986:1221 1987:1332 1988:987 1989:503 1991:1331 1993:197 1993:1312 1995:269 1996:225 1997:42 1999:139 2000:1160 2001:128 2001:774 2003:109 2003:1071 2004:162 2006:1067 2007:253 2007:519 2007:1120 2008:130 2008:368 2009:1155 2011:449 2012:620 2014:435 2016:580 2016:729 2017:1058 2018:273 2018:930		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Decree on patent formalities SFS 1967:838, amended by SFS 1973:906, SFS 1975:1331, SFS 1977:144, SFS 1978:151, SFS 1979:135, SFS 1979:888, SFS 1980:137, SFS 1980:646, SFS 1980:685, SFS 1980:1122, SFS 1981:1017, SFS 1983:435, SFS 1984:938, SFS 1986:1221, SFS 1987:1332, SFS 1988:987, SFS 1989:503, reprinted SFS 1991:1331 and amended by SFS 1993:197, SFS 1993:1312, SFS 1995:269, SFS 1996:225, SFS 1997:42, SFS 1999:139, SFS 2000:1160, SFS 2001:128, SFS 2001:774, SFS 2003:109, SFS 2003:1071, SFS 2004:162, SFS 2006:1067, SFS 2007:253, SFS 2007:519, SFS 2007:1120, SFS 2008:130, SFS 2008:368, SFS 2009:1155, SFS 2011:449, SFS 2012:620, SFS 2014:435, SFS 2016:580, SFS 2016:729, SFS 2017:1058, SFS 2018:273, SFS 2018:930]		BI.f.PMZ 1979, 169; 1985, 281; 1989, 346 (German) IPLT SE 2-002 (English, French)	PD
3. Lagen om försvarsuppfinningar SFS 1971:1078, ändrad genom SFS 1975:734, omtryckt genom lag SFS 1978:157, därefter ändrad genom lag SFS 1980:211, SFS 1986:1161, SFS 1993:1407, SFS 1997:916, SFS 2009:410, SFS 2016:195	SFS 1971:1078 1975:734 1978:157 1980:211 1986:1161 1993:1407 1997:916 2009:410 2016:195		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Defence Inventions Act SFS 1971:1078, amended by SFS 1975:157, reprinted SFS 1978:157 and amended by SFS 1980:211, SFS 1986:1161, SFS 1993:1407, SFS 1997:916, SFS 2009:410, SFS 2016:195]		-	-
4. Patentbestämmelser PRVFS 1981:1, omtryckt genom PRVFS 1997:1 P:32, PRVFS 2005:1 P:57, PRVFS 2006:3 P:60, PRVFS 2007:2 P:63, PRVFS 2008:2 P:69, PRVFS 2008:3 P:70, PRVFS 2007:4 P:65, PRVFS 2014:1 P:96, PRVFS 2015:3 P:103	PRVFS 1981:1 1986:4 P:17 1992:1 P:23 1993:5 P:27 1997:1 P:32 1997:3 P:34 1998:4 P:38 1999:3 P:41 2000:7 P:43 2003:4 P:55 2005:1 P:57 2006:3 P:60 2007:2 P:63 2007:4 P:65 2014:1 P:96 2015:3 P:103		
[4. Patent Office Regulations PRVFS 1981:1, reprinted PRVFS 1997:1 P:32, PRVFS 2005:1 P:57, PRVFS 2006:3 P:60, PRVFS 2007:2 P:63, PRVFS 2008:2 P:69, PRVFS 2008:3 P:70, PRVFS 2007:4 P:65, PRVFS 2014:1 P:96, PRVFS 2015:3 P:103]		-	POR
5. Patent- och registreringsverkets (PRV) föreskrifter om elektronisk patentansökan PRVFS 2008:4 P:71	PRVFS 2008:4 P:71		
[5. Patent Office Regulations on electronically filed patent applications PRVFS 2008:4 P:71]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
6. Patent- och registreringsverkets (PRV) föreskrifter om avgifter för bevis om patentansökningar och patent PRVFS 2009:4 P:81	PRVFS 2009:4 P:81		
[6. Patent Office Regulations on fees for patent application and patent certificates PRVFS 2009:4 P:81]		-	-

Slovenia

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Slovenian Intellectual Property Office (SIPO) Kotnikova 6 p.p.206 1000 LJUBLJANA Tel. +386 1 6203100 Fax +386 1 6203111
www.uil-sipo.si **sipo@uil-sipo.si**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o industrijski lastnini	Uradni list RS, št. 51/06 – uradno prečiščeno besedilo, 100/13 in 23/20		
[1. Industrial Property Act]		WIPO website at *www.wipo.int/wipolex* (English, French) Slovenian Intellectual Property Office website at *www.uil-sipo.si* (English)	IPA
2. Uredba o pristojbinah Urada RS za intelektualno lastnino	Uradni list RS, št. 128/2006		
[2. Decree on the fees of the Slovenian Intellectual Property Office]		-	Fees Decr.
3. Pravilnik o vsebini patentne prijave in postopku z deljenimi patenti	Uradni list RS, št. 102/2001		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Rules on the content of a patent application and the procedure for divided patents]		-	PR
4. Pravilnik o registrih prijav in pravic industrijske lastnine ter potrdilu o prednostni pravici	Uradni list RS, št. 102/2001		
[4. Rules on registering applications and industrial property rights and priority certificates]		-	Reg.Rules

Slovakia

Central Industrial Property Office
Úrad priemyselného vlastníctva Slovenskej republiky Švermova 43 974 04 BANSKÁ BYSTRICA 4 Tel. +421 48 4300-131
www.indprop.gov.sk, *www.upv.sk* **podatelna@indprop.gov.sk**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Oznámenie Ministerstva zahraničných vecí Slovenskej republiky č.47/2008 Z.z. o podpísaní Dohovoru o udeľovaní európskych patentov (Európskeho patentového dohovoru) a o uzavretí Revízie znenia textu Dohovoru o udeľovaní európskych patentov z 29. novembra 2000 (Európskeho patentového dohovoru), v platnom znení	Zbierka zákonov č. 47/2008, z 9.2.2008		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 47/2008 Coll. on the introduction of the Convention on the Grant of European Patents (European Patent Convention), Act revising the Convention on the Grant of European Patents of 29 November 2000, as amended]		-	-
2. Zákon č. 435/2001 Z.z. o patentoch, dodatkových ochranných osvedčeniach a o zmene a doplnení niektorých zákonov (patentový zákon) v znení neskorších predpisov	Zbierka zákonov č. 435/2001, č. 402/2002, č. 84/2007, č. 517/2007, č. 495/2008, č. 125/2016, č. 242/2017, č. 291/2018		
[2. Law No. 435/2001 Coll. on patents, supplementary protection certificates and on amendment of other Acts (Patent Act), as amended by subsequent law]			PA
3. Zákon č. 517/2007 Z.z. o úžitkových vzoroch a o zmene a doplnení niektorých zákonov v znení neskorších predpisov	Zbierka zákonov č. 517/2007, č. 495/2008, č. 125/2016, č. 242/2017, č. 291/2018		
[3. Act No. 517/2007 Coll. on Utility Models and the Amendment of Certain Acts as amended by subsequent law]			UM
4. Vyhláška Úradu priemyselného vlastníctva Slovenskej Republiky č. 1/2008 Z.z., ktorou sa vykonáva zákon č. 517/2007 Z.z. o úžitkových vzoroch a o zmene a doplnení niektorých zákonov v znení vyhlášky č. 279/2018 Z. z.	Zbierka zákonov č. 1/2008 č. 279/2018		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[4. Industrial Property Office Regulation No. 1/2008 Coll. implementing Act No. 517/2007 Coll. on Utility Models and the Amendment of Certain Acts as amended]		-	-
5. Zákon NR SR č. 145/1995 Z.z. o správnych poplatkoch v znení neskorších predpisov	Zbierka zákonov č. 145/1995 Z. z.		
[5. Law NR SR No. 145/1995 Coll. on administration fees, as amended by subsequent law]		-	Fees Law
6. Vyhláška Úradu priemyselného vlastníctva Slovenskej republiky č. 223/2002 Z.z., ktorou sa vykonáva zákon č. 435/2001 Z.z. o patentoch, dodatkových ochranných osvedčeniach a o zmene a doplnení niektorých zákonov (patentový zákon) v znení vyhlášky č. 278/2018 Z. z.	Zbierka zákonov č. 223/2002 Z. z., č. 278/2018		
[6. Regulation of the Industrial Property Office No. 223/2002 Coll. implementing Law No. 435/2001 Coll. on patents, supplementary protection certificates and on amendment of other Acts, as amended (Patent Act) as amended]		-	RPA
7. Zákon č. 71/1967 Zb. o správnom konaní (správny poriadok) v znení neskorších predpisov	Zbierka zákonov č. 71/1967 Zb.		
[7. Law No. 71/1967 Coll. on administrative procedure (Administrative Procedure Code) as amended by subsequent law]			APC

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
8. Zákon č. 495/2008 Z.z.o poplatku za udržiavanie platnosti patentu, o poplatku za udržiavanie platnosti európskeho patentu s účinkami pre Slovenskú republiku a o poplatku za udržiavanie platnosti dodatkového ochranného osvedčenia na liečivá a výrobky na ochranu rastlín a o zmene a doplnení niektorých zákonov, v znení neskorších predpisov	Zbierka zákonov č. 495/2008, č. 600/2008, č. 519/2010		
[8. Act No. 495/2008 Coll. on renewal fees for patents, European patents with the designation of the Slovak Republic, supplementary protection certificates for medicinal products and plant protection products, and on amendments of other Acts, as amended by subsequent law]			Act No. 495/2008

San Marino

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www.usbm.sm **info.brevettiemarchi@pa.sm**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Legge 25 maggio 2005 n. 79 Testo unico in tema di proprietà industriale	B.U. n. 5, 2° parte, 2005		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Law No. 79 of 25 May 2005 Consolidated Act on industrial property]		-	PA
2. Legge 20 luglio 2005 n. 114 Modifiche alla Legge 25 maggio 2005 n. 79	B.U. n. 7, 1° parte, 2005		
[2. Law No. 114 of 20 July 2005 Amendments to Law No. 79 of 25 May 2005]		-	Law No. 114/2005
3. Decreto Delegato 27 novembre 2017, n. 132 Tasse per Brevetti, Marchi e Disegni	B.U. Novembre 2017		
[3. Delegated Decree No. 132 of 27 November 2017 Fees for patents, trademarks and designs]		-	Fees Decr.
4. Decreto legge 22 giugno 2009 n. 76 Norme di applicazione della Convenzione sul Brevetto Europeo (CBE)	B.U. n. 3, 2009		
[4. Decree Law No. 76 of 22 June 2009 Provisions for the application of the European Patent Convention (EPC)]		-	Decree Law No. 76/2009
5. Legge 5 Dicembre 2011 n. 189 Modifiche alla legge n. 79/2005 in materia di proprietà industriale e abrogazione dell'articolo 152 della legge n. 165/2005	B.U. n. 9, 2011		
[5. Law of 5 December 2011, No. 189 Amendments to Law No. 79/2005 in the field of industrial property and repeal of Article 152 of Law No. 165/2005]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
6. Decreto Delegato 7 febbraio 2014 n. 15 Disposizioni in materia di ricerca sul brevetto ad opera dell'Ufficio Europeo dei Brevetti	B.U.		
[6. Decree Law No. 15 of 7 February 2014 *Provisions relating to research on patent by the European Patent Office]*		-	-
7. Legge 23 dicembre 2014 n. 219 – art. 31 Modifica decreto legge 22 giugno 2009 n. 76	B.U.		
[7. Law No. 219 of 23 December 2014 – art. 31 *Amendment to Decree Law No. 76 of 22 June 2009]*		-	Law No. 219/2014
8. Decreto Consiliare 23 dicembre 2014 n. 217 Ratifica dell'Accordo tra la Repubblica di San Marino e la Repubblica Italiana circa la corretta interpretazione dell'articolo 43 della Convenzione di amicizia e buon vicinato del 1939 in materiale di marchi e brevetti	B.U.		
[8. Parliamentary Decree no. 217 of 23 December 2014 *Ratification of the Agreement between the Republic of San Marino and the Italian Republic about the correct interpretation of article 43 of the convention on friendship and good neighbourhood of 1939 relating to trade marks and patents]*		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Decreto legge 16 settembre 2019 n. 141 Deposito di domande internazionali e di domande di brevetto europeo	B.U.		
[9. Decree Law No. 141 of 16 September 2019 Filing international applications and European patent applications]		-	-
10. Legge 22 dicembre 2021 n. 207, art. 8	B.U.		
[10. Law No. 207 of 22 december 2021, art. 8]		-	-

Turkey

Central Industrial Property Office
Turkish Patent and Trademark Office Türk Patent ve Marka Kurumu (TÜRKPATENT) Hipodrom Cad. No: 13 06560 YENIMAHALLE - ANKARA Tel. +90 312 3031000 Fax +90 312 3031173
www.turkpatent.gov.tr **contact@turkpatent.gov.tr**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Patent haklarinin korunmasi hakkinda bakanlar kurulunca 26 Nisan 1995 tarihinde kararlastirilan 551 sayili kanun hükmünde kararname – Eski başvurular için geçerli	TC Resmi Gazete No. 22326 27.6.1995		
[1. Decree Law No. 551 on the protection of patents of 26 April 1995] *Valid for applications filed before 10 January 2017 and still pending, i.e. not yet granted.*		Bl.f.PMZ 2000, 355 (German) IPLT TR 2-001 (English, French)	DL No. 551
1a. 6769 Sayılı Sınai Mülkiyet Kanunu	TC Resmi Gazete No. 29944 10.1.2017		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1a. Industrial Property Law No. 6769 of 10 January 2017]		-	IPL
2. 551 sayili KHK,nin uygulama seklini gösterir yönetmelik 1995, en son 21.4.2009 tarihinde değiştirilmiştir	TC Resmi Gazete No. 22454 5.11.1995 No. 27207 21.4.2009		
[2. Implementing Regulations 1995 to DL No. 551, as last amended on 21 April 2009]		-	IR
2a. 6769 Sayılı Sınai Mülkiyet Kanununun Uygulama Şeklini Gösterir Yönetmelik	TC Resmi Gazete No. 30047 24.4.2017		
[2a. Implementing Regulations to Industrial Property Law No. 6769]		-	IPLR
3. Avrupa Patentlerinin verilmesi ile ilgili Avrupa Patent Sözlesmesinin Türkiyede uygulama seklini gösterir yönetmelik 9.1.2001, en son 22.5.2008 tarihinde değiştirilmiştir	TC Resmi Gazete No. 24282 9.1.2001 No. 26883 22.5.2008		
[3. Regulations implementing the Convention on the Grant of European Patents in Turkey dated 9 January 2001, as last amended on 22 May 2008]		-	RegEPC
4. 2020 Yılında Uygulanacak Ücret Tarifesine İlişkin Tebliğ	TC Resmi Gazete No. 30995 31.12.2019		
[4. List of fees in respect of patents and utility models, 2020]		-	Fees 2020

United Kingdom

Central Industrial Property Office

Central Industrial Property Office
Intellectual Property Office (IPO) Concept House Cardiff Road NEWPORT South Wales NP10 8QQ Tel. +44 1633 814000 *or* Intellectual Property Office (IPO) London Branch Office 3rd Floor 10 Victoria Street LONDON SW1H 0NB
www.gov.uk/government/organisations/intellectual-property-office **information@ipo.gov.uk**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. The Patents Act 1977 (as amended)	www.gov.uk/government/publications/the-patents-act-1977	BI.f.PMZ 1979, 200; 1986, 334; 1991, 260 (German) LTPI UK 2-001 (French)	PA
2. The Patents Rules 2007 (as amended)	www.gov.uk/government/publications/the-patents-rules-2007-and-patents-fees-rules-2007 S.I. 2007/3291 2009/546 2010/33 2011/2052 2014/578 2014/2401 2016/892 2017/1100 2019/801 2020/1050 2020/1317 2020/1471	LTPI UK 2-002 (French)	PR
3. The Patents (Fees) Rules 2007 (as amended)	www.gov.uk/government/publications/the-patents-rules-2007-and-patents-fees-rules-2007 S.I. 2007/3292 2009/2089 2010/33 2017/1100 2020/644	-	PFR

Republic of Moldova

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State Agency on Intellectual Property (AGEPI) 24/1, Andrei Doga Str. CHIȘINĂU, MD-2024 Consultations: Tel. +373 22 400500 Receipt of requests: Tel. +373 22 400505 Fax +373 22 440119
agepi.gov.md/en **office@agepi.gov.md**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Law No. 50-XVI of 7 March 2008 on the protection of inventions, as last amended and supplemented by Law No. 254 of 01.12.2017	Official Gazette of the Republic of Moldova No. 117-119 of 07.03.2008 (text in Romanian)		
[1. Law No. 50-XVI of 7 March 2008 on the protection of inventions, as last amended and supplemented by Law No. 160 of 30 July 2015]		-	Law No. 50/2008
2. Government Decision No. 774 of 13 August 1997 on fees for legal services in the field of IP protection, as last amended and supplemented by Government Decision No. 1072 of 22 September 2016	Official Gazette of the Republic of Moldova No. 338-341/1175 of 30.09.2016 (text in Romanian)		
[2. Government Decision No. 774 of 13 August 1997 on fees for legal services in the field of IP protection, as last amended and supplemented by Government Decision No. 1072 of 22 September 2016]		-	Gov. Dec. No. 774/1997

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Government Decision No. 612 of 12 August 2011 approving the Regulation on registration of agreements on assigning, licensing, pledging or franchising industrial property	Official Gazette of the Republic of Moldova No. 138/682 of 19.08.2011 (text in Romanian)		
[3. Government Decision No. 612 of 12 August 2011 approving the Regulation on registration of agreements on assigning, licensing, pledging or franchising industrial property]		-	Gov. Dec. No. 612/2011
4. Government Decision No. 528 of 1 September 2009 approving the Regulation on the procedure of filing and examination of the patent application and grant of patent, as last amended by Government Decision No.397 of 5 June 2017	Official Gazette of the Republic of Moldova No. 138-139/593 of 08.09.2009		
[4. Government Decision No. 528 of 1 September 2009 approving the Regulation on the procedure of filing and examination of the patent application and grant of patent, as last amended by Government Decision No.397 of 5 June 2017]		-	Gov. Dec. No. 528/2009

Morocco

Central Industrial Property Office

Central Industrial Property Office
Office marocain de la propriété industrielle et commerciale (Moroccan Industrial and Commercial Property Office, OMPIC) Headquarters: Route de Nouasser, R.S. 114, Km 9,5 Sidi Maarouf CASABLANCA Postal address: PO Box 8072 Casablanca Oasis CASABLANCA Tel. +212 5 22586400 Fax +212 5 22335480
www.ompic.ma **validation@ompic.ma**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Loi n° 17-97 relative à la protection de la propriété industrielle, telle que modifiée et complétée par la Loi n° 23-13 promulguée par le dahir n° 1-14-188 du 27 moharrem 1436 (21 novembre 2014)	Bulletin officiel (BO) n° 6318 du 18.12.2014 (version arabe) BO n° 6358 du 7.5.2015 (version française)		
[1. Law No. 17-97 on the protection of industrial property, as amended and supplemented by Law No. 23-13 promulgated by dahir No. 1-14-188 of 27 moharrem 1436 (21 November 2014)]		-	Law No. 17-97
2. Décret n° 2-14-316 du 8 rabii II 1436 (29 janvier 2015) modifiant et complétant le décret n° 2-00-368 du 18 rabii II 1425 (7 juin 2004) pris pour l'application de la loi n° 17-97 relative à la protection de la propriété industrielle	BO n° 6333 du 9.2.2015 (version arabe) BO n° 6358 du 7.5.2015 (version française)		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Decree No. 2-14-316 of 8 rabii II 1436 (29 January 2015) amending and supplementing Decree No. 2-00-368 of 18 rabii II 1425 (7 June 2004) implementing Law No. 17-97]		-	Decr.
3. Arrêté du Ministre de l'Industrie, du Commerce, de l'Investissement et de l'Economie Numérique n° 15-162 du 30 janvier 2015 désignant un organisme de validation	BO n° 6333 du 9.2.2015 (version arabe)		
[3. Order No. 15-162 of 30 January 2015 designating a validation authority, issued by the Minister for Industry, Commerce, Investment and the Digital Economy]		-	Ord. of 30.1.2015
4. Référence administrative : Note d'information du Directeur Général de l'Office Marocain de la Propriété Industrielle et Commerciale sur la procédure de validation des brevets européens au Maroc, publiée le 19 janvier 2015	*www.ompic.ma*		
[4. Administrative Reference: the information notice of 19 January 2015 from the Director-General of OMPIC on the procedure for validating European patents in Morocco]		-	Notice DG OMPIC

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Référence administrative : Décision n° 9/2017 du 29 juin 2017, relative aux prix des services rendus par l'Office Marocain de la Propriété Industrielle et Commerciale au titre de la propriété industrielle et du registre central du commerce	www.ompic.ma/fr/content/nos-tarifs		
[5. Administrative Reference: Decision No. 9/2017 of 29 June 2017 on the prices of OMPIC services relating to industrial property and the central register of commerce]		-	Dec. No. 9/2017

Cambodia

Central Industrial Property Office
Cambodia

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.			

Tunisia

Central Industrial Property Office
Tunisia

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.			

Bosnia and Herzegovina

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1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o patentu	Sl.glasnik BiH (Official Gazette of Bosnia and Herzegovina) No. 53/10		
[1. Patent Law]		Website of the Institute for Intellectual Property of Bosnia and Herzegovina www.ipr.gov.ba	PL
2. Pravilnik o postupku za priznanje patenta i konsenzualnoga patenta	Sl.glasnik BiH No. 105/10		
[2. Regulations on the Patent and Consensual Patent Grant Procedure]		Website of the Institute for Intellectual Property of Bosnia and Herzegovina www.ipr.gov.ba	Pat. Reg.

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Odluka o posebnim troškovima postupka za sticanje i održavanje prava industrijskog vlasništva	Sl.glasnik BiH No. 109/10		
[3. Decision on special procedural charges for acquisition and maintenance of industrial property rights]		-	Spec. Fees
4. Odluka o izmjenama tarife administrativnih taksi	Sl.glasnik BiH No. 15/14		
[4. Decision adjusting administrative fees]		-	Admin. Fees
5. Sporazum između vijeća ministara bosne i hercegovine i evropske patentne organizacije o saradnji u oblasti patenata (sporazum o saradnji i proširenju)	Sl.glasnik BiH No. 2/04		
[5. Agreement between Bosnia and Herzegovina and the European Patent Organisation on co-operation in the field of patents (co-operation and extension agreement)]		-	Ext. Agr.

Montenegro

Central Industrial Property Office
Ministarstvo ekonomije Direktorat za unutrašnje tržište i konkurenciju Rimski trg 46 81000 PODGORICA Tel. +382 20 234 591
www.mek.gov.me **intelektualna.svojina@mek.gov.me**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o patentima	Sl. list CG, br. 42/2015, 2/2017 I 146/21		
[1. Patent Law]		-	PL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Pravilnik o sadržini registara, prijava i drugih podnesaka, načinu podnošenja prijava i objavljivanju podataka u postupcima pravne zaštite pronalazaka	Sl. list SCG, br. 8/2016		
[2. Rules on the contents of registers, applications and other submissions, notification and publication of data in procedures for the legal protection of inventions]		-	Rules
3. Zakon o potvrdjivanju sporazuma izmedju Crne Gore i EPO o proširenju evropskih patenata (Sporazum o proširenju)	Sl. list CG, Međunarodni ugovori, br. 5/2009		
[3. Law on ratification of the extension agreement between Montenegro and the EPO (Extension Agreement)]		-	-
4. Zakon o administrativnim taksama	Sl. list RCG, br. 55/2003, 46/2004, 81/2005, 2/2006; Sl. list CG, br. 18/2019		
[4. Law on administrative fees]		-	LAdmFees
5. Odluka o visini naknada i posebnih troskova postupka koji vodi Zavod za intelektualnu svojinu i naknada troskova za pruzanje informacionih usluga	Sl. list CG, br. 16/2008		
[5. Decision on procedural and patent-information fees charged by the Intellectual Property Offices]		-	Fees Dec.
6. Zakon o upravnom postupku	Sl. list CG, br. 56/2014, 20/2015, 40/2016, 37/2017		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[6. Law on administrative procedure]		-	LAdmin.proc.

Albania

Central Industrial Property Office
Drejtoria e Përgjithshme e Pronësisë Industriale General Directorate of Industrial Property (GDIP) Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve TIRANA Tel. +355 4 22 34 412 Fax +355 4 22 34 412
www.dppm.gov.al **mailinf@dppm.gov.al**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Ligji Nr. 9947 Date 07.07.2008 Per Pronesine Industriale i ndryshuar me Ligjin Nr. 10/2013 i datës 14.2.2013, dhe Ligji Nr. 55/2014 i datës 29.5.2014, dhe Ligji 17/2017 i datës 16.2.2017	Gazeta Zyrtare No. 121, 2008 No. 29, 2013 No. 96, 2014 No. 43, 2017		
[1. Law No. 9947 on Industrial Property of 7 July 2008, as amended by Law No. 10/2013 of 14 February 2013, Law No. 55/2014 of 29 May 2014 and Law No. 17/2017 of 16 February 2017]		IPLT AL 1-001 (English)	PL
2. Rregullore "Per Ieshimin e patentave per shpikjet dhe modelet e perdorimit" Nr. 1707, date 29.12.2008, i ndryshuar me VKM Nr. 618, datë 7.9.2011, dhe me VKM Nr. 38 datë 21.1.2015, dhe me VKM Nr. 460, datë 26.7.2018	Gazeta Zyrtare No. 213, 2008 No. 139, 2011 No. 7, 2015 No. 114, 2018		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[2. Regulation No. 1707 of 29 December 2008 on patents and utility models, as amended by Decree of the Government No. 618 of 7 September 2011, by Decree of the Government No. 38 of 21 January 2015 and by Decree of the Government No. 460, of 26 July 2018]		-	PR
3. VKM No. 883, 13 Maj 2009 Per tarifat e Objekteve te Pronesise Industriale e ndryshuar me VKM Nr. 37 datë 21.1.2015, dhe me VKM Nr. 316 datë 31.5.2018	Gazeta Zyrtare No. 134, 2009 No. 7, 2015 No. 82, 2018		
[3. Decree of the Government on State fees No. 883 of 13 May 2009, as amended by Decree of the Government No. 37 of 21 January 2015 and by Decree of Government No. 316 of 31 May 2018]		-	Fees Decr.

Croatia

Central Industrial Property Office
Državni zavod za intelektualno vlasništvo State Intellectual Property Office of the Republic of Croatia Ulica grada Vukovara 78 10000 ZAGREB Tel. +385 1 6106111, 6106100 Fax +385 1 6112017
www.dziv.hr **info@dziv.hr**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o patentu	Narodne Novine NN 16/20		
[1. Patent Act]		Croatian Intellectual Property Office website at: *https://www.dziv.hr/en/ip-legislation/national-legislation/patents/*	PA

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Pravilnik o patentu	NN 55/20		
[2. Patent Ordinance]		Croatian Intellectual Property Office website at: *www.dziv.hr/en/ip-legislation/national-legislation/patents/*	PO
3. Zakon o naknadama u području intelektualnog vlasništva	NN 66/21		
[3. Act on the fees in the field of intellectual property]		Croatian Intellectual Property Office website at: *www.dziv.hr/en/ip-legislation/national-legislation/patents/*	AFees
4. Uredba o naknadama za postupke u području intelektualnog vlasništva i stručne usluge Državnog zavoda za intelektualno vlasništvo	NN 119/21		
[4. Regulation on Fees for Proceedings in the Field of Intellectual Property and Professional Services of the State Intellectual Property Office]		Croatian Intellectual Property Office website at: *www.dziv.hr/en/ip-legislation/national-legislation/patents*	RFees
5. Sporazum Vlade Republike Hrvatske i Europske patentne organizacije o suradnji na području patenata (Sporazum o suradnji i proširenju)	NN - IA. 14/03		
[5. Agreement on co-operation in the field of patents between the Government of the Republic of Croatia and the European Patent Organisation (Co-operation and Extension Agreement)]		-	Ext. Agr.
6. Zakon o općem upravnom postupku	NN 47/2009, 110/21		
[6. Law on General Administrative Procedure]		-	Law on GAP

Lithuania

Central Industrial Property Office
The State Patent Bureau of the Republic of Lithuania Kalvarijų g. 3 09310 VILNIUS Tel. +370 5 2780290 Fax +370 5 2750723
https://vpb.lrv.lt/ info@vpb.gov.lt

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Lietuvos Respublikos patentų įstatymas Nr. XI-1261 (2010 12 23), pakeistas įstatymu Nr. XIII-548 (2017 06 29)	Lietuvos Respublikos Teisės aktų registras (Register of Legal Acts of the Republic of Lithuania)		
[1. Patent law of the Republic of Lithuania No. XI-1261 of 23 December 2010, as last amended by Law No. XIII-548 of 29 June 2017]		-	PL
2. Lietuvos Respublikos valstybinio patentų biuro 2006 04 24 įsakymas Nr. 3R-29 "Dėl Europos patentų paraiškų padavimo ir Europos patentų galiojimo Lietuvos Respublikoje (išplėtimo į Lietuvos Respubliką) tvarkos aprašo patvirtinimo", pakeistas įsakymu Nr. 3R-36 (2017 06 26)	Lietuvos Respublikos Teisės aktų registras		
[2. Order of the State Patent Bureau of the Republic of Lithuania No. 3R-29 of 24 April 2006 on the filing of European patent applications and extension of the European patent procedure, as amended by Order No. 3R-36 of 26 June 2017]		-	Ext. Order
3. Mokesčių už pramoninės nuosavybės objektų registravimą įstatymas Nr. IX-352 (2001 06 05), įstatymu Nr. XIII-550 (2017 06 29)	Lietuvos Respublikos Teisės aktų registras		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Law on fees for the registration of industrial property objects of 5 June 2001 No. IX-352, as amended by Law No. XIII-550 of 29 June 2017]		-	Fees Law
4. Valstybinío patentų biuro direktoriaus 2001 m. gruodžio 27 d. įsakymas Nr. 118 "Dėl papildomos apsaugos liudijimų išdavimo", pakeistas įsakymu Nr. 3R-20 (2016 03 31)	Lietuvos Respublikos Teisės aktų registras		
[4. Order of the Director of the State Patent Bureau No. 118 of 27 December 2001 on the grant of supplementary protection certificates, amended by Order No. 3R-20 of 31 March 2016]		-	-

Latvia

Central Industrial Property Office
Patent Office of the Republic of Latvia Citadeles iela 7(70) 1010 RIGA Tel. +371 6 7099600 Fax +371 6 7099650
www.lrpv.gov.lv **valde@lrpv.gov.lv**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. 2007. gada 15. februāra Patentu likums ar 2015. gada 19. novembra grozījumiem 2007. gada 15. februāra Patentu likums ar 2021. gada 15. jūnija grozījumiem, stājas spēkā 2021. gada 12. jūlijā	Latvijas Vēstnesis No. 34 (3610), 27.2.2007 No. 240 (5558), 8.12.2015 Latvijas Vēstnesis No. 121B 28.06.2021.		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Patent Law adopted on 15 February 2007, as amended on 19 November 2015]		https://likumi.lv/doc.php?id=153574 (English) Bl.f.PMZ 2010, 7 (German)	PL
2. 2008. gada 1. aprīļa Ministru kabineta noteikumi Nr. 224 Patentu un patentu pieteikumu noteikumi ar 2015. gada 22. decembra grozījumiem 2008. gada 1. aprīļa Ministru kabineta noteikumi Nr. 224 Patentu un patentu pieteikumu noteikumi ar 2022. gada 22. februāra grozījumiem, stājas spēkā 2022. gada 25. februārī	Vēstnesis No. 53, 4.4.2008 Latvijas Vēstnesis No. 39, 24.02.2022.		
[2. Regulations of the Cabinet of Ministers No. 224 of 1 April 2008 Regulations on patents and patent applications, as amended on 22 December 2015]		-	PR
3. 2015. gada 15. decembra Ministru Kabineta noteikumi Nr. 723 Patentu valdes sniegto maksas pakalpojumu cenrādis ar 2020. gada 7. maija grozījumiem, stājās spēkā 2020. gada 9. maijā	Vēstnesis No. 248 (5566), 18.12.2015 Latvijas Vēstnesis No. 88B 08.05.2020.		
[3. Regulations of the Cabinet of Ministers No. 723 of 15 December 2015 on prices for services of the Patent Office]		-	Fees Reg.
4. 2015. gada 18. jūnija Rūpnieciskā īpašuma institūciju un procedūru likums, stājas spēkā 2016. gada 1. janvārī	Vēstnesis No. 127 (5445), 2.7.2015		
[4. Law on Industrial Property Institutions and Procedures of 18 June 2015, entered into force on 1 January 2016]		-	IPL

North Macedonia

Central Industrial Property Office
State Office of Industrial Property (SOIP) Boulevard October 11, No. 25 1000 SKOPJE Tel. +389 2 3103601 Fax +389 2 3137149
www.ippo.gov.mk **info@ippo.gov.mk**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Закон за индустриска сопственосткој се применува од 25 февруари 2009	Sluzben vesnik na Republika Makedonija No. 47/2002, No. 42/2003, No. 9/2004, No. 39/2006, No. 79/2007, No. 21/2009, No. 24/2011, No. 12/2014, No. 41/2014, No. 152/2015, No. 53/2016, No. 83/2018 No. 31/2020		
[1. Law on Industrial Property of 12 February 2009, applicable as from 25 February 2009]		WIPO website at www.wipo.int/wipolex MK008EN (English)	PL
2. Закон за административни такси	Sluzben vesnik na Republika Makedonija No. 17/1993, No. 20/1996, No. 7/1998, No. 13/2001, No. 24/2003, No. 19/2004, No. 61/2004, No. 95/2005, No. 70/2006, No. 92/2007, No. 88/2008, No. 130/2008, No. 6/2010, No. 145/2010, No. 17/2011		
[2. Law on administrative fees of 26 March 1993, as last amended on 11 February 2011]		-	Fees Law

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
3. Правилник за признавање на патент	Sluzben vesnik na Republika Makedonija No. 18/2004, No. 93/2006, No. 22/2009		
[3. Patent Regulations of 23 March 2004, as last amended on 29 August 2006]		-	Reg.
4. Договор за соработка на полето на патентите (Договор за соработка)	Sluzben vesnik na Republika Makedonija No. 49/1997		
[4. Agreement on co-operation in the field of patents (Co-operation Agreement) on the extension of European patents of 30 September 1997]		Sluzben vesnik na Republika Makedonija No. 49/97 (English) OJ EPO 1997, 538 (English, French, German)	Ext. Reg.
5. Закон за општа управна постапка	Sluzben vesnik na Republika Makedonija No. 38/2005; 124/2015		
[5. Law on General Administrative Procedure]		-	Law on GAP

Romania

Central Industrial Property Office
State Office for Inventions and Trademarks (OSIM) 5, Ion Ghica Street 030044 BUCUREŞTI 3 Tel. +40 21 3060-800 Fax +40 21 3123819
www.osim.ro **office@osim.ro**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Legea Nr. 64/1991 privind brevetele de invenţie republicată în Monitorul Oficial al României, Partea I, nr. 613 din 19 august 2014	Monitorul Oficial No. 212/1991 340/2002 752/2002 541/2007		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[1. Patent Law No. 64/1991, as republished in the Official Gazette of Romania, Part I, No. 613 of 19 August 2014]		IPLT RO-2-001 (English, French) GRUR Int. 1992, 196 (German)	PL
2. H.G. nr. 547 din 18 iunie 2008 pentru aprobarea Regulamentului de aplicare a Legii nr. 64/1991 privind brevetele de invenţie	Monitorul Oficial No. 348/2002		
[2. Government Decision No. 547/2008 of 18 June 2008 for the approval of the Regulations for implementing the Patent Law No. 64/1991]		-	Reg.
3. O.G. nr. 41/1998 privind taxele în domeniul protecţiei proprietăţii industriale şi regimul de utilizare a acestora, republicată în Monitorul Oficial al României, Partea I, nr. 959 din 29.11.2006	Monitorul Oficial No. 43/1998 471/2002 6/2006 226/9.4.2010		
[3. Government Ordinance No. 41/1998 on industrial property fees and the use thereof, as republished in the Official Gazette of Romania, Part I, No. 959 of 29 November 2006]		-	Fees Ord.
4. Art. III din Legea nr. 66/31.3.2010 pentru modificarea şi completarea Legii nr. 84/1998 privind mărcile şi indicaţiile geografice	Monitorul Oficial No. 226/9.4.2010		
[4. Art. III of Law No. 66/31.3.2010 amending and supplementing Law No. 84/1998 on trademarks and geographic indications]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
5. Ordonanţa Nr. 32/1996 din 15 august 1996 pentru ratificarea Acordului de cooperare dintre Guvernul României şi Organizaţia Europeană de Brevete privind cooperarea în domeniul brevetelor	Monitorul Oficial No. 195/1996		
[5. Ordinance No. 32/1996 of 15 August 1996 for ratification of the Agreement between the Government of Romania and the European Patent Organisation on co-operation in the field of patents]		OJ EPO 1996, 601 (English, French, German)	GO
6. Legea nr. 32/1997 privind implementarea ordonanţei de extindere			
[6. Law on the Implementation of the extension ordinance No. 32/1997]		-	Ext. Law
7. Hotărâre a Guvernului nr. 1.457 din 12 noiembrie 2008 pentru aprobarea Regulamentului de aplicare a Legii nr. 350/2007 privind modelele de utilitate	Monitorul Oficial No. 814/4.12.2008		
[7. Government decision No. 1.457 of 12 November 2008 adopting implementing regulations for Law No. 350/2007 on utility models]		-	-
8. Legea nr. 16 din 6 martie 1995 privind protectia topografiilor produselor semiconductoare	Monitorul Oficial No. 45/9.3.1995 824/6.10.2006		
[8. Law No. 16 of 6 March 1995 on the protection of topographies of semiconductor products]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Ordin nr. 6 din 10.1.2007 pentru aprobarea Normelor de aplicare a Legii nr.16/1995 privind protecţia topografiilor produselor semiconductoare	Monitorul Oficial No. 90/5.2.2007		
[9. Order No. 6 of 10 January 2007 adopting implementing rules for Law No. 16/1995 on the protection of topographies of semiconductor products]		-	-

Slovenia

Central Industrial Property Office
Slovenian Intellectual Property Office (SIPO) Kotnikova 6 p.p.206 1000 LJUBLJANA Tel. +386 1 6203100 Fax +386 1 6203111
www.uil-sipo.si sipo@uil-sipo.si

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Zakon o industrijski lastnini	*Uradni list RS, št. 51/06 – uradno prečiščeno besedilo, 100/13 in 23/20*		
[1. Industrial Property Act]		WIPO website at www.wipo.int/wipolex (English, French) Slovenian Intellectual Property Office website at www.uil-sipo.si (English)	PA
2. Uredba o pristojbinah Urada RS za intelektualno lastnino	Uradni list RS, št. 128/2006		
[2. Decree on the fees of the Slovenian Intellectual Property Office]		-	Fees Decr.
3. Pravilnik o vsebini patentne prijave in postopku z deljenimi patenti	Uradni list RS, št. 102/2001		

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
[3. Rules on the content of a patent application and the procedure for divided patents]		-	PR
4. Pravilnik o registrih prijav in pravic industrijske lastnine ter potrdilu o prednostni pravici	Uradni list RS, št. 102/2001		
[4. Rules on registering applications and industrial property rights and priority certificates]		-	Reg.Rules
5. Uredba o razširitvi evropskih patentov na Republiko Slovenijo	Uradni list RS, št. 15/2002		
[5. Decree on the extension of European patents to the Republic of Slovenia]		OJ EPO 1994, 75 (English, French, German)	Ext. Decr.

Serbia

Central Industrial Property Office
Intellectual Property Office Kneginje Ljubice 5 11000 BEOGRAD Tel. +381 11 2025800 Fax +381 11 3112377
www.zis.gov.rs **zis@zis.gov.rs**

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
1. Закон о патентима	Official Gazette of the Republic of Serbia No. 99/2011, No. 113/2017, No. 95/2019, No. 66/2019, No. 123/2021		
[1. Patent Law, published on 27.12.2011, 8.12.2017, 8.12.2018, 18.9.2019 and 15.12.2021]			PL

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
2. Правилник о садржини потврда, пријава и захтева у поступку заштите проналазака, као и о начину подношења пријаве и објављивања проналазака	Official Gazette of the Republic of Serbia No. 78/2019		
[2. Regulations on the content of certificates, applications and requests in the procedure of the protection of inventions, as well as the manner of filing the application and publication of inventions, published on 1.11.2019]		-	Rules
3. Закон о потврђивању Споразума између Савезне владе Савезне Републике Југославије и Европске патентне организације о сарадњи у области патената (Споразумом о сарадњи и проширењу)	Official Gazette of Serbia and Montenegro – International Agreements No. 14/2004		
[3. Cooperation and Extension Agreement, published on 18.6.2004]		-	CEA
4. Закон о републичким административним таксама			

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
	Official Gazette of the Republic of Serbia No. 43/2003, No. 51/2003, No. 53/2004, No. 42/2005, No. 61/2005, No. 101/2005, No. 42/2006, No. 47/2007, No. 54/2008 No. 5/2009, No. 54/2009, No. 35/2010, No. 50/2011, No. 70/2011, No. 55/2012, No. 93/2012, No. 47/2013, No. 65/2013, No. 57/2014, No. 45/2015, No. 83/2015, No. 112/2015 No. 50/2016, No. 61/2017 No. 113/2017, No. 3/2018, No. 50/2018, No. 38/2019, No. 98/2020, No. 144/2020, No. 62/2021		
[4. Law on the Republic's Administrative Fees] Entry into force on 30.4.2003, entry into force of the last amendments of the fees on 1.7.2021		-	Fees Law
5. Закон о посебним овлашћењима ради ефикасне заштите права интелектуалне својине	Official Gazette of the Republic of Serbia No. 46/2006, No. 104/2009		
[5. Law on special authorisations for the effective protection of intellectual property rights, published on 16.12.2009]		-	-

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
6. Правилник о начину и програму полагања стручног испита за лица која се баве заступањем у области индустријске својине	Official Gazette of the Federal Republic of Yugoslavia No. 78/2019		
[6. Regulations on the program and manner of passing expert exam for the persons engaged in representation in the field of intellectual property, published on 1.11.2019]		-	-
7. Закон о општем управном поступку	Official Gazette of the Republic of Serbia No. 18/2016, No. 95/2018		
[7. The Law on General Administrative Procedure, entry into force on 1.6.2017 and 7.12.2018]		-	LGAP
8. Закон о потврђивању Конвенције о признавању европских патента (Конвенција о европском патенту) од 5. октобра 1973. године са изменама члана 63. Конвенције о европском патенту од 17. децембра 1991. године и изменама од 29. новембра 2000. године	Official Gazette of the Republic of Serbia – International Treaties No. 5/2010		
[8. Law on the ratification of the Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973 as amended by the act revising Article 63 EPC of 17 December 1991 and the act revising the EPC of 29 November 2000, published on 27.12.2011]		-	LREPC

1 **National provisions**	2 **Source**	3 **Translation published in . . . (language)**	4 **Abbreviations used in this synopsis**
9. Закон о патентима (На европске пријаве патената за које је захтевано проширење на Републику Србију, као и на европске патенте који су признати на основу таквих европских пријава примењиваће се одредбе поглавља 15. Закона о патентима ("Службени лист СЦГ", бр. 32/04, 35/04 и "Службени гласник РС", број 115/06)	Official Gazette of Serbia and Montenegro No. 32/2004, No. 35/2004 Official Gazette of the Republic of Serbia No. 115/2006		
[9. Patent Law, published on 2.7.2004 (the provisions of Chapter XV of the Patent Law ("Official Gazette of Serbia and Montenegro", No. 32/04, 35/04, and "Official Gazette of RS", No. 115/2006) are still applicable to European patent applications extended to the Republic of Serbia and to European patents which have been granted for such applications)]		-	PL Ext.

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II. Filing of European patent applications pursuant to Article 75(1)(b) and (2) EPC

European patent applications may be filed at the EPO at Munich, its branch at The Hague, its sub-office in Berlin (however not in Vienna) or, if the law of a contracting state so permits, at the central industrial property office or other competent authority of that state.

The following table indicates, for each contracting state, whether European patent applications may be filed at the option of the applicant at the EPO or a national authority, which applications must be filed with the national authorities, the languages in which European patent applications are accepted by the national authorities and what special features need to be borne in mind in connection with the filing.

For the purpose of filing an application, a national representative does not need to be appointed if the applicant has neither a residence nor his principal place of business within the territory of the state concerned (Article 133(1) and (2) EPC).

Attention is drawn to the fact that a translation in respect of every application which is not in English, French or German must be filed in one of these languages within two months of filing the European application (Article 14(2), Rule 6(1) EPC). If this translation is not filed in due time, the application is deemed to be withdrawn (Article 14(2), third sentence, EPC).

European divisional applications must always be filed directly with the EPO at Munich, The Hague or Berlin (Article 76(1), first sentence, EPC). The same applies to new European patent applications filed under Article 61(1)(b) EPC (Article 61(2) EPC).

With regard to the languages specified in section 3, applicants are recommended to file applications where possible in the official language(s) of these states as difficulties of communication may arise – in particular in the case of states which have to examine applications in the light of national security regulations - possibly resulting in European patent applications being deemed to be withdrawn because of non-observance of the time limit for forwarding such applications (Article 77(3) EPC).

This table contains no information on extension or validation states because they are not EPC contracting states and so Article 75(1)(b) EPC does not apply to them.

Albania

Central Industrial Property Office
Drejtoria e Përgjithshme e Pronësisë Industriale General Directorate of Industrial Property (GDIP) Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve TIRANA Tel. +355 4 22 34 412 Fax +355 4 22 34 412
www.dppm.gov.al **mailinf@dppm.gov.al**

Contracting state	Albania
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 87/b(1) PL
2 **Applications which must be filed with national authorities**	Applications filed by persons having their residence or principal place of business in Albania and which are of importance for national security and defence Art. 31(6), (7), 87/b(3) PL
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 87/b(5) PL
4 **Official language(s)**	Albanian
5 **Special features**	-

Austria

Central Industrial Property Office

Central Industrial Property Office
Österreichisches Patentamt Dresdner Str. 87 Postfach 95 1200 WIEN Tel. +43 1 53424-0 Fax +43 1 53424-535
www.patentamt.at **info@patentamt.at**

Contracting state	Austria
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 2 ILPT
2 **Applications which must be filed with national authorities**	n/a
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC § 2 ILPT
4 **Official language(s)**	German
5 **Special features**	Applications may also be filed electronically.*

* Österreichisches Patentblatt, PBl. No. 9/2016, Annex 5.

Belgium

Central Industrial Property Office
Office de la Propriété Intellectuelle auprès du Service public fédéral Économie, PME, Classes moyennes et Énergie City Atrium C Rue du Progrès 50 1210 BRUXELLES Tel. +32 2 2779011 Fax +32 2 2775262
https://economie.fgov.be/fr/themes/propriete-intellectuelle/institutions-et-acteurs/office-belge-de-la-propriete **opridie-tech@economie.fgov.be**

Contracting state	Belgium
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	No European patent applications have to be filed with the EPO. Art. XI.82(1) ELC

Contracting state	Belgium
2 **Applications which must be filed with national authorities**	Applications filed by persons having Belgian nationality or having a residence or their principal place of business in Belgium which may be of importance for national defence or the security of the state Art XI.82(2) ELC
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Official languages for correspondence with OPRI (irrespective of language of patent application): - French - Dutch - German In accordance with rules of Royal Decree of 18 July 1966 co-ordinating the laws on the use of languages for administrative purposes.
5 **Special features**	Applications may also be filed by facsimile, provided the original is supplied within one month.*

* See decision of the President of the EPO: OJ EPO 2019, A18.

Bulgaria

Central Industrial Property Office
Patentno vedomstvo na Republica Bulgaria (Bulgarian Patent Office) 52B, Dr. G. M. Dimitrov Blvd. 1040 SOFIA Tel. +359 2 9701321 Fax +359 2 8735258
www.bpo.bg

Contracting state	Bulgaria
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 72a(1) PL
2 **Applications which must be filed with national authorities**	Applicants having a permanent address or principal place of business in the Republic of Bulgaria must file European patent applications with the Bulgarian Patent Office, unless the application claims the priority of an earlier application filed with the Office. Art. 72a(2) PL

Contracting state	Bulgaria
3 **Languages in which European patent applications must or may be filed with national authorities**	Bulgarian German English French Art. 72a(1) PL
4 **Official language(s)**	Bulgarian
5 **Special features**	Applications may also be filed by facsimile.* The option of electronic filing using the EPO Online Filing software was introduced on 1 May 2016. More information at *www.bpo.bg/index.php?option=com_content&task=view&id=210&Itemid=358*.

* See decision of the President of the EPO: OJ EPO 2019, A18.

Switzerland

Central Industrial Property Office
Swiss Federal Institute of Intellectual Property (IPI) Stauffacherstr. 65/59g 3003 BERN Tel. +41 31 3777777
www.ige.ch

Contracting state	Switzerland / Liechtenstein
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 115 PO
2 **Applications which must be filed with national authorities**	n/a
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Switzerland: German French Italian Liechtenstein: German
5 **Special features**	Filing by email only to the following address specified by the IPI: **patent.admin@ekomm.ipi.ch.**

Cyprus

Central Industrial Property Office
Department of Registrar of Companies and Intellectual Property Ministry of Energy, Commerce and Industry Corner Makarios III Ave. and Karpenisiou St., XENIOS Building 1427 NICOSIA Tel. +357 22 404301, 404302 Fax +357 22 304887
https://www.intellectualproperty.gov.cy https://www.companies.gov.cy **markspat@drcor.meci.gov.cy** **deptcomp@drcor.meci.gov.cy**

Contracting state	Cyprus
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Sect. 64 PL R. 47(1) PFR
2 **Applications which must be filed with national authorities**	Applications by Cypriot nationals unless the priority of an earlier Cypriot application is claimed R. 47(2) PFR
3 **Languages in which European patent applications must or may be filed with national authorities**	Greek English French German R. 48(1) PFR
4 **Official language(s)**	Greek
5 **Special features**	European patent applications which are not filed in Greek must be followed by a translation within 2 months. R. 48(2) PFR

Czech Republic

Central Industrial Property Office
Industrial Property Office Antonína Čermáka 2a 160 68 PRAHA 6 Tel. +420 2 20383111 Fax +420 2 24324718
www.upv.gov.cz **posta@upv.gov.cz**

Contracting state	Czech Republic

Contracting state	Czech Republic
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 24(3) PA
2 **Applications which must be filed with national authorities**	Applications containing matters that must be kept secret under special regulations § 24(4) PA
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Czech
5 **Special features**	Applications may also be filed by facsimile.* § 37(4) APC

* See decision of the President of the EPO: OJ EPO 2019, A18.

Denmark

Central Industrial Property Office
Patent- og Varemærkestyrelsen Helgeshøj Allé 81 2630 TAASTRUP Tel. +45 43 508000 Fax +45 43 508001
www.dkpto.org **pvs@dkpto.dk**

Contracting state	Denmark
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 75(3) PA
2 **Applications which must be filed with national authorities**	Inventions relating to war material or processes for the manufacture of war material which are owned by a person or an enterprise residing in Denmark or by a Danish institution must be filed at the DKPTO. § 2a (1) Law No. 107/2012
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC, provided at least the following is available in Danish or one of the EPO's official languages: (a) a mention that a European patent has been requested (b) information enabling the applicant to be identified or contacted

Contracting state	Denmark
4 **Official language(s)**	Danish
5 **Special features**	Applications may also be filed via the DKPTO website: *www.dkpto.org/apply/apply-patent-utility-models-and-spcs* Online filing.

Germany

Central Industrial Property Office
Deutsches Patent- und Markenamt 80297 MÜNCHEN Tel. +49 89 2195-1000 Fax +49 89 2195-2221 Deutsches Patent- und Markenamt Dienststelle Jena 07738 JENA Tel. +49 89 2195-1000 Fax +49 3641 40-5690 Deutsches Patent- und Markenamt Informations- und Dienstleistungszentrum Berlin 10958 BERLIN Tel. +49 89 2195-1000 Fax +49 30 25 992-404
www.dpma.de **info@dpma.de**

Contracting state	Germany
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. II § 4(1) LIPC
2 **Applications which must be filed with national authorities**	Applications which may contain a state secret Art. II § 4(2) LIPC
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	German

Contracting state	Germany
5 **Special features**	Applications as in section 1 may be filed at the EPO, with the DPMA and its patent information centres in the following towns: Aachen, Bremen, Chemnitz, Dresden, Hamburg, Ilmenau, Kaiserslautern, Saarbrücken and Stuttgart. BGBl. 1999 I 648, 2193 BGBl. 2000 I 1416 BGBl. 2001 I 341 BGBl. 2004 I 2599 BGBl. 2009 I 815 BGBl. 2016 I 1137 BGBl. 2017 I 3807 Bl.f.PMZ 1999, 169, 325 Bl.f.PMZ 2000, 353 Bl.f.PMZ 2001, 114 Bl.f.PMZ 2004, 478 Bl.f.PMZ 2009, 201 Bl.f.PMZ 2016, 217 Bl.f.PMZ 2018, 1 In the case of applications as in section 2, the applicant must indicate in an annex that the application may, in the view of the applicant, contain a state secret. Applications may also be filed by facsimile.* Applications may also be filed electronically using the DPMA's free software DPMAdirekt or the DE module (developed for German patent applications) of the EPO's *epoline*® software (see § 3(1), (4) OELDDPMA). Electronic filings can be submitted online or on electronic data carriers. Documents filed electronically must bear a qualified electronic signature within the meaning of Article 3(12) of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257 of 28.8.2014, p. 73), or an advanced electronic signature within the meaning ofArticle 3(11) of that Regulation issued by an international organisation operating in the field of industrial property and processable by the DPMA (§ 3(3) OELDDPMA). More details about the conditions for processing electronic documents (especially the technical requirements, electronic data carriers accepted, data formats and electronic signatures) are given on the DPMA website: *www.dpma.de* (§§ 3(2) and 4 OELDDPMA).

* See decision of the President of the EPO: OJ EPO 2019, A18.

Estonia

Central Industrial Property Office
Patendiamet Estonian Patent Office Toompuiestee 7 15041 TALLINN Tel. +372 627 7911 Fax +372 627 7912

Central Industrial Property Office
www.epa.ee **patendiamet@epa.ee**

Contracting state	Estonia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 3(1) IA
2 **Applications which must be filed with national authorities**	-
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC § 4 IA
4 **Official language(s)**	Estonian
5 **Special features**	Applications may only be filed by facsimile or other electronic media via the "Portal of electronic filing of applications for legal protection of industrial property" https://online.epa.ee/ § 3(3) REP

Spain

Central Industrial Property Office
Oficina Española de Patentes y Marcas Paseo de la Castellana, 75 28046 MADRID Tel. +34 902 157530 +34 91 0780780 Fax +34 91 3495597
www.oepm.es **informacion@oepm.es**

Contracting state	Spain
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes
2 **Applications which must be filed with national authorities**	Applicants having their head office, domicile, normal residence or permanent place of business in Spain must file in Spain unless claiming the priority of an earlier Spanish application. Art. 152.2 NPL

Contracting state	Spain
3 **Languages in which European patent applications must or may be filed with national authorities**	Spanish English German French (see also section 5) Art. 152.4 NPL
4 **Official language(s)**	Spanish
5 **Special features**	European patent applications which are not filed in Spanish and do not claim the priority of an earlier filing made in Spain must be accompanied by a translation into Spanish of the title of the invention and the abstract. A translation of the description, claims and drawings will only be necessary upon request by the OEPM for reasons of national security. Applications may also be filed by facsimile.* Applications can be filed online using the ES-EOLF V5.0 software developed on the basis of the EPO's EPOLINE OLF V5.0.13 software. The main features are: - Requirement for electronic signature issued by Fábrica Nacional de Moneda y Timbre - Use of CERES smart card - Registration with the OEPM The software can be downloaded at: *docs.epoline.org/epoline/products/olf5/2021/olf513.exe* All the relevant details can be found (in Spanish) at: *sede.oepm.gob.es/comun/archivosEnlazados/Manual-y-documentacion-de-OnlineFiling.pdf* Art. 152.4 NPL Art. 93 RD 316

* See decision of the President of the EPO: OJ EPO 2019, A18.

Finland

Central Industrial Property Office
Patentti- ja rekisterihallitus (Finnish Patent and Registration Office) 00091 PRH Client Service: Sörnäisten rantatie 13 C HELSINKI Tel. +358 29 5095000 Fax +358 29 5095328
www.prh.fi **registry@prh.fi**

Contracting state	Finland

Contracting state	Finland
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 70f PA
2 **Applications which must be filed with national authorities**	Inventions of importance to the defence of the country if the applicant has a residence or principal place of business in Finland. § 70f PA § 2 Defence Inventions
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC provided at least the following is available in Finnish or Swedish or in one of the EPO's official languages: (a) a mention that a European patent has been requested (b) information enabling the applicant to be identified or contacted
4 **Official language(s)**	Finnish or Swedish
5 **Special features**	Applications may also be filed by facsimile.* Applications may also be filed online using EPO Online Filing services. Technical information is available on the PRH website: *www.prh.fi*

* See decision of the President of the EPO: OJ EPO 2019, A18.

France

Central Industrial Property Office
Institut national de la propriété industrielle (INPI) 15 rue des Minimes CS50001 92677 COURBEVOIE CEDEX Tel. in France: 01 56 65 89 98 Tel. from abroad: +33 1 56 65 89 98
www.inpi.fr **contact@inpi.fr**

Contracting state	France
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. L. 614-2 PL
2 **Applications which must be filed with national authorities**	Applicants having a residence or their principal place of business in France must file with INPI unless claiming the priority of an earlier French application. Art. L. 614-2 PL

Contracting state	France
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	French
5 **Special features**	1. Applications claiming the priority of an earlier French application can be filed, in person or by post, at the EPO or at INPI headquarters in Courbevoie. Art. R. 614-1 Reg. 2. Applicants having their residence or principal place of business in France must file applications with INPI unless claiming the priority of an earlier French filing. Such applications must not be freely disseminated or utilised without the authorisation of the minister for industrial property. Such authorisation is automatically deemed to have been given four months after the filing date or 14 months after the priority date. Art. L. 614-4 PL 3. Applications can also be filed by fax* with the EPO or INPI; for INPI, the only number to use is: +33 1 56658600 (see decision No. 2014-67 of the INPI Director dated 22 April 2014 in the consolidated version dated 19 November 2019). 4. Applications can also be filed electronically using: (a) the EPO's online services, together with: – a smart card issued by INPI enabling the minister for defence to confidentially view the content of the application (necessary for the applications referred to in point 2 above) or – a smart card issued by the EPO (only for the applications referred to in point 1 above) (b) INPI's "e-procedures" portal on its website; select "autres démarches". (Note that, although the filing will then be online, the EPO will not consider it an electronic filing.) Art. L. 614-4 PL Art. R. 614-1 Reg.

* See decision of the President of the EPO: OJ EPO 2019, A18.

Greece

Central Industrial Property Office
Organismos Biomichanikis Idioktisias (OBI) (Hellenic Industrial Property Organisation (OBI)) 5, Gianni Stavroulaki St. 151 25 PARADISSOS AMAROUSSIOU Tel. +30 210 6183508, 6183548 Fax +30 210 6819231
www.obi.gr **info@obi.gr**

Contracting state	Greece

Contracting state	Greece
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 3 Pres. Decr. No. 77/88
2 **Applications which must be filed with national authorities**	First filings of European patent applications originating from Greek nationals residing in Greece or abroad have to be filed with OBI. Art. 23(1) Law No. 1733/87 Art. 3(2) Pres. Decr. No. 77/88 Art. 1 and 2 Law No. 4325/63
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC (see also section 5) Art. 4(1) Pres. Decr. No. 77/88
4 **Official language(s)**	Greek
5 **Special features**	European patent applications which are not drafted in an official language of the EPO must be followed by a translation into one of these languages within two months. Art. 4(1) Pres. Decr. No. 77/88 European patent applications filed by persons not having their residence or principal place of business in Greece must indicate an address for service in Greece (a national representative to accept correspondence). Art. 19(3) Pres. Decr. No. 77/88 Applications under section 2 may not be freely disseminated or utilised without the authorisation of the Minister responsible, which may be regarded as granted 30 days after filing if no provisional order that it be kept secret has been issued, or 125 days after filing if no final secrecy order has been issued. Law No. 4325/1963 gives further details. Art. 4(1), (2), 19(3) Pres. Decr. No. 77/88 Law No. 4325/63

Croatia

Central Industrial Property Office
Državni zavod za intelektualno vlasništvo (State Intellectual Property Office of the Republic of Croatia) Ulica grada Vukovara 78 10000 ZAGREB Tel. +385 1 6106111, 6106100 Fax +385 1 6112017
www.dziv.hr **info@dziv.hr**

Contracting state	Croatia

Contracting state	Croatia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 121(1) PA
2 **Applications which must be filed with national authorities**	Applications relating to inventions of relevance to the affairs of defense Art. 121(3) PA
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 121(1) PA
4 **Official language(s)**	Croatian
5 **Special features**	Applications may also be filed online *via* the SIPO HR website: *https://www.dziv.hr/hr/e-usluge/epct_eolf/eolf/* Filing the applications by facsimile is not allowed.

Hungary

Central Industrial Property Office
Szellemi Tulajdon Nemzeti Hivatala (Hungarian Intellectual Property Office, HIPO) II. János Pál pápa tér 7 1081 BUDAPEST Postal address: P.O. Box 415 1438 BUDAPEST Tel. +36 1 312 44 00 Fax +36 1 474 5534
www.hipo.gov.hu **sztnh@hipo.gov.hu**

Contracting state	Hungary
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes European divisional applications must be filed directly with the European Patent Office (Art 76(1) EPC). Art. 84/C(1) PA Art. 76(1) PromEPC
2 **Applications which must be filed with national authorities**	European patent applications must be filed with the HIPO if the applicant is a Hungarian citizen or has his permanent residence or seat in Hungary, unless they claim the priority of an application filed with the HIPO at least two months previously, which was not classified as state secret by the President of the HIPO. Art. 84/C(2) PA

Contracting state	Hungary
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC, provided at least the following is available in Hungarian or one of the EPO's official languages: (a) a mention that a European patent has been requested (b) information enabling the applicant to be identified or contacted Art. 84/C(3) PA
4 **Official language(s)**	Hungarian
5 **Special features**	Filing of applications by facsimile is not allowed. The option of electronic filing was introduced on 1 July 2007. Electronic filings can be submitted online via the HIPO's homepage. It is only accessible in Hungarian under *https://ugyintezes.sztnh.gov.hu/eBej2/step1*.

Ireland

Central Industrial Property Office
Intellectual Property Office of Ireland Government Buildings Hebron Road KILKENNY R95 H4XC Tel. +353 56 7720111 Fax +353 56 7720100
www.ipoi.gov.ie **ipinfo@ipoi.gov.ie**

Contracting state	Ireland
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Sect. 120(7) PA
2 **Applications which must be filed with national authorities**	-
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Irish English
5 **Special features**	Applications may also be filed by facsimile.*

* See decision of the President of the EPO: OJ EPO 2019, A18.

Iceland

Central Industrial Property Office
Hugverkastofan Icelandic Intellectual Property Office (ISIPO) Engjateigur 3 105 REYKJAVIK Tel. +354 580-9400
www.isipo.is, ***www.hugverk.is*** **isipo@isipo.is**, **hugverk@hugverk.is**

Contracting state	Iceland
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 75(3) PA
2 **Applications which must be filed with national authorities**	-
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Icelandic
5 **Special features**	The Icelandic Intellectual Property Office (ISIPO) accepts electronic filing via *epoline*® Online Filing. Information on how to apply for a smart card accepted by the ISIPO is available on the ISIPO website.

Italy

Central Industrial Property Office
Ufficio Italiano Brevetti e Marchi (UIBM) Ministero dello Sviluppo Economico Via Molise 19 00187 ROMA Tel. +39 06 4705-5800 Fax +39 06 4705-5632, 4705-5635
www.uibm.gov.it **contactcenteruibm@mise.gov.it**

Contracting state	Italy
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes, if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the official secrets regulations or if the applicant has requested and obtained authorisation from the UIBM for filing abroad Art. 149 PL

Contracting state	Italy
2 **Applications which must be filed with national authorities**	European **first applications** filed by applicants having a residence or their principal place of business in Italy Art. 149 PL
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC (see also section 5)
4 **Official language(s)**	Italian
5 **Special features**	European patent applications may be filed by postal service (registered mail with advice of delivery) or handed in to the Chamber of Commerce (Camera di Commercio), Viale Oceano Indiano n. 19, Rome. European patent applications which are not filed in Italian must be accompanied by an Italian translation of an exhaustive abstract describing the features of the invention and, where appropriate, by a copy of the drawings. This requirement is **waived** if priority of an application filed in Italy over 90 days previously is claimed and such application has not been made subject to the official secrets regulations, or if the applicant is **not resident** in Italy (see section 2). Art. 149 PL Art. 7 Min. Decr. No. 33

Liechtenstein

Contracting state	Liechtenstein
see Switzerland	

Lithuania

Central Industrial Property Office
The State Patent Bureau of the Republic of Lithuania Kalvarijų g. 3 09310 VILNIUS Tel. +370 5 2780290 Fax +370 5 2750723
https://vpb.lrv.lt **info@vpb.gov.lt**

Contracting state	Lithuania
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 77(1) PL

Contracting state	Lithuania
2 **Applications which must be filed with national authorities**	Applications containing a professional or state secret Art. 77(4) PL
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art.14(2) EPC
4 **Official language(s)**	Lithuanian
5 **Special features**	Filing the applications by facsimile or other electronic media is not allowed.

Luxembourg

Central Industrial Property Office
Ministère de l'Économie Office de la propriété intellectuelle 19-21, boulevard Royal 2914 LUXEMBOURG Tel. +352 247-84113 Fax +352 247-94113
www.gouvernement.lu/pi **dpi@eco.etat.lu**

Contracting state	Luxembourg
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 7 Law of 27.5.77
2 **Applications which must be filed with national authorities**	Applications relating to inventions of relevance to national security Art. 8 Law of 27.5.77 Law of 8.7.67 Reg. of 18.9.69
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	French German Luxembourgish
5 **Special features**	Applications may also be filed by facsimile.*

* See decision of the President of the EPO: OJ EPO 2019, A18.

Latvia

Central Industrial Property Office
Patent Office of the Republic of Latvia Citadeles iela 7(70) 1010 RIGA Tel. +371 6 7099600 Fax +371 6 7099650
www.lrpv.gov.lv **valde@lrpv.gov.lv**

Contracting state	Latvia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 69(1) PL
2 **Applications which must be filed with national authorities**	n/a
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 69(1) PL
4 **Official language(s)**	Latvian
5 **Special features**	Filing the applications by facsimile or other electronic media is not allowed.

Malta

Central Industrial Property Office
Industrial Property Registrations Directorate Commerce Department Ministry for the Economy and Industry (Malta) Lascaris Bastions Dahlet Gnien is-Sultan VALLETTA, VLT 1933 Tel. +356 2569 0100, 2122 6688
www.commerce.gov.mt **ipoffice@gov.mt**

Contracting state	Malta
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes R. 5(3) L.N. 99/2007
2 **Applications which must be filed with national authorities**	Applications that may affect the national security, except in cases where priority is claimed from first filing in Malta. R. 5(3) L.N. 99/2007

Contracting state	Malta
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC (see also section 5) R. 5(1) L.N. 99/2007
4 **Official language(s)**	Maltese English R. 5 L.N. 117/2002
5 **Special features**	Filing the applications by facsimile is not allowed. A transmittal fee (EUR 46.59 plus postage) is payable when filing the application. European patent applications which are not filed in Maltese or English must be followed within one month by an English translation of (a) a mention that a European patent has been requested (b) information enabling the applicant to be identified or contacted.

Monaco

Central Industrial Property Office
Direction de l'Expansion Économique Division de la Propriété Intellectuelle 9 Rue du Gabian 98000 MONACO Tel. +377 98989801 Fax +377 92057520
https://mcipo.gouv.mc **mcipo@gouv.mc**

Contracting state	Monaco
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 1 SO No. 10.427
2 **Applications which must be filed with national authorities**	n/a
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 1 MD
4 **Official language(s)**	French
5 **Special features**	Applications may also be filed by facsimile.* Art. 1 MD

* See decision of the President of the EPO: OJ EPO 2019, A18.

Montenegro

Central Industrial Property Office
Ministarstvo ekonomskog razvoja i turizma Direktorat za unutrašnje tržište i konkurenciju Rimski trg 46 81000 PODGORICA Tel. +382 20 234 591
www.gov.me/mek www.ziscg.me **dragana.ranitovic@mek.gov.me**

Contracting state	Montenegro
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	A European patent application can be filed with the EPO or a competent authority. Art. 150(1) PL
2 **Applications which must be filed with national authorities**	If the competent authority establishes, at first glance, that an application submitted by a citizen of Montenegro or a natural person who has a permanent residence in Montenegro refers to an invention of importance for the defence and security of Montenegro, within the meaning of Article 124 of the Patent Law of Montenegro, it will act in accordance with the special regulations governing secret inventions and will not forward the European patent application to the EPO. Art. 150b(3) PL
3 **Languages in which European patent applications must or may be filed with national authorities**	A European patent application submitted to the competent authority can be filed in any language under Article 14 EPC; a translation into Montenegrin is then mandatory. It can, of course, also be filed in Montenegrin. Art. 150b(5) PL
4 **Official language(s)**	Montenegrin
5 **Special features**	/

North Macedonia

Central Industrial Property Office
State Office of Industrial Property (SOIP) Boulevard October 11, No. 25 1000 SKOPJE Tel. +389 2 3103601 Fax +389 2 3137149
www.ippo.gov.mk **info@ippo.gov.mk**

Contracting state	North Macedonia

Contracting state	North Macedonia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 119 PL
2 **Applications which must be filed with national authorities**	Applications relating to inventions of relevance to national security Art. 71, 72, 73 and 120 PL
3 **Languages in which European patent applications must or may be filed with national authorities**	Macedonian English French German Art. 120(1) PL
4 **Official language(s)**	Macedonian
5 **Special features**	-

Netherlands

Central Industrial Property Office
Octrooicentrum Nederland (Netherlands Patent Office) P.O. Box 10366 2501 HJ DEN HAAG Tel. +31 88 042 66 60
www.rvo.nl/octrooien **octrooicentrum@rvo.nl**

Contracting state	Netherlands
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	No European patent applications must be filed at the EPO.
2 **Applications which must be filed with national authorities**	Applications whose content must be kept secret in the interest of the defence of the Kingdom Art. 46 PA
3 **Languages in which European patent applications must or may be filed with national authorities**	n/a
4 **Official language(s)**	Dutch

Contracting state	Netherlands
5 **Special features**	Care should be taken not to address European patent applications, which are filed at the branch of the EPO at The Hague, to the NPO. The postal address of the branch of the EPO at The Hague is as follows: "Postbus 5818, 2280 HV RIJSWIJK"

Norway

Central Industrial Property Office
Norwegian Industrial Property Office (NIPO) Patentstyret Postboks 4863 Nydalen 0422 OSLO Tel. +47 22 38 73 00 Fax +47 22 38 73 01
www.patentstyret.no **post@patentstyret.no**

Contracting state	Norway
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 66a PL
2 **Applications which must be filed with national authorities**	Patent applications regarding inventions relating to war materials or processes for the manufacture of war materials for which the applicant wants protection in Norway, must be filed with NIPO. § 3 Defence Act
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Norwegian Patent applications can also be filed and processed in English.
5 **Special features**	Applications may also be filed by facsimile.*

* See decision of the President of the EPO: OJ EPO 2019, A18.

Poland

Central Industrial Property Office

Central Industrial Property Office
Urząd Patentowy RP (Patent Office of the Republic of Poland) Al. Niepodległości 188/192 P.O. Box 203 00-950 WARSZAWA Tel. +48 22 5790555 Fax +48 22 5790001
www.uprp.pl

Contracting state	Poland
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes
2 **Applications which must be filed with national authorities**	A person having its registered office or place of residence in the Republic of Poland may file a patent application for an invention so as to obtain protection abroad, through the Polish Patent Office (“the PPO”) after filing an application for this invention with the Patent Office. Art. 40 IPL
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC If a European patent application is drawn up in a foreign language, it must be accompanied by a translation into Polish. Art. 3 EPAL
4 **Official language(s)**	Polish
5 **Special features**	Applications may also be filed by facsimile or in an electronic form. Where an application is sent by facsimile, the original copy of the application shall be delivered to the PPO within 30 days of the date of sending the application by facsimile. For **European** patent applications the PPO also admits electronic filing. SMART cards accepted. Digital certificates issued by the following certification authorities are accepted for EP e-filing by the RO: European Patent Office CA (Pink Roccade) 1. Server addresses: **PCT** PROD: https://pctsafe.uprp.pl/olf/pctreceiver DEMO: https://pctsafe.uprp.pl/demo/olf/pctreceiver **EP** DEMO: https://eolf.uprp.pl/demo/olf/receiver PROD: https://eolf.uprp.pl/olf/receiver Art. 13(2-3) IPL

Portugal

Central Industrial Property Office

Central Industrial Property Office
Instituto Nacional da Propriedade Industrial (INPI) Campo das Cebolas 1149-035 LISBOA Tel. +351 21 8818100 Fax: +351 21 8869859
https://inpi.justica.gov.pt **servico.publico@inpi.pt**

Contracting state	Portugal
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 78(1) PA
2 **Applications which must be filed with national authorities**	Applicants having their residence or principal place of business in Portugal must file any European patent application with INPI unless claiming the priority of an earlier Portuguese application. Art. 78(2) PA
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC. Art. 79(1) PA
4 **Official language(s)**	Portuguese
5 **Special features**	Applications can be filed on paper or electronically through the INPI electronic filing tool. Applications may also be filed by facsimile,* provided the paper copy is received at the INPI within 5 working days of the date on which the transmission by facsimile was effected. A transmittal fee (EUR 21.55) is payable when filing the application. European patent applications which are not filed in Portuguese must be followed within one month – unless the priority of an earlier Portuguese national filing is claimed – by a translation into Portuguese of the description, claims and abstract, and by a copy of the drawings even if these contain no text for translation. Fees Res. Art. 79(2) PA

* See decision of the President of the EPO: OJ EPO 2019, A18.

Romania

Central Industrial Property Office
State Office for Inventions and Trademarks (OSIM) 5, Ion Ghica Street 030044 BUCUREŞTI 3 Tel. +40 21 3060-800 Fax +40 21 3123819

Central Industrial Property Office
www.osim.ro office@osim.ro

Contracting state	Romania
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes European divisional applications must always be filed direct with the EPO (Art. 76(1) EPC). Art. 3 AccEPCLaw
2 **Applications which must be filed with national authorities**	EP applications for inventions made in Romania and with subject-matter of significance for national security must be filed with the OSIM Art. 4(2) AccEPCLaw
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 4(1) AccEPCLaw
4 **Official language(s)**	Romanian
5 **Special features**	Filing the applications by facsimile is not allowed.

Serbia

Central Industrial Property Office
Intellectual Property Office Kneginje Ljubice 5 11000 BEOGRAD Tel. +381 11 20 25 800 Fax +381 11 311 23 77
www.zis.gov.rs zis@zis.gov.rs

Contracting state	Serbia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes
2 **Applications which must be filed with national authorities**	European patent applications except for European divisional applications (Art. 76(1) EPC) and new European patent applications referred to in Art. 61(1)(b) EPC, which must be filed directly with the European Patent Office. Art. 146(4) PL
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14 EPC Art. 146(6) PL

Contracting state	Serbia
4 **Official language(s)**	Serbian
5 **Special features**	Filing the applications by facsimile or other electronic media is not allowed. Art. 20 Rules

Sweden

Central Industrial Property Office
Patent- och registreringsverket (Swedish Intellectual Property Office (PRV)) Box 5055 102 42 STOCKHOLM Tel. +46 8 7822800 Fax +46 8 6660286
www.prv.se **prv@prv.se**

Contracting state	Sweden
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 80(2) PA
2 **Applications which must be filed with national authorities**	Defence inventions which have been made in Sweden or belong to a person domiciled in Sweden or to a Swedish legal person must be filed at the SE Patent Office or submitted to the Granskningsnämnden för försvarsuppfinningar (Defence inventions examination committee). Defence Invention Act
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Swedish
5 **Special features**	Applications may also be filed by facsimile.* The SE Patent Office admits electronic filing by use of *epoline*® Online Filing. Users of *epoline*® have to apply for an EPO SmartCard. See *www.epo.org/applying/online-services/online-filing.html*

* See decision of the President of the EPO: OJ EPO 2019, A18.

Slovenia

Central Industrial Property Office

Central Industrial Property Office
Slovenian Intellectual Property Office (SIPO) Kotnikova 6 p.p.206 1000 LJUBLJANA Tel. +386 1 6203100 Fax +386 1 6203111
www.uil-sipo.si **sipo@uil-sipo.si**

Contracting state	Slovenia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Art. 25(1) IPA
2 **Applications which must be filed with national authorities**	n/a
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC Art. 25(1) IPA
4 **Official language(s)**	Slovenian
5 **Special features**	Applications may also be filed by facsimile.* Art. 80(2) IPA

* See decision of the President of the EPO: OJ EPO 2019, A18.

Slovakia

Central Industrial Property Office
Úrad priemyselného vlastníctva Slovenskej republiky Švermova 43 974 04 BANSKÁ BYSTRICA 4 Tel. +421 48 4300-131
www.indprop.gov.sk, www.upv.sk **podatelna@indprop.gov.sk**

Contracting state	Slovakia
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes § 66 PA

Contracting state	Slovakia
2 **Applications which must be filed with national authorities**	Applications filed by natural or legal persons of Slovak nationality or having a residence or their principal place of business in Slovakia and which are of importance for national security and defence § 59 PA
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	Slovak
5 **Special features**	Filing of applications by facsimile is not allowed. The Slovak Industrial Property Office admits electronic filing. Electronic filing software: *epoline*® Online Filing software Type of electronic signature: EPO Smart Card Server addresses: Demo mode: *https://eolf.upv.sk/demo/olf/receiver* Production mode: *https://eolf.upv.sk/olf/receiver* Helpdesk: Tel. +421 48 4300-332 Fax +421 48 4300-350 **helpdesk@indprop.gov.sk**

San Marino

Central Industrial Property Office
Ufficio di Stato Brevetti e Marchi (USBM) Repubblica di San Marino Via 28 Luglio, 212 47893 BORGO MAGGIORE B4 Rep. San Marino Tel. +378 0549 88 38 59 Fax +378 0549 88 38 56
www.usbm.sm **info.brevettiemarchi@pa.sm**

Contracting state	San Marino
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	No European patent applications have to be filed with the EPO (see OJ EPO 2019, A96).
2 **Applications which must be filed with national authorities**	n/a

Contracting state	San Marino
3 **Languages in which European patent applications must or may be filed with national authorities**	n/a
4 **Official language(s)**	Italian
5 **Special features**	-

Turkey

Central Industrial Property Office
Turkish Patent and Trademark Office Türk Patent ve Marka Kurumu (TÜRKPATENT) Hipodrom Cad. No: 13 06560 YENIMAHALLE - ANKARA Tel. +90 312 3031000 Fax +90 312 3031173
www.turkpatent.gov.tr **contact@turkpatent.gov.tr**

Contracting state	Turkey
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes R. 6 RegEPC
2 **Applications which must be filed with national authorities**	Applications relating to inventions which have been made in Turkey and which are of importance for national security R. 6 RegEPC
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC R. 6 RegEPC
4 **Official language(s)**	Turkish
5 **Special features**	European patent applications filed by persons not having their residence or principal place of business in Turkey may file the application in one of the languages indicated in section 3, but must indicate an address for service in Turkey. R. 6 RegEPC

United Kingdom

Central Industrial Property Office

Central Industrial Property Office
Intellectual Property Office (IPO) Concept House Cardiff Road NEWPORT South Wales NP10 8QQ Tel. +44 1633 814000 *or* Intellectual Property Office (IPO) London Branch Office 3rd Floor 10 Victoria Street LONDON SW1H 0NB
www.gov.uk/government/organisations/intellectual-property-office **information@ipo.gov.uk**

Contracting state	United Kingdom
1 **Applicant can choose between EPO and national authorities (subject to section 2)**	Yes Sect. 23(1), (1A), (2) PA
2 **Applications which must be filed with national authorities**	Applications filed or caused to be filed by persons resident in the United Kingdom and which contain information relating to military technology or other information whose publication might be prejudicial to national security or the safety of the public, unless: (a) an application has been filed at the IPO for the same invention not less than six weeks before filing the European patent application outside the United Kingdom and either the comptroller of the IPO has not prohibited the publication of the invention under Section 22 PA or any such prohibition has been revoked, or (b) an application for the same invention was first filed in a country outside the United Kingdom by persons resident abroad, or (c) written authority to file the application outside the United Kingdom has been obtained from the comptroller of the IPO. See *www.gov.uk/national-security-checks-on-patent-applications* for further information. Sect. 23(1), (1A), (2) PA
3 **Languages in which European patent applications must or may be filed with national authorities**	All the languages pursuant to Art. 14(2) EPC
4 **Official language(s)**	English

Contracting state	United Kingdom
5 **Special features**	Applications may be filed online, via the IPO's webfiling service at: *www.gov.uk/apply-for-a-patent*. Applications may also be filed by email to: **Forms@ipo.gov.uk**. Details are available from: *www.gov.uk/apply-for-a-patent*. Applications may also be filed online via EPO Online Services by users who have registered with the IPO. Details are available from: *www.gov.uk/apply-for-a-patent*. Copies of all forms referred to in the following tables can be obtained from the Newport address given in the left-hand section, and can be downloaded from the website at: *www.gov.uk/government/publications/patent-forms-and-fees*

Republic of Moldova

Validation state	Republic of Moldova
Not applicable to extension or validation states	

Morocco

Validation state	Morocco
Not applicable to extension or validation states	

Cambodia

Validation state	Cambodia
Not applicable to extension or validation states	

Tunisia

Validation state	Tunisia
Not applicable to extension or validation states	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
Not applicable to extension or validation states	

Montenegro

Extension state	Montenegro
Not applicable to extension or validation states	

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
Not applicable to extension or validation states	

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
Not applicable to extension or validation states	

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
Not applicable to extension or validation states	

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
Not applicable to extension or validation states	

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
Not applicable to extension or validation states	

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
Not applicable to extension or validation states	

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
Not applicable to extension or validation states	

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
Not applicable to extension or validation states	

Last updated: 26.10.2022

Europäisches Patentamt
European Patent Office
Office européen des brevets

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https://www.epo.org/law-practice/legal-texts/html/natlaw/en/iiia/index.htm

Location

Home > Law & practice > Legal Texts > National Law relating to EPC

III.A Rights conferred by a European patent application after publication pursuant to Article 93 EPC (Article 67 EPC)

Under Article 67(1) EPC, from the date of its publication a European patent application provisionally confers on the applicant such protection as is conferred by Article 64 EPC in the contracting states designated in the application as published, i.e. the same rights as would be conferred by a national patent granted in those states.

Pursuant to Article 67(2), however, contracting states may prescribe that a European patent application does not confer the protection referred to in Article 64 EPC. The protection attached to the publication of the European patent application may not, though, be less than that which would result from publication of an unexamined national patent application. The applicant must at least be given the right to claim compensation reasonable in the circumstances from an unauthorised user.

A further exception to the basic rule in Article 67(1) is laid down in Article 67(3) regarding the date from which provisional protection is effective.

Under that provision any contracting state which does not have as an official language the language of the proceedings may prescribe that provisional protection shall not be effective until such time as a translation of the claims in one of its official languages at the option of the applicant or, where that state has prescribed the use of one specific official language, in that language:

(a) has been made available to the public in the manner prescribed by national law, or

(b) has been communicated to the person using the invention in the said state.

No time limits are prescribed for filing the above-mentioned translations in the contracting states: provisional protection in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled.

The following table also shows for the extension and validation states what rights are conferred by a European patent application and what translation requirements have to be met to obtain provisional protection after its publication under national law.

Albania

Contracting state	Albania
1 **Provisional protection under Art. 67 EPC**	Yes Art. 87/ç(2) PL
2 **Rights conferred**	Compensation reasonable in the circumstances
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 87/ç(2) PL

Austria

Contracting state	Austria
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) § 4(1) ILPT
2 **Rights conferred**	Reasonable consideration § 4(1) ILPT
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 4(2) ILPT
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user § 4(2) ILPT

Belgium

Contracting state	Belgium

Contracting state	Belgium
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 2(3) Law of 21.4.07* Art. 3(3) Law of 8.7.77** Art. XI.82(3) ELC***
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 2(3) Law of 21.4.07* Art. 3(3) Law of 8.7.77** Art. XI.82(3) ELC***
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 2(3) Law of 21.4.07* Art. 3(3) Law of 8.7.77** Art. XI.82(3) ELC***
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the person who used the invention in Belgium Art. 2(3) Law of 21.4.07* Art. 3(3) Law of 8.7.77** Art. XI.82(3) ELC***

* European patent applications filed between 13 December 2007 and 21 September 2014.

** European patent applications filed before 13 December 2007.

*** European patent applications filed after 22 September 2014.

Bulgaria

Contracting state	Bulgaria
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 72b(3), Art. 18 PL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 72b(3), Art. 18(3) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 72b(2) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	The right arises on the date the mention of the filing of the translation is published in the Official Bulletin. Art. 72b PL

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 111 PA
2 **Rights conferred**	Damages; action may only be brought after grant of the patent. Art. 111(2), 73(3) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	No
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	n/a

Cyprus

Contracting state	Cyprus
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Sect. 28(1) PL
2 **Rights conferred**	Reasonable compensation, possibly interlocutory remedies and invalidation. The court hearing the infringement action can stay proceedings until the patent is granted. Sect. 28(2), 61(2), 72(1) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Sect. 65 PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Sect. 65 PL

Czech Republic

Contracting state	Czech Republic
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) § 35a(4), 11(3) PA
2 **Rights conferred**	Compensation reasonable in the circumstances § 35a(4), 11(3) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 35a(4) PA

Contracting state	Czech Republic
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, and notice of the fact is published in "Věstník Úřadu průmyslového vlastnictví" (Bulletin of the CZ Industrial Property Office) § 35a(4) PA

Denmark

Contracting state	Denmark
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) § 83(2) PA
2 **Rights conferred**	Compensation reasonable in the circumstances § 83(2) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 83(1) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 § 83(1) PA

Germany

Contracting state	Germany
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. II § 1(1) LIPC
2 **Rights conferred**	Compensation reasonable in the circumstances Art. II § 1(1) LIPC
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. II § 1(2) LIPC
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Art. II § 1(2) LIPC

Estonia

Contracting state	Estonia

Contracting state	Estonia
1 **Provisional protection under Art. 67 EPC**	Yes § 6 IA § 18 PA
2 **Rights conferred**	Injunction; administrative or criminal liability; damages § 6 IA §§ 52, 53 PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 6 IA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user § 6 IA

Spain

Contracting state	Spain
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 67 and 153 NPL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 67 NPL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 154 NPL Art. 94 RD 316
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 154 NPL

Finland

Contracting state	Finland
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) § 70n PA
2 **Rights conferred**	Damages; compensation reasonable in the circumstances § 58, 70n PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 70n PA

Contracting state	Finland
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, and notice of the fact is published in "Patenttilehti" (Finnish Patent Bulletin) § 70n PA

France

Contracting state	France
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. L. 614-9 PL
2 **Rights conferred**	Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action stays proceedings until the patent is granted. Art. L. 614-9, L. 613-3 to L. 613-7, L. 615-4 and L. 615-5 PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. L. 614-9 PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Art. L. 614-9 PL Art. R. 614-11 Reg.

Greece

Contracting state	Greece
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 23(2) Law No. 1733/87 Art. 10 Pres. Decr. No. 77/88
2 **Rights conferred**	Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringement action can stay decisions until the patent is granted. Art. 17(3) Law No. 1733/87
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 23(3) Law No. 1733/87 Art. 10 Pres. Decr. No. 77/88
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 10, 10a Pres. Decr. No. 77/88

Croatia

Contracting state	Croatia
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 123(2) PA
2 **Rights conferred**	Damages in accordance with the general rules for compensation of damage Art. 95(1) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 123(2) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user Art. 123(2) PA

Hungary

Contracting state	Hungary
1 **Provisional protection under Art. 67 EPC**	Yes Art. 84/E(1) PA
2 **Rights conferred**	Commencement of action due to patent infringement: The patent applicant may request (1) that the fact of infringement be declared by the court (2) an injunction that the infringer cease his infringement or any acts directly threatening with it (3) satisfaction from the infringer by way of a declaration or by other appropriate means; if necessary, the declaration shall be made public by the infringer or at his expense (4) that the infringer give information on the identity of third persons involved in the production and distribution of the infringing goods or in the supply of infringing services and of their channels of distribution (5) the surrender of the enrichment obtained by the infringement of the patent (6) the seizure, the transfer to a specific person, the recall and the definitive removal from the channels of commerce, or destruction, of the infringing products, as well as of the means and materials exclusively or principally used for infringement. The applicant may also claim damages under the rules of civil liability. The court hearing the infringement action stays proceedings until the patent is granted. Art. 19, 35(2), (3) and 36(1) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 84/E(1) PA

Contracting state	Hungary
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the mention of the filing of the translation of the claims has been published in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" (Gazette of Patents and Trademarks) Art. 84/E(1) PA

Ireland

Contracting state	Ireland
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Sect. 44, 56, 120 PA
2 **Rights conferred**	Damages; action may only be brought after grant of the patent. Sect. 56 PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Sect. 120(6) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Sect. 56(1), 120(6) PA

Iceland

Contracting state	Iceland
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 83 PA
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 58(2), 83(2) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 83(1) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 83(2) PA

Italy

Contracting state	Italy

Contracting state	Italy
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 54 PL
2 **Rights conferred**	Damages; possibly description and seizure of the articles infringing the patent application and anything used in the making thereof Art. 124, 125, 126, 127, 128, 129, 130, 131, 132 PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 54 PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Art. 54 PL

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(3)(a) EPC) Art. 78(2) PL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 52(1) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 78(2) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	Date of publication of translation of the claims in the official bulletin Art. 78(2) PL

Luxembourg

Contracting state	Luxembourg
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 3(1) Law of 27.5.77

Contracting state	Luxembourg
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 3(2) Law of 27.5.77
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 4(1) Law of 27.5.77
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Art. 92(1) PL

Latvia

Contracting state	Latvia
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 70 PL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 18(2) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 70(2) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user or is made available to the public in accordance with Part III.B, section 5 Art. 70(2)(3) PL

Malta

Contracting state	Malta
1 **Provisional protection under Art. 67 EPC**	Yes (Art 67(1) EPC) Art. 28 PA 2000 R. 6(2) L.N. 99/2007
2 **Rights conferred**	The same rights as national applications Art. 27 PA 2000 R. 6(2) L.N. 99/2007
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	No

Contracting state	Malta
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	n/a

Monaco

Contracting state	Monaco
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 2 SO No. 10.427
2 **Rights conferred**	Damages and possibly fine; possibly seizure of the articles infringing the patent application Art. 44, 45, 48, 50 PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 2(2) SO No. 10.427
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user. (The translation is to be sent only to the alleged infringer and not to the MC Patent Office.) Art. 2(2) SO No. 10.427

Montenegro

Contracting state	Montenegro
1 **Provisional protection under Art. 67 EPC**	The published European patent application provides the applicant with the same rights as a published national patent application in Montenegro from the date the applicant submits a translation of the patent claims of the published European patent application into the Montenegrin language to the person using the invention in Montenegro. Art.150c(2)
2 **Rights conferred**	A published European patent application which has been accorded a filing date and designates Montenegro is identical to a regular national patent application. The European patent designating Montenegro provides the same rights as a national patent from the date when the European Patent Office publishes the information on the grant of the European patent in the European Patent Bulletin. Art. 150d(2) and Art. 150e(1)

Contracting state	Montenegro
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	The patent holder is obliged to submit to the competent authority a request for registration of the European patent in the Patent Register and a translation of the claims of the granted European patent into Montenegrin and to pay the prescribed compensation for the special costs of publication and printing of the translation of the claims. Art. 150c(2)
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	The published European patent application provides the applicant with the same rights as a published national patent application in Montenegro from the date the applicant submits a translation of the patent claims of the published European patent application into the Montenegrin language to the person using the invention in Montenegro. Art. 150d(2)

North Macedonia

Contracting state	North Macedonia
1 **Provisional protection under Art. 67 EPC**	Yes
2 **Rights conferred**	Damages in accordance with the general rules for compensation of damage Art. 291, 294, 295, 296 PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 122(2), (3) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user

Netherlands

Contracting state	Netherlands
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 72(1), (2) PA
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 72(1), (2) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 72(3) PA

Contracting state	Netherlands
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	30 days after notification of the applicant's rights (writ) has been served on the user; this writ must be accompanied by the Dutch translation of the claims or else indicate that the translation has been entered in the patent register. Art. 72(3) PA

Norway

Contracting state	Norway
1 **Provisional protection under Art. 67 EPC**	Yes § 66g PL
2 **Rights conferred**	Compensation most favourable for applicant (§ 58(1)(a)-(c) PL) §§ 66g(2), 58(1) and (2) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 66g (1) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public (published in "Norsk patenttidende" - Norwegian Patents Gazette) in accordance with table III.B, section 5 § 66g (1) and (2) PL

Poland

Contracting state	Poland
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 4 (2) EPAL Art. 287 IPL

Contracting state	Poland
2 **Rights conferred**	A right holder whose patent has been infringed, or another person permitted by the provisions of the Act, may request the infringing party to cease infringing his rights, deliver up the unlawfully earned benefits, and in the case of a culpable infringement, to remedy the damage inflicted: 1) on general terms or 2) through payment of cash in the amount corresponding to the licence fee or other relevant remuneration which would be due on the pursuing of the claim for the right holder's consent to exploit the invention. The court, in its adjudication on patent infringement, may rule, on the petition of the right holder, that part of or the whole ruling or information on the ruling may be made publicly available to the extent and in the manner determined by the court. The court may order a person who has infringed a patent, at his request, where the infringement is inadvertent, to pay a relevant sum of money to the right holder if the cessation of infringement or adjudication would be incommensurately severe to the infringing party and the payment of the sum of money duly guards the interest of the right holder. Art. 287 IPL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 4 (2) EPAL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, and notice of the fact is published in "Biuletyn Urzędu Patentowego" (Bulletin of the *PL Patent Office*) Art. 4(2) EPAL

Portugal

Contracting state	Portugal
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 80(1), 5(1), (2), (3) PA

Contracting state	Portugal
2 **Rights conferred**	Article 80 of the Portuguese Industrial Property Code reads as follows: "1 - After European patent applications have been published under the terms of the European Patent Convention, they shall enjoy provisional protection equivalent to that afforded to published national patent applications as of the date on which a Portuguese translation of the claims, accompanied by a copy of the drawings, is available to the public at the National Industrial Property Institute. 2 - The National Industrial Property Institute shall publish a notice in the Industrial Property Bulletin with the indications necessary to identify the European patent application. 3 - As of the date of publication of the notice referred to in the previous paragraph, anyone may have access to the translated text and obtain copies thereof." Art. 80(1), (2), (3) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 80(1) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims and a copy of the drawings is made available to the public in accordance with table III.B, section 5, or communicated to the user Art. 80(1), (2), 5(1), (2) PA

Romania

Contracting state	Romania
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 5(2) AccEPCLaw Art. 33 PL
2 **Rights conferred**	Damages; action may only be brought after grant of the patent. Art. 59(4) PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 5(2) AccEPCLaw
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 5(2) AccEPCLaw

Serbia

Contracting state	Serbia

Contracting state	Serbia
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Art. 148(2), 150(4) PL
2 **Rights conferred**	Damages; action may be brought from the date on which the translation of the claims is communicated to the user in Serbia (Art. 148(2), 150(4) PL). Art. 132 PL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 148(2) PL
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user in Serbia Art. 148(2), 150(4) PL

Sweden

Contracting state	Sweden
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) § 88(2) PA
2 **Rights conferred**	Compensation reasonable in the circumstances § 58, 87, 88(2) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 88(1) PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, and notice of the fact is published in the Swedish Patent Bulletin § 88(2) PA

Slovenia

Contracting state	Slovenia
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(2) EPC) Art. 26(2), 122(4) IPA
2 **Rights conferred**	Compensation reasonable in the circumstances; action may only be brought after grant of a patent. Art. 122(4) IPA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Art. 26(2) IPA

Contracting state	Slovenia
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user Art. 26(2) IPA

Slovakia

Contracting state	Slovakia
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(3)(a) EPC) § 60(3) PA
2 **Rights conferred**	As from the day on which the translation of the patent claims is made available to the public, the European patent applicant has the same rights as an applicant for a national (Slovak) patent application, provided that a European patent is granted with effects in the Slovak Republic. § 15(1) and 60(3) PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes § 60 PA
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public, and notice to this effect is published in the Official Journal § 60(3) PA

San Marino

Contracting state	San Marino
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67 EPC) Art. 4(2) Decree Law No. 76/2009, as modified by art. 31, Law No. 219 of 23 december 2014
2 **Rights conferred**	Rights identical to those conferred by a national patent (cessation of infringement, redress in respect of its consequences, surrender of unlawfully obtained profits and compensation for damages) Art. 118, 121 PA
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is communicated to the user or when the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 4(2) Decree Law No. 76/2009 as modified by Art. 31 Law No. 219/2014

Turkey

Contracting state	Turkey
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(3) EPC) R. 8 RegEPC
2 **Rights conferred**	Damages; possibly seizure of the articles infringing the patent application Art. 137 DL No. 551 Art. 156 IPL
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes R. 9 RegEPC
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user R. 8 RegEPC

United Kingdom

Contracting state	United Kingdom
1 **Provisional protection under Art. 67 EPC**	Yes (Art. 67(1) EPC) Sect. 78(1), (2), (3)(d), 69 PA
2 **Rights conferred**	Damages; court proceedings may only be brought after grant of the patent Sect. 69 PA (see also Sect. 62 PA regarding innocent infringers)
3 **Translation of the claims necessary pursuant to Art. 67(3) EPC?**	Yes Sect. 78(7), (8) PA R. 56 PR
4 **When does the right referred to in section 1 arise if a translation pursuant to Art. 67(3) EPC is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5, or communicated to the user Sect. 78(7) PA

Republic of Moldova

Validation state	Republic of Moldova
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 44^1(3) Law No. 50/2008

Validation state	Republic of Moldova
2 **Rights conferred**	From the date of publication until grant of a patent, patent applications confer on the applicant the right to prevent third parties not having his consent from: (a) manufacturing, offering for sale, selling or using the protected product or importing or stocking it for these purposes; (b) using a process which is the subject-matter of the patent application or, where the third party knows, or it is obvious in the circumstances, that use of the process is prohibited without the applicant's consent, offering that process for use; (c) offering for sale, selling or using a product obtained directly by a process which is the subject-matter of the patent or importing or stocking it for these purposes; in the territory of the Republic of Moldova. Art. 19(1), 20(2) Law No. 50/2008
3 **Translation of the claims necessary?**	Yes Art. 44^1(3) Law No. 50/2008
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	As from the date on which a translation of the claims in the published European patent application into Romanian has been published by AGEPI, following the payment of the prescribed publication fee. Art. 44^1(3) Law No. 50/2008

Morocco

Validation state	Morocco
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 50.3 Law No. 17-97
2 **Rights conferred**	Exclusive right of use as from the date of filing the application; right to sue for infringement; damages and interest; possibly seizure of articles infringing the patent Art. 44, 51, 202, 211, 212 Law No. 17-97
3 **Translation of the claims necessary?**	Yes Art. 50.3 Law No. 17-97
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is made available to the public in accordance with table III.B, section 5 Art. 50.3 Law No. 17-97

Cambodia

Validation state	**Cambodia**

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	**Tunisia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 4(2) Ext. Agr. Annex Art. 87(2) PL
2 **Rights conferred**	Compensation reasonable in the circumstances; action may only be brought after grant of a patent Art. 69(1) PL
3 **Translation of the claims necessary?**	Yes Art. 5(2) Ext. Agr. Annex Art. 88(2) PL
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 4(2) Ext. Agr. Annex Art. 87(2) PL

Montenegro

Extension state	Montenegro
1 **Provisional protection conferred by the European patent application after publication**	Yes (Art. 67(2) EPC) Art. 144(2) PL

Extension state	Montenegro
2 **Rights conferred**	A published European patent application shall confer on the applicant the same protection under this Law as is conferred by a national patent application, as from the date on which a translation of the claims of the published European patent application into Montenegrin is communicated by the applicant to the person using the invention in Montenegro. The European patent application shall be deemed not to have had the effect specified in paragraph 2 of this Article, *ab initio*, if the request for extension has been withdrawn or is deemed to have been withdrawn. Art. 144(2) and (3) in conj. with Art. 45(2) PL
3 **Translation of the claims necessary?**	Yes Art. 144(2) PL
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 144(2) PL

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 81(1)(2) PL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 27 PL
3 **Translation of the claims necessary?**	Yes Art. 81(2) PL
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the person using the invention in Albania Art. 81(2) PL

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 123(2) PA

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
2 **Rights conferred**	Damages in accordance with the general rules for compensation of damage Art. 95(1) PA
3 **Translation of the claims necessary?**	Yes Art. 123(2) PA
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 123(2) PA

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 70(2) PL
2 **Rights conferred**	Compensation reasonable in the circumstances Art. 52(1) PL
3 **Translation of the claims necessary?**	Yes Art. 70(2) PL
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 70(2) PL

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Provisional protection conferred by the European patent application after publication**	Yes R. 2 Transitional provisions of the PL
2 **Rights conferred**	Compensation reasonable in the circumstances R. 2 Transitional provisions of the PL Art. 70(2), 18(2), 18(3) PL

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
3 **Translation of the claims necessary?**	Yes R. 2 Transitional provisions of the PL Art. 70(2), (3) PL
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user or is made available to the public in accordance with Part III.B, section 5 R. 2 Transitional provisions of the PL Art. 70(2) PL

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 4(2) Ext. Reg.
2 **Rights conferred**	Damages in accordance with the general rules for compensation of damage Art. 201, 202, 203, 204 PL
3 **Translation of the claims necessary?**	Yes Art. 4(2) Ext. Reg.
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 4(2) Ext. Reg.

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 33 PL Art. IV.2 GO
2 **Rights conferred**	Damages; action may only be brought after grant of the patent. Art. 59(4) PL
3 **Translation of the claims necessary?**	Yes Art. IV.2 GO

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is made available to the public by OSIM (see table III.B, section 5) Art. 34 PL Art. IV.2 GO

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 4(2) Ext. Decr.
2 **Rights conferred**	Compensation reasonable in the circumstances; action may only be brought after grant of a patent. Art. 122(4) IPA
3 **Translation of the claims necessary?**	Yes Art. 4(2) Ext. Decr.
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user Art. 4(2) Ext. Decr.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Provisional protection conferred by the European patent application after publication**	Yes Art. 123(2), 125(3) PL Ext.
2 **Rights conferred**	Damages; action may be brought from the date on which the translation of the claims is communicated to the user in Serbia (Art. 123(2) PL Ext.) or, in case the translation is corrected (Art. 125(3) PL Ext.), from the date the correction of the translation is published. Art. 132 PL
3 **Translation of the claims necessary?**	Yes Art. 123(2) PL Ext.

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
4 **When does the right referred to in section 1 arise if a translation referred to in section 3 is necessary?**	When the translation of the claims is communicated to the user in Serbia (Art. 123(2) PL Ext.) or, in case the translation is corrected (Art. 125(3) PL Ext.), from the date the correction of the translation is published. Art. 123(2), 125(3) PL Ext.

Last updated: 26.10.2022

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https://www.epo.org/law-practice/legal-texts/html/natlaw/en/iiib/index.htm

Location

Home > Law & practice > Legal Texts > National Law relating to EPC

III.B Translations for obtaining provisional protection pursuant to Article 67(3) EPC

Under Article 67(1) EPC, from the date of its publication a European patent application provisionally confers on the applicant such protection as is conferred by Article 64 EPC in the contracting states designated in the application as published, i.e. the same rights as would be conferred by a national patent granted in those states.

Pursuant to Article 67(2), however, contracting states may prescribe that a European patent application does not confer the protection referred to in Article 64 EPC. The protection attached to the publication of the European patent application may not, though, be less than that which would result from publication of an unexamined national patent application. The applicant must at least be given the right to claim compensation reasonable in the circumstances from an unauthorised user.

A further exception to the basic rule in Article 67(1) is laid down in Article 67(3) regarding the date from which provisional protection is effective.

Under that provision any contracting state which does not have as an official language the language of the proceedings may prescribe that provisional protection shall not be effective until such time as a translation of the claims in one of its official languages at the option of the applicant or, where that state has prescribed the use of one specific official language, in that language:

(a) has been made available to the public in the manner prescribed by national law, or

(b) has been communicated to the person using the invention in the said state.

No time limits are prescribed for filing the above-mentioned translations in the contracting states: provisional protection in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled.

The following table also shows for the extension and validation states what rights are conferred by a European patent application and what translation requirements have to be met to obtain provisional protection after its publication under national law.

Albania

Contracting state	Albania
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP Art. 195(2) PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) ALL 7 000 (b) Mention of the filing of the translation is not published until the fee has been paid. Art. 87/ç PL Fees Decr.
3 **Language(s) in which the translation must be filed**	Albanian Art. 87/ç(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
5 **Manner and form in which the translation is made available to the public**	Publication in the official bulletin Art. 87/ç(2) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) ALL 2 000 Art. 87/dh(3) PL
7 **Special features**	-

Austria

Contracting state	Austria
1 **Must a national professional representative be appointed?**	Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria. However, if the residence or place of business is in the EEA, a person authorised to accept service who is a resident of Austria may be appointed instead. (The requirement that the appointed person be resident in Austria can be waived in certain cases.) § 24 ILPT § 21(4) PA
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 186 (including EUR 30 document fees) plus EUR 135 for every 15 pages following the 16th page of the translation For sequence listings forming a separate part of the translated description, the fee is charged for up to a maximum of 400 pages. Fee reduced by EUR 20 for electronic filing. (b) Date on which translation is filed The translation is not published until the fee has been paid. § 4(2) ILPT §§ 8, 8a, 27(2) LPOF
3 **Language(s) in which the translation must be filed**	German § 4(2) ILPT
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1

Contracting state	Austria
5 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the patent bulletin (Patentblatt) § 4(2) ILPT
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, as in section 2 § 6(2)-(4) ILPT § 8, 8a LPOF
7 **Special features**	The publication fee is deemed to have been paid only when proof of payment has duly been provided. § 30 LPOF § 8(5) POR

Belgium

Contracting state	Belgium
1 **Must a national professional representative be appointed?**	Yes, in the case of natural or legal persons having neither a residence nor their actual place of business in a member state of the EEA. Natural or legal persons obliged or wishing to be represented in patent matters before the OPRI by a third party must use a professional representative, i.e. - a patent attorney authorised to act before the OPRI - a lawyer on the Belgian roll of lawyers or list of trainee lawyers - a lawyer and a patent attorney who are nationals of an EEA member state and are authorised to practise in a member state - a lawyer authorised to practise in Belgium by law or under an international treaty. Natural or legal persons having their residence or an actual place of business in a member state of the EEA may be represented in patent matters before the OPRI by an employee, who need not be a professional representative but must be authorised. Art. XI.62, XI.64, XI.65 ELC
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	French, Dutch or German (with regard to European patent applications filed before 13 December 2007 in German, see OJ EPO 1999, 320) Art. 2(3) Law of 21.4.07* Art. 3(3) Law of 8.7.77** Art. XI.82(3) ELC***
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 Art. 3(1) RD of 5.12.07* Art. 4(1) RD of 27.2.81** Art. XI.82(3) ELC***

Contracting state	Belgium
5 **Manner and form in which the translation is made available to the public**	The translations filed with the OPRI and related bibliographic data can be inspected in the Belgian Patent Register, accessible via the OPRI website (*http://bpp.economie.fgov.be/fo-eregister-view/*) Copies available Art. 2(3) Law of 21.4.07* Art. 3 RD of 5.12.07* Art. 3(3) Law of 8.7.77** Art. 4 RD of 27.2.81** Art. XI.82(3) ELC*** Art. 3 RD of 12.5.15***
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (errors of transcription) (b) No Art. 6 RD of 5.12.07* Art. 7 RD of 27.2.81** Art. 7 RD of 12.5.15***
7 **Special features**	The translation must be accompanied by a separate sheet indicating the EP application's file number and date of filing and its publication number and date, the name of the applicant and a translation of the title of the invention. Art. 3 RD of 5.12.07** Art. 3 RD of 12.5.15***

* European patent applications filed between 13 December 2007 and 21 September 2014.

** European patent applications filed before 13 December 2007.

*** European patent applications filed after 22 September 2014.

Bulgaria

Contracting state	Bulgaria
1 **Must a national professional representative be appointed?**	Yes Applicants who are not established in the Republic of Bulgaria or in another Member State of the European Union, in a state - party to the European Economic Area Agreement or in the Swiss Confederation, are required to act before the Patent Office through a lawyer or an industrial property representative Art. 3(1) PL, Art. 3(2) PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) For the publication of the mention of the filing of the translation: BGN 45 (b) No mention of the filing of the translation is published in the Official Bulletin until the fee for publication has been paid. Art. 72b(2) PL
3 **Language(s) in which the translation must be filed**	Bulgarian Art. 72b(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 3 Art. 72b(2) PL

Contracting state	Bulgaria
5 **Manner and form in which the translation is made available to the public**	On the date of publication of the mention of receipt of the translation, the translated claims are simultaneously made available (one copy) at the Patent Library in the Bulgarian Patent Office and via the register of the Bulgarian Patent Office portal. Art. 72b(2) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Fee for publication of the mention of the correction in the Official Bulletin: BGN 45 Art. 72d(3) PL
7 **Special features**	Corrections concerning the claims of a European patent application must be made available to the public by the Bulgarian Patent Office at the same time as the mention in the Bulletin is published, and have effect with respect to third parties as of the publication date of the mention. The translation of the claims must be accompanied by a translation of the bibliographic data of the European patent application (name and address of the applicant, title of the invention, the EP application and publication numbers, number and date of European Patent Bulletin). Art. 72b(2), 72d(3)(4) PL

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	n/a
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
7 **Special features**	-

Cyprus

Contracting state	Cyprus

Contracting state	Cyprus
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Cyprus must appoint a professional representative resident in Cyprus. Sect. 79(2) PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 (b) Mention of the filing of the translation is not published until the fee has been paid. R. 53(1) PFR
3 **Language(s) in which the translation must be filed**	Greek R. 53(2) PFR
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, Form P.18 (b) 1 R. 53 PFR
5 **Manner and form in which the translation is made available to the public**	Mention in the official gazette Copies available Inspection in reading room R. 53(5) PFR
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (Form P.5) (b) EUR 100 Sect. 67 PL R. 6(2), 13(1) PFR
7 **Special features**	Proof of payment of the fee must be submitted with the translation. R. 53(1) PFR The EP application and publication number, the name and address of the applicant and the title of the invention must be submitted with the translation. Where a priority is claimed the relevant particulars must be stated. R. 53(2) PFR The filing of the translation is recorded in the Record Book, vol. B Part B. R. 53(4) PFR

Czech Republic

Contracting state	Czech Republic
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business on the territory of the Czech Republic should be represented by a patent attorney or a legal practitioner. It is not strictly required in the case of EU citizens; an address for correspondence in the Czech Republic must be given. § 70 PA Act No. 417/2004 Coll. on Patent Attorneys Act No. 85/1996 Coll. on the Legal Profession
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) CZK 500 (b) Date on which translation is filed The translation is not published until the fee has been paid. § 35a(4) PA

Contracting state	Czech Republic
3 **Language(s) in which the translation must be filed**	Czech § 35a(4) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in the "Věstník Úřadu průmyslového vlastnictví" (Bulletin of the CZ Industrial Property Office) Inspection in reading room Copies available; scanned copies are also available in the National Database of Patents and Utility Models (*www.upv.gov.cz*) § 35a(4) PA
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No § 35a(6) PA
7 **Special features**	The translation must contain - the name and address of the applicant - the EP application and publication number - the title of the invention in Czech.

Denmark

Contracting state	Denmark
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Danish § 83(1) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in "Dansk Patenttidende" (Danish Patent Gazette) DKPTO website (*www.dkpto.dk*) § 83(1) PA § 92, stk. 2, cf. § 91. PO
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No § 86(2) and § 98(7) PA § 93 PO
7 **Special features**	The EP application number and the name and address of the applicant must be given with the translation. Otherwise the translation is deemed not to have been filed. § 91 PO

Germany

Contracting state	Germany
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 60 (b) Within three months of receipt of the request for publication Art. II § 2(1) LIPC §§ 3(1), 6(1) LPF No. 313800 Fees Schedule LPF
3 **Language(s) in which the translation must be filed**	German Art. II § 1(2) LIPC
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, EPA/DPMA 110/9.18 (see also section 7) *www.dpma.de/patent/formulare/formulareeuropaeischundinternational/index.html* (b) 1 §§ 1, 2 Publ. Reg.
5 **Manner and form in which the translation is made available to the public**	Published in the form of a printed patent document Mention in the patent bulletin (Patentblatt) Art. II § 2(1) LIPC
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 60 Art. II § 2(1) LIPC No. 313800 Fees Schedule LPF
7 **Special features**	At the head of the first page of all communications sent to the DPMA, the EP application number must be given, preceded by the letters EP. If the fee shown in section 2 is not paid, or not paid in full or in time, the request for publication of the translation is deemed to have been withdrawn. Art. II § 2(1) LIPC § 6(2) LPF § 3 Publ. Reg.

Estonia

Contracting state	Estonia
1 **Must a national professional representative be appointed?**	No, but it is recommended (see also section 7). § 19 REP
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 32 (b) Date on which translation is filed § 6 IA § 109(1) FA
3 **Language(s) in which the translation must be filed**	Estonian § 6 IA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (see also section 7) (b) 2 § 20(4) REP

Contracting state	Estonia
5 **Manner and form in which the translation is made available to the public**	Mention in "Eesti Patendileht" (Official Gazette) Copies available § 6 IA
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No § 9 IA
7 **Special features**	A request for publication and proof of payment of the fee must be submitted with the translation. The following information must be given in the request: - European application number - European application date - any priority data, if applicable - the IPC - the title of the invention - the applicant's name and address - the representative's name and address for service, if applicable. Translations may also be filed by a common representative, if any, or authorised professional representative before the EPO. A duly authorised professional representative or common representative before the EPO is not required to file a new authorisation. A power of attorney must be submitted with the translation, when the translation is filed by the Estonian patent attorney. The Office accepts an Estonian patent attorney whose name is entered in the State Register of Patent Attorneys as specialising in the legal protection of inventions and layout designs of integrated circuits. If the translation does not comply with the requirements, an Estonian patent attorney must be appointed to submit the corrections. The translation is not deemed to have been filed until all the requirements have been met. §§ 19 to 22 REP

Spain

Contracting state	Spain
1 **Must a national professional representative be appointed?**	No, if applicant resides in Spain or in a country of the EU. Requirements in section 7 must be observed. Art. 175 NPL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 109.97 for translations on paper, EUR 93.48 in electronic form Note: the fees may be revised at the beginning of each year. (b) When filing the translation. In the case of non-payment, the OEPM will require that the fee be paid within 2 months of issue of this requirement. The translation is not published until the fee has been paid. Art. 154 and 155 NPL NPL Annex
3 **Language(s) in which the translation must be filed**	Spanish (see section 7) Art. 154 NPL

Contracting state	Spain
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	Translation in the form of a specification, accessible via the INVENES database (*consultas2.oepm.es/InvenesWeb/faces/busquedaInternet.jsp;jsessionid=cum2LDzkWUuQhh16FjRNNduE.srvvarsovia1*) Copies available on payment of a fee Mention in "Boletín Oficial de la Propiedad Industrial" Entry in the patent register Art. 37, 55, 154 and 156 NPL Art. 94 RD 316
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, as in section 2 Art. 96 RD 316 NPL Annex
7 **Special features**	Applicants with neither residence nor principal place of business in Spain must have the translation done by a patent attorney accredited by the OEPM or by a sworn translator/interpreter appointed by the Spanish Ministry of Foreign Affairs or another professional having - knowledge corresponding to at least level C2 of both the original language and Spanish and - a university degree in the technical sector concerned or experience in the form of at least 20 translations of patents in the technical sector. Art. 154 NPL and MO 320

Finland

Contracting state	Finland
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Finnish If the applicant's own language is Swedish the translation may be filed in Swedish. § 70n PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Published in electronic form Copies available Mention in "Patenttilehti" (Finnish patent bulletin) Entry in a separate diary, open to the public § 70n PA §§ 52t, 52x PD

Contracting state	Finland
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No § 70q PA
7 **Special features**	The EP application number and the name and address of the applicant must accompany the translation. Otherwise the translation is deemed not to have been filed. § 52v PD

France

Contracting state	France
1 **Must a national professional representative be appointed?**	No, but natural persons or legal persons not having their residence or place in business in an EU member state or in an EEA state must appoint a professional representative. Art. R 612-2 Reg.
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 36 (b) Date on which translation is filed (see also section 7) Art. R. 614-11 and R. 614-18 Reg. Fees Ord. of 24.4.08 (as amended 6.3.20)
3 **Language(s) in which the translation must be filed**	French Art. L. 614-9 PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 INPI Notice in PIBD 1995 IV 128
5 **Manner and form in which the translation is made available to the public**	Notice of the filing of the translation appears in the official bulletin (BOPI) Art. R. 614-11 Reg.
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 36 Art. L. 614-10 PL Art. R. 614-12 and R. 614-18 Reg. Fees Ord. of 24.4.08 (as amended 6.3.20)
7 **Special features**	A request for publication and proof of payment of the requisite fee must be submitted with the translation. Art. R. 614-11 Reg.

Greece

Contracting state	Greece
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Greece must appoint a representative for service (any natural person or any attorney) resident in Greece. Art. 19(3) Pres. Decr. No. 77/88

Contracting state	Greece
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 (b) Date on which translation is filed with the OBI Mention of the filing of the translation is published only when the fee has been paid. Art. 9(1) Pres. Decr. No. 77/88 Dec. of 31.8.2016
3 **Language(s) in which the translation must be filed**	Greek The translation must be certified by a Greek legal practitioner or by an authority empowered to do so (i.e. the Translation Service of the Ministry of Foreign Affairs at 10 Arionos Street, Athens, or any Greek Consulate abroad). Art. 23(5) Law No. 1733/87 Art. 9(2) Pres. Decr. No. 77/88
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (*www.obi.gr/el/euresitexnies/formes-aitisis*) (b) 2 (see also section 7) Art. 9(1), (3) Pres. Decr. No. 77/88
5 **Manner and form in which the translation is made available to the public**	Mention in EDBI Inspection in reading room Copies available Art. 9(5) Pres. Decr. No. 77/88
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes The issue number and the date of the first publication in EDBI must be indicated. (b) No Art. 13(4) Pres. Decr. No. 77/88
7 **Special features**	The EP application and publication numbers, the applicant's name and address and the title of the invention in Greek must be submitted with the translation. The translation and the attached documents must be presented to the OBI in accordance with the provisions of Min. Dec. No. 15928/EFA/1253, which correspond to Rules 46 and 49 EPC. The filing of the translation is registered in the Register Book (Volume B). The provisional protection provided for under Art. 10 Pres. Decr. No. 77/88 does not take effect if the European patent has been revoked or limited after opposition, limitation or revocation proceedings before the EPO. Art. 9(2), (4), 10, 10a Pres. Decr. No. 77/88

Croatia

Contracting state	Croatia
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a

Contracting state	Croatia
3 **Language(s) in which the translation must be filed**	Croatian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No
7 **Special features**	The translation is to be notified by the applicant to the alleged infringer. Art. 123(2) PA

Hungary

Contracting state	Hungary
1 **Must a national professional representative be appointed?**	Unless an international treaty provides otherwise, foreign applicants whose permanent residence or seat is not in the territory of the EEA must appoint a professional representative who is entitled to act before the HIPO. This professional representative does not have to be a national professional representative but must be domiciled in the EEA. Art. 51(1), (4) PA
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) HUF 23 500 plus HUF 3 500 for the sixth and each subsequent page of the translation (b) Within two months of filing the request for publication of the mention in the official gazette of the HIPO If the fee for publishing the claims is not paid at the time the request is filed, the HIPO invites the applicant to remedy the deficiency within the set time limit. If this time limit is not observed, the request is deemed to have been withdrawn. Art. 84/E(2)-(6) PA Art. 4(1) FeeDecr
3 **Language(s) in which the translation must be filed**	Hungarian Art. 84/E(1) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 Art. 10(3) PForm

Contracting state	Hungary
5 **Manner and form in which the translation is made available to the public**	Mention in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" (Gazette of Patents and Trademarks) The HIPO keeps a separate record of European patent applications on which provisional protection has been conferred. Available for inspection; copies available upon payment of a fee Publication of the translation and any corrections in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" (Gazette of Patents and Trademarks), and on the HIPO's website Art. 53(3), 84/E(1), (7) and (8) PA Art. 17 FeeDecr
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) HUF 23 500 plus HUF 3 500 for sixth and each subsequent page of the translation Art. 84/K(1) to (3) PA Art. 12(1) to (3) PForm Art. 4(3) FeeDecr
7 **Special features**	The claims must be translated in accordance with the detailed formal requirements set out in PForm. The translation of the claims (and any request for its correction) may also be filed electronically. Art. 53/D, 84/E(3) PA Art. 2(2)-(5) and 10(3) PForm

Ireland

Contracting state	Ireland
1 **Must a national professional representative be appointed?**	No, but recommended (see also section 7) R. 92, 93(1) PR S.I. 141/2006, S.I. 579/2015
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 35 (b) Date on which translation is filed R. 84 PR Patent Fees Rules
3 **Language(s) in which the translation must be filed**	English (see also section 7) Sect. 120(6) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Inspection at the IPOI Copies available Sect. 100(3), 120(6) PA R. 65 PR Patent Fees Rules

Contracting state	Ireland
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, as in section 2 to be paid within one month of filing the corrected translation if it is desired that the translation be published by the IPOI. Sect. 121(3) PA R. 85 PR Patent Fees Rules
7 **Special features**	Where there are proceedings before the IPOI, applicants with neither residence nor place of business in the EEA must be represented by an authorised patent agent and must give an address for service in the EEA which may be that of a patent agent. The translation shall be verified to the satisfaction of the Controller by the translator as being true to the best of his knowledge and belief. R. 92, 93(1) PR S.I. 141/2006, S.I. 579/2015

Iceland

Contracting state	Iceland
1 **Must a national professional representative be appointed?**	Yes, an applicant who is not domiciled in Iceland must have a representative residing in the EU, a member state of the European Free Trade Association (EFTA) which is party to the EEA Agreement, Switzerland or the Faroe Islands. Art. 12 PA
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Icelandic Art. 83(1) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in "Hugverkatíðindi" (Icelandic IP Gazette) Copies available Art. 83(1) PA Art. 57, 81 PR
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 86 PA
7 **Special features**	The translation referred to in Art. 83 of the Patents Act must be accompanied by the application number and the applicant's name and address, otherwise it will be deemed not to have been submitted. Art. 57 PR

Italy

Contracting state	Italy

Contracting state	Italy
1 **Must a national professional representative be appointed?**	No, but an address for service in the EEA must be given. Art. 147 (3bis) PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (only for filing by postal service or through a chamber of commerce; see section 7: EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps) (b) n/a (Date on which translation is filed through a chamber of commerce, see section 7)
3 **Language(s) in which the translation must be filed**	Italian Art. 54 PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 57(4) PL
7 **Special features**	The translations must be filed (a) electronically through the **UIBM online filing system** (*https://servizionline.uibm.gov.it*) or (b) on paper: **- by postal service** (registered mail with advice of delivery) with the UIBM in Rome, enclosing proof of payment of an administrative fee of EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps to the Chamber of Commerce of Rome, to which the documentation will be forwarded for processing, or **-** in person **at a chamber of commerce** in one of the provincial capitals (Camere di Commercio dei capoluoghi di provincia). On the same day as the translation is filed, a fee (EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps) must be paid into the bank account of the chamber of commerce with which it is filed.

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania

Contracting state	Lithuania
1 **Must a national professional representative be appointed?**	Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania.
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication fee: EUR 46 plus EUR 14 for the 16th and each subsequent claim. (b) Date on which translation is filed The translation is not published until the fee has been paid. Art. 78(2) PL
3 **Language(s) in which the translation must be filed**	Lithuanian Art. 78(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2
5 **Manner and form in which the translation is made available to the public**	Translation published in the official bulletin online at *http://vpb.lrv.lt* or Inspection at the State Patent Bureau (in paper form) Art. 78(2) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 34 Art. 80(3) PL
7 **Special features**	The translation must include the full name and signature of the representative. The translation must be accompanied by the request for publication. The request form is available at *http://vpb.lrv.lt*. Three copies of the prescribed form must be filed. The translation in electronic form must be included.

Luxembourg

Contracting state	Luxembourg
1 **Must a national professional representative be appointed?**	No Art. 93 PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 14 (b) Date on which translation is filed Art. 2(3) Reg. of 9.5.78
3 **Language(s) in which the translation must be filed**	French or German Art. 92(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 Art. 2 Reg. of 9.5.78
5 **Manner and form in which the translation is made available to the public**	Entry in the patent register Inspection in the register online at: *patent.public.lu* Art. 2(4) Reg. of 9.5.78

Contracting state	Luxembourg
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 14 Art. 4(2) Law of 27.5.77 Art. 2(5) Reg. of 9.5.78
7 **Special features**	The name and address of the applicant and the number and date of publication of the EP application must be submitted with the translation. Art. 2(1) Reg. of 9.5.78

Latvia

Contracting state	Latvia
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117 IPL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 50 (if filed on paper) or EUR 40 (if filed electronically) (b) Date on which translation is filed The translation is not published until the fee has been paid. Art. 71(2)(6) PL
3 **Language(s) in which the translation must be filed**	Latvian Art. 71(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	Publication of the translation of the claims in the official bulletin of the LV Patent Office Art. 71(5) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, the same as for publication of the translation of claims Art. 71(5), 72(3) PL
7 **Special features**	The publication of the translation contains - bibliographic data as in the published European patent application - the name and address of the professional representative in Latvia - the title of the invention in Latvian Art. 71(5) PL

Malta

Contracting state	Malta

Contracting state	Malta
1 **Must a national professional representative be appointed?**	It is not necessary to appoint a national professional representative. Foreign applicants whose permanent residence or business is not in any EU member state must appoint an agent who has his ordinary residence or principal place of business in Malta to represent him.
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	English or Maltese
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	– R. 8(2) L.N. 99/2007
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes
7 **Special features**	-

Monaco

Contracting state	Monaco
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	French
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 (see section 7)
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 3(2) SO No. 10.427
7 **Special features**	The translation is to be notified only to the alleged infringer (not to the MC Patent Office).

Montenegro

Contracting state	Montenegro
1 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons must be represented by a representative listed in the competent authority's Register of Representatives or by a domestic lawyer (Register of Representatives at *www.advokatskakomora.me*). Art. 4 PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Montenegrin Art. 144(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
5 **Manner and form in which the translation is made available to the public**	Mention in the Intellectual Property Gazette
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes
7 **Special features**	/

North Macedonia

Contracting state	North Macedonia
1 **Must a national professional representative be appointed?**	Yes, for foreign applicants
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Macedonian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2
5 **Manner and form in which the translation is made available to the public**	Translation and any corrections published in the official gazette online
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No
7 **Special features**	The translation is to be filed with SOIP and also to be notified to the alleged infringer.

Netherlands

Contracting state	Netherlands

Contracting state	Netherlands
1 **Must a national professional representative be appointed?**	No The authorised professional representative before the EPO is not required to file a new authorisation.
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Dutch Art. 72(3) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2 Art. 15(1) PR
5 **Manner and form in which the translation is made available to the public**	Entry in the patent register Mention in "De Industriële Eigendom" Art. 72(5), 20(1) PA
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) No provisions laid down (b) No
7 **Special features**	-

Norway

Contracting state	Norway
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Norwegian § 66g(1) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in "Norsk patenttidende" (Norwegian Patents Gazette) Internet Copies available § 66g(1) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No §§ 60(2), 66j(1) PL § 33 Fees Reg.
7 **Special features**	The EP application number or publication number and the name and address of the applicant must be submitted with the translation. Otherwise the translation will be regarded as not having been supplied. § 59 PR

Poland

Contracting state	Poland
1 **Must a national professional representative be appointed?**	Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. Art. 236(3) IPL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) For the publication of the mention of the filing of the translation of the claims of the European patent application – PLN 90 (b) In advance, or within a month of the invitation to make a payment
3 **Language(s) in which the translation must be filed**	Polish Art. 4(2) EPAL Art. 223(1-2) IPL Annex no. 1 item I 13 Fees Reg.
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 § 13(1) FPR in conjunction with Art. 2 EPAL
5 **Manner and form in which the translation is made available to the public**	Mention in "Biuletyn Urzędu Patentowego" (Polish Patent Office Bulletin) which can be viewed in the reading room and in electronic form on the Polish Patent Office's website (*www.uprp.pl*) Art. 4(2-4) EPAL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 7(3) in conjunction with Art. 4(2) EPAL
7 **Special features**	The translation must contain a translation of the title of the invention, the application number and the applicant's name, and indicate the invention's IPC class.

Portugal

Contracting state	Portugal
1 **Must a national professional representative be appointed?**	No However, under Article 83 of the Portuguese Industrial Property Code, "If an applicant for or holder of a European patent does not have a domicile or registered office in Portugal, the translations must be performed under the responsibility of an official industrial property agent or a representative accredited by the National Industrial Property Institute." Patent proprietors with neither residence nor principal place of business in Portugal may request validation from the Portuguese Industrial Property Institute without appointing a professional representative. The translation must however be "certified" by a professional representative accredited by the National Industrial Property Institute. Art. 10 PA

Contracting state	Portugal
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) Fee for provisional protection: - EUR 53.87 if filed online, - EUR 107.73 if filed on paper (b) Date on which translation is filed Mention of the filing of the translation is not published until the fee has been paid. Fees Res. Art. 80(1) PA
3 **Language(s) in which the translation must be filed**	Portuguese Art. 80(1) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, if filed on paper: INPI presentation form PatMut3 (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in the Industrial Property Bulletin Inspection in reading room Copies available Art. 80(2), (3) PA
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 26.94 if filed online, EUR 53.87 if filed on paper Art. 87(1) PA Fees Res.
7 **Special features**	Applicants with neither residence nor principal place of business in Portugal must have the translation prepared by a professional representative before INPI. Art. 83 PA

Romania

Contracting state	Romania
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Romania must appoint a representative authorised to act before the OSIM. Art. 39 PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 60 or RON 297 (b) Date on which translation is filed Annex 1.29 Fees Ord.
3 **Language(s) in which the translation must be filed**	Romanian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 3
5 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the patent bulletin

Contracting state	Romania
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 30 or RON 148 Art. 7(2) AccEPCLaw Annex 1.30 Fees Ord.
7 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - names and addresses of applicant(s) and inventor(s), - the title of the invention in Romanian, - drawings, if any

Serbia

Contracting state	Serbia
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) n/a (b) n/a
3 **Language(s) in which the translation must be filed**	Serbian Art. 148(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a Art. 148(2), 150(4) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 150(4) PL
7 **Special features**	The translation of the claims is to be notified by the applicant to the alleged infringer. Art. 148(2), 150(4) PL

Sweden

Contracting state	Sweden
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) SEK 500 (b) Date on which translation is filed Mention of the filing of the translation is not published until the fee has been paid. § 88(1) PA § 45 PD

Contracting state	Sweden
3 **Language(s) in which the translation must be filed**	Swedish § 88(1) PA § 39 POR
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in "Svensk Patenttidning" (Swedish patent bulletin) § 88(1) PA § 62(2) PD
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes, but only for patent applications with a filing date before 1 July 2014 (b) SEK 500 § 91(2) PA § 45 PD
7 **Special features**	The EP application number and the name and address of the applicant must be given with the translation. Otherwise it is deemed not to have been filed. § 61 PD

Slovenia

Contracting state	Slovenia
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Slovenian Art. 26(2) IPA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 28(2) IPA
7 **Special features**	The translation of the claims is to be notified by the applicant to the alleged infringer. Art. 26(2), 28(2) IPA

Slovakia

Contracting state	Slovakia

Contracting state	Slovakia
1 **Must a national professional representative be appointed?**	Yes, for natural or legal persons not having their residence or principal place of business in the Slovak Republic The above mandatory representation does not apply to parties who are nationals of a contracting state to the EEA Agreement or have their registered office or a place of business in the territory of such a state; such parties must provide the Slovak Industrial Property Office with an address for correspondence in the territory of the Slovak Republic. Representation by an appointed agent or a patent attorney authorised to practise before the Slovak Industrial Property Office § 79 (2) PA
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 10 (b) Date on which translation is filed The translation is not published until the fee has been paid. § 8(1) + Schedule of Fees, item 216a(b) Fees Law § 60(2) PA
3 **Language(s) in which the translation must be filed**	Slovak § 60(2) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention in the official journal Internet Inspection in reading room § 60(2) PA
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 10 § 62(3), (4) PA Schedule of Fees, item 216a(b) Fees Law
7 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided. § 60(2) PA § 26 RPA

San Marino

Contracting state	San Marino
1 **Must a national professional representative be appointed?**	Yes, foreign applicants must appoint a professional representative who has been entered on the list of patent attorneys maintained by the USBM. An address for correspondence in the Republic of San Marino must be given. Art. 92(6) PA
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Italian

Contracting state	San Marino
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No
7 **Special features**	-

Turkey

Contracting state	Turkey
1 **Must a national professional representative be appointed?**	Yes; applicants with neither residence nor principal place of business in Turkey must appoint an authorised professional representative. R. 9 RegEPC
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) TRY 4 640* (b) Date on which translation is filed with the Turkish Patent and Trademark Office Fees 2022
3 **Language(s) in which the translation must be filed**	Turkish
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in the official patent bulletin ("Resmi Patent Bülteni") Inspection in reading room Copies available R. 10 RegEPC
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No R. 16 RegEPC
7 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - names and addresses of applicant(s) and inventor(s), - the title of the invention, - if a representative is appointed, his name and address, - the IPC, - the abstract, - drawing and priority data, if applicable R. 9, 12 RegEPC

* All fees are revised annually on 1 January.

United Kingdom

Contracting state	United Kingdom
1 **Must a national professional representative be appointed?**	No The authorised professional representative before the EPO is not required to file a new authorisation (see also section 7). R. 103 PR
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a Schedule 1 to PFR
3 **Language(s) in which the translation must be filed**	English Sect. 78(7) PA
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, Form 54 in duplicate (b) 2 R. 56 PR
5 **Manner and form in which the translation is made available to the public**	Display in Science Reference and Information Service, London Copies available from the IPO Mention in the "Patents Journal" Entry in the patent register Sect. 78(7) PA R. 51 PR
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (i) Form 54 (corrections under Sect. 80(3); R. 56 and R. 57) in duplicate (ii) In writing (corrections under Sect. 117; R. 105) (b) No Sect. 80(3), 117 PA R. 57, 105 PR Schedule 1 to PFR
7 **Special features**	An address for service in the United Kingdom, Gibraltar or Channel Islands should be given when filing the translation, or for other proceedings. For further information, contact the International Filings Unit: Tel. +44 1633 814875 R. 103 PR

Republic of Moldova

Validation state	Republic of Moldova
1 **Must a national professional representative be appointed?**	Yes Art. 86(2) Law No. 50/2008
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 60 (b) Date on which translation is filed Art. 44^1(3) Law No. 50/2008 points 4-10 in the Annex to Gov. Dec. No. 774/1997
3 **Language(s) in which the translation must be filed**	Romanian Art. 44^1(3) Law No. 50/2008

Validation state	Republic of Moldova
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1 Art. 44^1(3) Law No. 50/2008 Points 448, 450 Gov. Dec. No. 528/2009
5 **Manner and form in which the translation is made available to the public**	In electronic form on AGEPI publication server and on paper Mention in the Official Bulletin Entry in the National Register of Patent Applications
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 30 Art. 44^2(7) Law No. 50/2008 point 5 in the Annex to Gov. Dec. No. 774/1997
7 **Special features**	The form prescribed in section 4 must contain all requisite information.

Morocco

Validation state	Morocco
1 **Must a national professional representative be appointed?**	Yes Applicants who do not have a residence or place of business in Morocco must appoint a professional representative who does. Art. 4 Law No. 17-97
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) MAD 1 200 A reduction is available for certain proprietor categories and/or for those using the online procedure. (b) Date on which translation is filed Art. 50.3 Law No. 17-97 Dec. No. 9/2017
3 **Language(s) in which the translation must be filed**	Arabic French Art. 50.3 Law No. 17-97
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1 Art. 2 Decr.
5 **Manner and form in which the translation is made available to the public**	In electronic form on OMPIC publication server (*patent.ompic.ma*) Copies available to anyone Mention in official catalogue Entry in patent register Art. 44, 49, 89 Law No. 17-97
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) No (b) n/a
7 **Special features**	The prescribed form must contain all requisite information.

Cambodia

Validation state	Cambodia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	Tunisia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	Bosnian Serbian Croatian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) n/a (b) n/a
7 **Special features**	The translation is to be notified to the alleged infringer. Art. 4(2) Ext. Agr. Annex Art. 87(2) PL

Montenegro

Extension state	Montenegro
1 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons must be represented by a representative listed in the competent authority's Register of Representatives or by a domestic lawyer (Register of Representatives at *www.advokatskakomora.me*). Art. 4 PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Montenegrin Art. 144(2) PL

Extension state	Montenegro
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
5 **Manner and form in which the translation is made available to the public**	Mention in the Intellectual Property Gazette
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes
7 **Special features**	-

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	Albanian Art. 81(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) n/a
7 **Special features**	The translation is to be notified to the alleged infringer. Art. 83(3) PL

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	Croatian

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) yes (b) no
7 **Special features**	The translation is to be notified by the applicant to the alleged infringer. Art. 123(2) PA

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Must a national professional representative be appointed?**	n/a
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	Lithuanian Art. 70(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) n/a
7 **Special features**	The translation is to be notified to the alleged infringer. Art. 70(2) PL

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117 IPL

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 50 (b) Date on which translation is filed The translation is not published until the fee has been paid. Art. 71(2)(6) PL
3 **Language(s) in which the translation must be filed**	Latvian Art. 71(2) PL
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
5 **Manner and form in which the translation is made available to the public**	Publication of the translation of the claims in the official bulletin of the LV Patent Office Art. 71(5) PL
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, the same as for publication of the translation of claims Art. 71(5), 72(3) PL
7 **Special features**	The publication of the translation contains - bibliographic data as in the published European patent application - the name and address of the professional representative in Latvia - the title of the invention in Latvian Art. 71(5) PL

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Must a national professional representative be appointed?**	Yes, for foreign applicants
2 **(a) Special fee payable?** **(b) If so, when due?**	n/a
3 **Language(s) in which the translation must be filed**	Macedonian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) n/a (b) n/a
7 **Special features**	The translation is to be notified to the alleged infringer.

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Romania must appoint a representative authorised to act before the OSIM. Art. 39 PL
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 60 or RON 297 (b) Date on which translation is filed Annex 1.29 Fees Ord. Art. IV.2 GO
3 **Language(s) in which the translation must be filed**	Romanian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 3
5 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the patent bulletin
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 30 or RON 148 Annex 1.30 Fees Ord. Art. VI.2 GO
7 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - names and addresses of applicant(s) and inventor(s), - the title of the invention in Romanian, - drawings, if any

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Must a national professional representative be appointed?**	No
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Slovenian
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
5 **Manner and form in which the translation is made available to the public**	n/a
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 6(3) Ext. Decr.
7 **Special features**	The translation of the claims is to be notified by the applicant to the alleged infringer. Art. 4(2) Ext. Decr.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Must a national professional representative be appointed?**	Yes, in cases where corrections of translation of patent claims have to be published.
2 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
3 **Language(s) in which the translation must be filed**	Serbian Art. 123(2) PL Ext.
4 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) n/a (b) n/a
5 **Manner and form in which the translation is made available to the public**	Mention in the Intellectual Property Gazette only in case of corrections to the translation
6 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) No Art. 125(3) PL Ext.
7 **Special features**	The translation of the claims is to be notified by the applicant to the alleged infringer. In case of corrections, the translation must be made available to the public by the Serbian Intellectual Property Office. Art. 123(2), 125(3) PL Ext.

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IV. Translation requirements after grant pursuant to Article 65 EPC

1. Legal basis

Under Article 65(1) of the European Patent Convention, any contracting state may, if the European patent as granted, amended or limited by the European Patent Office is not drawn up in one of its official languages, prescribe that the proprietor of the patent supply to its central industrial property office a translation of the patent as granted, amended or limited in one of that state's official languages at his option or, where that state has prescribed the use of one specific official language, in that language.

Under Article 1(1) of the London Agreement,[*] a contracting state to the Agreement which has an official language in common with one of the official languages of the EPO will dispense with the translation requirements under Article 65(1) EPC.

Under Article 1(2) of the London Agreement, a contracting state to the Agreement which does not have an official language in common with one of the official languages of the EPO will dispense with the translation requirements under Article 65(1) EPC if the European patent

- has been granted in the EPO official language prescribed by that state, or

- is translated into that language and filed under Article 65(1) EPC.

Under Article 1(3) of the London Agreement, such a contracting state can, however, require that a translation of the claims into one of its official languages be filed under Article 65(1) EPC.

Article 65(2) EPC provides that any contracting state which has adopted provisions under Article 65(1) EPC may prescribe that the proprietor of the patent must pay all or part of the costs of publication of such translation within a period laid down by the state.

All EPC contracting states have prescribed, in accordance with Article 65(3) EPC, that in the event of failure to observe the relevant national provisions, the European patent will be deemed to be void ab initio. The circumstances in which such a loss of rights occurs are determined by the national law of the contracting states concerned. In most contracting states the **time limit** for filing the translation is **non-extendable**.

The following table also contains information on any documents and translations patent proprietors are required to file with the central industrial property offices of the extension and validation states for granted, amended or limited patents.

2. Effect of the European patent as a national patent

Under Article 64(1) EPC (or the relevant national legislation in the extension and validation states), a European patent automatically confers on its proprietor from the date on which the mention of the grant is published in the European Patent Bulletin, in each contracting state in respect of which it is granted, the same rights as would be conferred by a national patent granted in that state.

Accordingly, the proprietor needs to take no action before the central industrial property office in respect of European patents granted for Belgium, France, Germany, Ireland, Luxembourg, Monaco, Switzerland/Liechtenstein or the United Kingdom. Subject to Article 68 EPC, a European patent takes effect as a national patent on the date on which the mention of the grant is published in the European Patent Bulletin.

See Table VI regarding payment of national renewal fees to the central industrial property offices.

3. Different sets of claims

If, in the event of prior national rights, the European patent application contains different sets of claims for different states (Rule 138 EPC), only a translation of the set of claims applicable to the state in question need be filed

4. Explanatory notes concerning the table

The following table contains information helping applicants to check what requirements and obligations apply when filing translations with the central industrial property office for each of the EPC contracting states and extension or validation states.

[*] Agreement on the application of Article 65 of the European Patent Convention (see OJ EPO 2001, 549 and 2008, 123).

Albania

Contracting state	Albania
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** of the European patent into Albanian as well as the European patent specification in English or translated into English must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent has been maintained in amended form, a translation of the amended claims into Albanian must be filed under the conditions provided for in Art. 65(1) EPC. Art. 1(2) and (3) London Agreement Art. 87/d(2)(3) PL

Contracting state	Albania
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP. Art. 195(2) PL
4 **Period for filing the translation**	3 months after the date on which the mention of grant or the decision to maintain the patent as amended is published in the European Patent Bulletin. Extension of the time limit is possible (see section 9). Art. 87/d(2)(6) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) ALL 10 000 (b) Within period pursuant to section 4. Art. 87/d(2)(b) PL, Fees Decr 1.47
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2 Art. 87/d(2)(b) PL, Fees Decr 1.47
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections in the official bulletin Art. 87/d(5) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) ALL 2 000 Art. 87/dh(3) PL
9 **Special features**	The time limit of 3 months for filing the translation of the patent granted may be extended by one month, upon payment of a fee (ALL 7 000). Art. 87/d(6) PL Fees Decr 1.8

Austria

Contracting state	Austria
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into German must be supplied under the conditions provided for in Art. 65(1) EPC. § 5(1) ILPT
3 **Must a national professional representative be appointed?**	Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria. However, if the residence or place of business is in the EEA, a person authorised to accept service who is a resident of Austria may be appointed instead. (The requirement that the appointed person be resident in Austria can be waived in certain cases.) § 24 ILPT § 21(4) PA

Contracting state	Austria
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended or limited is published in the European Patent Bulletin § 5(1), (2) ILPT
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 186 (including EUR 30 document fees) plus EUR 135 for every 15 pages following the 16th page of the translation For sequence listings forming a separate part of the translated description, the fee is charged for up to a maximum of 400 pages. Fee reduced by EUR 20 for electronic filing. (b) Within period pursuant to section 4 § 5(1) ILPT §§ 8, 8a, 27(2) LPOF
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No. Electronic filing permitted. (b) 1 § 1(2) POR and notice in PBl. 2019, No. S 1 as amended in PBl. 2019, No. 5
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections Mention of the published printed patent document and of any corrections in the patent bulletin §§ 5(1), 6(2)-(4) ILPT
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) § 6(2) ILPT §§ 8, 8a, 27(2) LPOF
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has duly been provided. The translation must be accompanied by a copy of the drawings in the EP specification even where there is no textual matter. § 30 LPOF § 8(5) POR

Belgium

Contracting state	Belgium
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO. Art. 1(1) London Agreement Art. XI.83(1) ELC Art. 3(1) Law of 21.4.07 Art. 5(1) Law of 8.7.77
2 **Translation requirements**	No translation required under Art. 65(1) EPC.
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a

Contracting state	Belgium
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	For European patents granted in English in respect of which the mention of grant, maintenance in amended form or limitation is published in the European Patent Bulletin before 1 January 2017, a translation of the specification into Dutch, French or German must still be supplied in accordance with Article 65(1) EPC. Art. 94 Law of 29.6.16

Bulgaria

Contracting state	Bulgaria
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Bulgarian must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 72c(1) PL
3 **Must a national professional representative be appointed?**	Yes Applicants who are not established in the Republic of Bulgaria or in another Member State of the European Union, in a state - party to the European Economic Area Agreement or in the Swiss Confederation, are required to act before the Patent Office through a lawyer or an industrial property representative Art. 3(2) PL
4 **Period for filing the translation**	3 months after the date on which the mention of grant is published in the European Patent Bulletin the patentee must file request for validation accompanied by translation of the granted EP. Art. 72c(1) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication of the mention of the translation: BGN 45 ; Fee for publishing the translation: BGN 80 plus BGN 10 for each page of the translation (including any drawings) in excess of 10 (b) Within period pursuant to section 4 Art. 72c(1) PL
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 Art. 72c(1) PL

Contracting state	Bulgaria
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in the Official Bulletin Publication of the translation of the European patent in the Bulgarian language in the Register of European Patents under Art. 72i Art. 72c(4) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Fee for publication of the mention of the correction of the translation and for re-publishing the translation itself, see section 5(a) Art. 72d(3) PL
9 **Special features**	The translation of the European patent must comprise: - the title of the invention - the description - drawings, if any - the patent claims. The translation must be accompanied by: - data identifying the proprietor of the patent, - the number of the European patent application, - the publication number of the European patent, - the number and date of the European Patent Bulletin in which the mention of the grant of the patent was published. Art. 72c(2), (3) PL

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65(1) EPC. Art. 1(1) London Agreement Art. 148 PA
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	-

Cyprus

Contracting state	Cyprus
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Greek must be supplied under the conditions provided for in Art. 65(1) EPC.
3 **Must a national professional representative be appointed?**	Yes Applicants must appoint an authorised professional representative resident in Cyprus who is entitled to practice law in Cyprus. Sect. 79(2) PL R. 2(1), 8(1) PFR
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin R. 54(1) PFR
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 (b) Within period pursuant to section 4 Mention of the filing of the translation is published only when the fee has been paid. R. 54(1) PFR
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, Form P.17 (b) 2 R. 54 PFR
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in the official gazette Copies available Entry in the patent register, vol. B Inspection in reading room Sect. 3(1), 69 PL R. 55(1), (2), 60 PFR
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes The issue number and the date of the first publication of the translation in the official gazette must be indicated (Form P.5). (b) EUR 100 R. 6(2)(a), 55(4) PFR

Contracting state	Cyprus
9 **Special features**	Proof of payment of the fee must be submitted with the translation. R. 54(1) PFR The EP application and publication number, the name and address of the patent proprietor and the title of the invention must be submitted with the translation. Where as a result of opposition proceedings the EP is maintained in an amended form, the translated amended text shall be attached to the original translation. R. 54(3) PFR The translation must be accompanied by 2 copies of the drawings in the EP specification, even where there is no textual matter. Moreover, two copies of the patent abstract translated into Greek must be supplied. R. 54(4) PFR The filing of the translation is recorded in the Records Book, vol. B, part B. R. 60(1) PFR

Czech Republic

Contracting state	Czech Republic
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Czech must be supplied under the conditions provided for in Art. 65(1) EPC. §§ 35c(2), 35f(3) PA
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business on the territory of the Czech Republic should be represented by a patent attorney or a legal practitioner. It is not strictly required in the case of EU citizens; an address for correspondence in the Czech Republic must be given. § 70 PA Act No. 417/2004 Coll. on Patent Attorneys Act No. 85/1996 Coll. on the Legal Profession
4 **Period for filing the translation**	3 months after the date on which the mention of grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Extension of the time limit is possible (see section 9). §§ 35c(2), (3), 35f(3) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) CZK 2 000 (b) Within period pursuant to section 4 §§ 35c(2), (3), 35f(3) PA
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation and of any corrections in the "Věstník Úřadu průmyslového vlastnictví" (Bulletin of the CZ Industrial Property Office) Inspection in reading room Copies available §§ 35c(2), 35f(3) PA

Contracting state	Czech Republic
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) CZK 100 § 35d(2) PA
9 **Special features**	The translation must contain: - the name and address of the patent proprietor - the EP application and publication number - number and date of the European Patent Bulletin in which the grant was mentioned - the title of the invention in Czech. The translation must be accompanied by a copy of the drawings in the EP specification even where there is no textual matter. The time limit of 3 months for filing the translation of the patent granted may be extended by 3 months, upon payment of a fee. This fee amounts to CZK 3 000. § 35c(3) PA Part XI, Item 128 (f) LAdmFees The additional time limit of three months for filing the Czech translation of the patent specification provided for in § 35c(3) PA does not apply if a European patent is maintained in amended form in opposition or limitation proceedings. In the latter case, the proprietor of the patent must submit to the CZ Industrial Property Office the Czech translation of the amended text of the patent specification and pay the publication fee within three months from the mention of this amendment in the European Patent Bulletin. The CZ Industrial Property Office will announce the maintaining of the European patent in amended form in the Bulletin of the CZ Industrial Property Office and will publish the translation of the amended text of the patent specification. § 35f(3) PA Bulletin of the CZ IPO No. 52/2007 If the Czech translation of the amended text of the European patent specification is not submitted by that time limit, the European patent will be considered in the Czech Republic as null and void from the outset. § 35f(4) PA Re-establishment of rights under conditions similar to Art. 122 EPC is available. § 65 PA

Denmark

Contracting state	Denmark
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	Irrespective of the language of the granted patent, a translation of the **claims** into Danish must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent has been granted in English. If the European patent has been granted in French or German, a translation of the other parts of the European patent into English or Danish must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 1(2) and (3) London Agreement § 77(1) PA

Contracting state	Denmark
3 **Must a national professional representative be appointed?**	No
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. § 77(1) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) DKK 2 000 (b) Within period pursuant to section 4 §§ 77(2) and 98(7) PA
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in "Dansk Patenttidende" (Danish Patent Gazette) DKPTO website (*www.dkpto.dk* & PVSOnline) Inspection in reading room Printed copies available §§ 77(3) and 77(4) PA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) §§ 86(1) and 100(4) PA
9 **Special features**	The claims must be filed in Danish. The number of the European patent and the name and address of the patent proprietor must accompany the translation. If the patent has been granted in German or French, the translation of the remaining contents into Danish or English shall also include: 1. The title of the invention 2. The description, including any drawings, photographs and sequence listing If the abovementioned requirements are not complied with, the translation shall be deemed not to have been filed. § 90 PO, cf. § 77(1) and § 77(1)(2).

Germany

Contracting state	Germany
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65(1) EPC (see section 9). Art. 1(1) London Agreement Art. 8a, 8b and 10 of the Law on the Improved Enforcement of Intellectual Property Rights (Law on Enforcement)
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a

Contracting state	Germany
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	A translation is still required for European patents in respect of which the mention of the grant was published in the European Patent Bulletin before 1 May 2008. Art. XI § 4 LIPC

Estonia

Contracting state	Estonia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Estonian must be supplied under the conditions provided for in Art. 65(1) EPC. §§ 7(1), 13(2) IA
3 **Must a national professional representative be appointed?**	No, but recommended (see also section 9). § 15 IA § 26 REP
4 **Period for filing the translation**	3 months after the date on which the mention of grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Extension of the time limit is possible (see section 9). § 7(1), (2) and 13(2) IA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 45 (b) Within period pursuant to section 4 § 7(1) IA § 109(2) FA
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (see also section 9) (b) one copy on paper or one copy on CD; PDF format §§ 7(1), 13(2) IA § 27(4) REP
7 **Manner and form in which the translation is made available to the public**	Mention in "Eesti Patendileht" (Official Gazette) Copies available Estonian Patent Office website at *www.epa.ee/en/databases/inventions-databases* (Estonian) § 30 REP

Contracting state	Estonia
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 45 § 9(1) IA § 109(2) FA
9 **Special features**	A request for publication and proof of payment of the fee must be submitted with the translation. The following information must be given in the request: - European patent number - European application date - the title of the invention - the applicant's name and address - the representative's name and address for service, if applicable. The Office accepts as representative only a common representative resident in Estonia, where applicable, or an Estonian patent attorney whose name is entered in the State Register of Patent Attorneys as specialising in the legal protection of inventions and layout designs of integrated circuits. If the translation does not comply with the requirements, an Estonian patent attorney must be appointed to submit the corrections. The time limit of 3 months for filing the translation may be extended by 2 months, upon payment of a surcharge (EUR 32). § 7(1) IA § 109(3) FA § 26 REP

Spain

Contracting state	Spain
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Spanish must be supplied under the conditions provided for in Art. 65(1) EPC (see section 9). Art. 155 NPL Art. 95 RD 316
3 **Must a national professional representative be appointed?**	No, if proprietor resides in Spain or in a country of the EU. Requirements in section 9 must be observed. Art. 175 NPL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin (see section 9). This time limit can be extended, under request, for two months. Art. 155 NPL

Contracting state	Spain
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 327.38 plus EUR 13.16 for each page of the translation in excess of 22 for translations on paper, or EUR 278.28 plus EUR 11.19 for translations in electronic form Note: the fees may be revised at the beginning of each year. (b) When filing the translation. In the case of non-payment, the OEPM will require to pay the fee within two months from the requirement. Translation is not published until the fee has been paid. Art. 155 NPL Art. 95 RD 316 NPL Annex
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	Translation and any corrections published in the form of a patent specification, accessible via the INVENES database (*consultas2.oepm.es/InvenesWeb/faces/busquedaInternet.jsp;jsessionid=cum2LDzkWUuQhh16FjRNNduE.srvvarsovia1*) Mention of the filing of the translation in "Boletín Oficial de la Propiedad Industrial" Entry in the patent register Art. 37, 55, 154 and 156 NPL Art. 95 RD 316
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 96 RD 316 NPL Annex
9 **Special features**	Applicants with neither residence nor principal place of business in Spain must have the translation done by a patent attorney accredited by the OEPM or by a sworn translator/interpreter appointed by the Spanish Ministry of Foreign Affairs or another professional having - knowledge corresponding to at least level C2 of both the original language and Spanish and - a university degree in the technical sector concerned or experience in the form of at least 20 translations of patents in the technical sector. The translation must be accompanied by a copy of the drawings in the EP specification even where there is no textual matter. Restitutio in integrum is provided for in cases where an applicant or owner has failed to comply with a time limit for an action in a procedure before the Office in spite of due care required by the circumstances, and that failure has the direct consequence of causing a loss of rights. The request has to be filed within 2 months of removal of the obstacle, provided that the request is filed within 12 months from the date of expiry of the applicable time limit. Art. 53, 155 NPL and MO 320 Art. 95 RD 316

Finland

Contracting state	Finland
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.

Contracting state	Finland
2 **Translation requirements**	A translation of the **claims** into Finnish must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent was granted in English. If the European patent was granted in French or German, a translation into English or Finnish must be supplied under the conditions provided for in Art. 65(1) EPC. If the patentee's own language is Swedish, the translation may be filed in Swedish. Art. 1(2) and (3) London Agreement § 70h PA
3 **Must a national professional representative be appointed?**	No
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. §§ 70h, 70t PA §§ 52u, 52z PD
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 500 (EUR 400 if the translation is filed online) (b) Within period pursuant to section 4 §§ 70h, 70t PA §§ 52u, 52z PD Fees Decr.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation and of any corrections in "Patenttilehti" (Finnish Patent Bulletin) Published in electronic form Copies available Entry in the patent register §§ 70h, 70q PA §§ 38a, 52x, 52y PD
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) § 70q PA § 52y PD
9 **Special features**	The number of the European patent, the title of the invention and the name and address of the patent proprietor must accompany the translation. Otherwise the translation is deemed not to have been filed. The translation must be accompanied by a copy of the drawings in the EP specification, even where there is no textual matter. Neither the abstract nor any sequence listings need to be translated. The translation may also be filed electronically. §§ 52u, 52y PD

France

Contracting state	France

Contracting state	France
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65(1) EPC. Art. 1(1) London Agreement Art. L. 614-7 PL
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	-

Greece

Contracting state	Greece
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Greek must be supplied under the conditions provided for in Art. 65(1) EPC. The translation must be certified by a Greek legal practitioner or by an authority empowered to do so (i.e. the Translation Service of the Ministry of Foreign Affairs at 10 Arionos Street, Athens or any Greek Consulate abroad). Art. 11(1) Pres. Decr. No. 77/88
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Greece must appoint a representative for service (any natural person or any attorney) resident in Greece. Art. 19(3) Pres. Decr. No. 77/88
4 **Period for filing the translation**	3 months from the date on which the mention of the grant, maintenance in amended form, limitation or revocation of the European patent is published in the European Patent Bulletin In the event of failure to observe this deadline, the European patent is deemed void ab initio in Greece. Art. 11, 12a Pres. Decr. No. 77/88

Contracting state	Greece
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 350 (b) Date on which translation is filed with the OBI Mention of the filing of the translation is published only when the fee has been paid Art. 12(1), 18 Pres. Decr. No. 77/88 Dec. of 31.8.2016
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (*www.obi.gr/el/euresitexnies/formes-aitisis*) (b) 2 Art. 12(1) Pres. Decr. No. 77/88
7 **Manner and form in which the translation is made available to the public**	Mention in EDBI Inspection in reading room Copies available Art. 13(1), (2) Pres. Decr. No. 77/88
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes The issue number and the date of the first publication of the translation in EDBI must be indicated. (b) No Art. 13(4) Pres. Decr. No. 77/88
9 **Special features**	The European application and publication numbers, the name and address of the patent proprietor as well as the issue number and date of the European Patent Bulletin in which the grant was mentioned must be supplied with the translation. Two copies of the drawings in the EP specification must be supplied with the translation, even if these contain no textual matter requiring translation. Moreover, two copies of the patent abstract translated into Greek must also be supplied. The filing of the translation of the European patent is registered in the Register Book (Volume B "European patents"). On request, the OBI issues the patent proprietor with confirmation of registration in the Registers, which may also cover any possible change in ownership. Art. 12(3), (4), 23a Pres. Decr. No. 77/88

Croatia

Contracting state	Croatia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** of the European patent into Croatian must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent has been granted in French or German, a translation into English must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent has been maintained in amended form, a translation of the amended claims into Croatian must be filed under the conditions provided for in Art. 65(1) EPC. Art. 124(2) and (3) PA

Contracting state	Croatia
3 **Must a national professional representative be appointed?**	Yes Art. 17 PA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the EP or the decision to maintain the patent as amended is published in the European Patent Bulletin. Art. 124(2) and (3) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 124(2) PA
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) yes (b) 1 Art. 124 (2.)1. PA Art. 34 (1) PO
7 **Manner and form in which the translation is made available to the public**	Mention of the translation and any corrections in the official gazette Translation and any corrections published in the form of a printed patent document Entry in the patent register Copies available for viewing and downloading from the internet website Art. 124(4) PA Art. 35 PO
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 125(3) PA
9 **Special features**	Correction of translation has legal effect from the date of publication by the Croatian Intellectual Property Office. Art. 125(5) PA

Hungary

Contracting state	Hungary
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.

Contracting state	Hungary
2 **Translation requirements**	A translation of the **claims** into Hungarian must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent was granted in English, but the patentee is free to supply a full Hungarian translation as well. If the European patent was granted in French or German, a full translation into English or Hungarian must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent is maintained in amended form, a translation of the amended claims into Hungarian and, if the European patent was granted in German or French, a translation of the patent specification into English or Hungarian must be filed under the conditions provided for in Art. 65(1) EPC. After validation, a Hungarian translation of the text other than the claims may be filed additionally at any time. This option is designed to strengthen the patentee's position and increase legal certainty in any judicial infringement procedures. Art. 1(2) and (3) London Agreement Art. 84/H.(1)-(1a), 84/I. PA
3 **Must a national professional representative be appointed?**	Unless an international treaty provides otherwise, foreign applicants whose permanent residence or seat is not in the territory of the EEA shall appoint a professional representative who is entitled to act before the HIPO. This professional representative does not have to be a national professional representative but must be domiciled in the EEA. Art. 51(1), (4) PA
4 **Period for filing the translation**	(i) Within 3 months of the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. (ii) The translation can also be filed within 3 months of the last day of the above period on payment of the additional fee specified in the FeeDecr. In the event of failure to observe these provisions, the European patent is deemed void *ab initio* in Hungary. After validation, a voluntary translation of the full text of the European patent into Hungarian may be filed at any time. Art. 84/H(1)-(3), (8), (10a) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) (i) HUF 23 500 plus HUF 3 500 for the sixth and each subsequent page of the translation The number of pages is calculated as follows: - if the European patent was granted in English, by adding the pages of the claims, after translation into Hungarian, to those of the rest of the patent; if the full text of the patent was translated into and filed in Hungarian, this translation will be taken as the basis for the calculation; - if it was granted in French or German, by adding the pages of claims, after translation into Hungarian, to those of the rest of the patent after translation into Hungarian or English. (ii) additional fee of HUF 58 700 is payable if the translation is filed during the additional 3 months (see point (ii) in section 4) (b) Within 2 months of filing the translation If the publishing and printing fee is not paid at the time the translation is filed, the HIPO invites the applicant to remedy the deficiency within 2 months of the filing of the translation. If he fails to do so, the translation into Hungarian is deemed not to have been filed. Art. 84/H PA Art. 4(2)-(2a), (5) FeeDecr

Contracting state	Hungary
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1 Art. 11 PForm
7 **Manner and form in which the translation is made available to the public**	Mention in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" (Gazette of Patents and Trademarks). The European patent will be entered in the separate part of the patent register if the translation of its text has been duly filed. Available for inspection; copies available upon payment of a fee Publication of the translation and any corrections in printed form and in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" (Gazette of Patents and Trademarks), and on the HIPO's website Art. 53(3), 84/H(9) and (10) PA Art. 17 FeeDecr
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) HUF 23 500 plus HUF 3 500 for the sixth and each subsequent page of the translation Art. 84/K PA Art. 12(1) to (3) PForm Art. 4(3) FeeDecr
9 **Special features**	Translations of European patents must be produced and filed in accordance with the detailed formal requirements set out in PForm. The translation of the European patent (and any request for its correction) may also be filed electronically. Under Hungarian law, an infringer resident or having its seat in Hungary cannot be held liable for infringement, and consequently damages cannot be claimed, unless a description in Hungarian was filed and so available to the alleged infringer. However, even in the absence of a Hungarian translation, liability may be established and damages awarded if the patentee proves that the infringer was able to understand the English description of the European patent (e.g. infringer is an international company, conducts business in English, etc.). Since 1 January 2012, patentees have had the option of filing a Hungarian translation of the description, in addition to that required for the claims, at any time after "validation". This releases them from the burden of proving the defendant's language skills when seeking damages. Art. 35(3), 53/D, 84/H(4) PA Art. 2(2)-(5) and 11 PForm

Ireland

Contracting state	Ireland
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65 (1) EPC. Art. 1(1) London Agreement

Contracting state	Ireland
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	-

Iceland

Contracting state	Iceland
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Icelandic must be supplied under the conditions provided for in Art. 65(1) EPC. Other parts of the European patent must be supplied in Icelandic or English under the conditions provided for in Art. 65(1) EPC. Art. 1(2) and (3) London Agreement § 77(1) PA
3 **Must a national professional representative be appointed?**	Yes, a patent proprietor who is not domiciled in Iceland must have a representative residing in the EU, a member state of the European Free Trade Association (EFTA) which is party to the EEA Agreement, Switzerland or the Faroe Islands. § 12 PA
4 **Period for filing the translation**	4 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. § 77 PA § 56 PR
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 77(1) PA Art. 56 PR Art. 5 Fees Reg.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 1

Contracting state	Iceland
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in "Hugverkatíðindi" (Icelandic IP Gazette) Copies available § 77 PA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 86(1) PA Art. 5 Fees Reg.
9 **Special features**	If a translation is corrected under Art. 86 of the Patents Act, a new version of the entire translation, clearly indicating what has been changed by each correction, must be submitted. This corrected version must be accompanied by the patent or application number and the name and address of the patent holder or applicant, otherwise it will be deemed not to have been submitted. Art. 58(1), (2) PR

Italy

Contracting state	Italy
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Italian must be supplied under the conditions provided for in Art. 65(1) EPC. The proprietor of the patent or his representative must give a declaration on the last page of the translation that the translation is in complete agreement with the original. Art. 56(4) PL
3 **Must a national professional representative be appointed?**	No, but an address for service in the EEA must be given. Art. 147 (3bis) PL
4 **Period for filing the translation**	Within 3 months of the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin It is possible to request **further processing** within 2 months of expiry of the time limit not complied with. The request must be accompanied by proof of payment of the fee prescribed for further processing. Art. 56(4), 192 PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (only for paper filing by postal service or through a chamber of commerce; see section 9: EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps) EUR 300 for request for further processing (plus EUR 10 if filed by postal service or through a chamber of commerce) (b) Date on which translation is filed through a chamber of commerce, see section 9
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1

Contracting state	Italy
7 **Manner and form in which the translation is made available to the public**	Display in reading room Copies available
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes The form required for the purposes of section 6 must be used; the UIBM recommends that the national reference number allocated when the translation was filed be quoted. (b) No Art. 57(4) PL
9 **Special features**	The translations must be filed (a) electronically through the **UIBM online filing system** (*https://servizionline.uibm.gov.it*) or (b) on paper: **- by postal service** (registered mail with advice of delivery) with the UIBM in Rome, enclosing proof of payment of an administrative fee of EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps to the Chamber of Commerce of Rome, to which the documentation will be forwarded for processing, or **-** in person **at a chamber of commerce** in one of the provincial capitals (Camere di Commercio dei capoluoghi di provincia). On the same day as the translation is filed, a fee (EUR 40 or, if a certified copy is requested, EUR 43 and EUR 16 in stamps) must be paid into the bank account of the chamber of commerce with which it is filed. The UIBM recommends that a translation of the abstract appearing in the EP application and a copy of the drawings of the patent specification be filed.

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Lithuanian must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 1(3) London Agreement Art. 79(2), (3) PL
3 **Must a national professional representative be appointed?**	Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. Art. 14(3) PL

Contracting state	Lithuania
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or maintenance in amended form of the European patent is published in the European Patent Bulletin. Art. 79(2), (3) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication of claims: EUR 46 plus EUR 14 for the 16th and each subsequent claim. Publication of amended claims: EUR 34. (b) Within period pursuant to section 4 The translation is not published until the fee has been paid. Fees Law Art. 79(2), (3) PL
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections in the official bulletin. Inspection of the official bulletin at the State Patent Bureau (in paper form) or online at *http://vpb.lrv.lt* Art. 79(4) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 80(3) PL
9 **Special features**	The translation must include the full name and signature of the representative. The translation must be accompanied by the request for publication. The request form is available at *http://vpb.lrv.lt*. Three copies of the prescribed form must be filed. The translation in electronic form must be included.

Luxembourg

Contracting state	Luxembourg
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65(1) EPC. Art. 1(1) London Agreement Law of 27.5.1977
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a

Contracting state	Luxembourg
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	-

Latvia

Contracting state	Latvia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Latvian must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 1(3) London Agreement Art. 71(2) PL
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117 IPL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. Art. 71(2) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 50 (if filed on paper) or EUR 40 (if filed electronically) (b) Within period pursuant to section 4 The translation is not published until the fee has been paid. Art. 71(6) PL s.2.6.1 and 2.6.2 Fees Reg.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	Publication of the translation in the official bulletin of the LV Patent Office. Art.71(5) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 71(5), 72(3) PL
9 **Special features**	The publication of the translation contains - bibliographic data as in published European patent application - name and address of the professional representative in Latvia - the title of invention in Latvian Art. 71(5) PL

Malta

Contracting state	Malta
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into English must be supplied under the conditions provided for in Art. 65(1) EPC. R. 6(2) L.N. 99/2007
3 **Must a national professional representative be appointed?**	Foreign applicants whose permanent residence or business is not in any EU member state must appoint an agent who has his ordinary residence or principal place of business in Malta to represent him. Art. 61(2) PA 2000
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. R. 6(2) L.N. 99/2007
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) No (b) n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1 R. 6(2) L.N. 99/2007
7 **Manner and form in which the translation is made available to the public**	Inspection at the IPRD R. 8(2) L.N. 99/2007
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes R. 3, 8(2) L.N. 99/2007
9 **Special features**	The translation must contain the name and address of the patent proprietor R. 5(2b) L.N. 99/2007

Monaco

Contracting state	Monaco
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.
2 **Translation requirements**	No translation required under Art. 65(1) EPC. Art. 1(1) London Agreement
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a

Contracting state	Monaco
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	n/a
9 **Special features**	-

North Macedonia

Contracting state	North Macedonia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Macedonian must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 1(3) London Agreement
3 **Must a national professional representative be appointed?**	Yes, authorised agent who is either a domestic legal person or a citizen of North Macedonia.
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin.
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication fee MKD 3 000 (b) Within period pursuant to section 4
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, Form об. ДЗИС-П5 (b) 2
7 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the official gazette ("Glasnik")
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a)
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided.

Netherlands

Contracting state	Netherlands

Contracting state	Netherlands
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Dutch must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent has been granted in English. If the European patent has been granted in French or German, a translation into English must be supplied under the conditions provided for in Art. 65(1) EPC. The translation may also be supplied in Dutch. Art. 1(2) and (3) London Agreement Art. 52(1) PA
3 **Must a national professional representative be appointed?**	No The authorised professional representative before the EPO is not required to file a new authorisation. Art. 27k IR
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin (see also section 9) Art. 52(1), (6) PA Art. 23(1) PR
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 25 (b) Within period pursuant to section 4 Art. 6(6), 23(3) PR
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2 Art. 7 IR
7 **Manner and form in which the translation is made available to the public**	Entry in the patent register Mention of the filing of the translation in "De Industriële Eigendom" Inspection is available via the online patent register. With regard to old documents which are not digitally available copies are available upon request. Copies available Art. 19(4), 52(3), (8) PA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 52(7) PA Art. 6(6) PR
9 **Special features**	The publication number of the European patent must be indicated on each sheet of the translation. Art. 7 IR In case the European Patent specification is in DE or FR, the translation must be accompanied by a copy of the drawings in the European patent specification even where there is no textual matter.

Norway

Contracting state	Norway
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO. Patent applications can also be filed and processed in English.
2 **Translation requirements**	A translation of the **claims** into Norwegian must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent was granted in English. If the European patent was granted in French or German, a translation of the description (including any drawings) and title into either English or Norwegian must be supplied under the conditions provided for in Art. 65(1) EPC. In addition, a translation of the claims into Norwegian must be supplied.
3 **Must a national professional representative be appointed?**	No
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin § 66c(1) and (2) PL § 59(2) PR
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) NOK 5 500 (b) Upon receipt of a translation in accordance with § 66c PL, an invoice is issued. The due date for payment of the fee is specified in the invoice. § 66c(1) PL § 32 Fees Reg.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention in "Norsk patenttidende" (Norwegian Patents Gazette) Internet Copies available § 66c(3) and (4) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) For patents granted or maintained in amended form by the EPO as from 16 January 2015: NOK 1 200 For patents granted by the EPO prior to 16 January 2015: NOK 1 100 plus NOK 250 for each page of the translation (including any drawings) in excess of 14 § 66j(1) PL § 33 Fees Reg.
9 **Special features**	The EP application number or publication number and the name and address of the applicant must be submitted with the translation of the claims into Norwegian. Otherwise the translation will be regarded as not having been supplied. § 59 PR

Poland

Contracting state	Poland

Contracting state	Poland
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Polish must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 6(2-3) EPAL
3 **Must a national professional representative be appointed?**	Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. Art. 236(3) IPL
4 **Period for filing the translation**	3 months from the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Art. 6(2-3) EPAL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) For publication of the mention of the filing of a translation of the European patent or of a corrected or amended translation, or for making the translation of the European patent publicly available: PLN 90 Where the translation or corrected translation is more than 10 pages long, the fee for each subsequent page of the translation is PLN 10. (b) no later than 3 months after service of the PPO's invitation Art. 7(5) EPAL Annex no. 1 item I 14 Fees Reg.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2 Art. 5(3) EPAL
7 **Manner and form in which the translation is made available to the public**	Mention of the translation in "Wiadomości Urzędu Patentowego" (Official Gazette of the Polish Patent Office), which can also be consulted on the Patent Office's website (in Polish only) Publication in printed form available for inspection in the reading room Copies available PPO's database on its website at *www.uprp.pl* (Polish) Art. 7(1) EPAL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 7(3, 6) EPAL
9 **Special features**	The published translation indicates the date on which the EPO published the mention of the grant of the European patent. Art. 7(1) EPAL The translation must be accompanied by a copy of the drawings in the European patent specification even when there is no textual matter. Art. 7(1) in conjunction with Art. 1 item 6 EPAL

Portugal

Contracting state	Portugal

Contracting state	Portugal
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Portuguese must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 81(1) PA
3 **Must a national professional representative be appointed?**	No However, under Article 83 of the Portuguese Industrial Property Code, "If an applicant for or holder of a European patent does not have a domicile or registered office in Portugal, the translations must be performed under the responsibility of an official industrial property agent or a representative accredited by the National Industrial Property Institute." Patent proprietors with neither residence nor principal place of business in Portugal may request validation from the Portuguese Industrial Property Institute without appointing a professional representative. The translation must however be certified by a professional representative accredited by the National Industrial Property Institute. Art. 10 PA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin, plus a one-month supplementary period subject to payment of an additional fee. Art. 82(1), (3) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) National validation fee - EUR 53.87 if filed online, - EUR 107.73 if filed on paper If the translation is filed within one month after the 3-month period, a surcharge calculated with reference to the national filing fee is payable: +50% of the online fee +50% of the paper fee (b) Within period pursuant to section 4 Mention of the filing of the translation is published only when the fee has been paid. Art. 82(2), (3), 84(2) PA Fees Res.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, if filed on paper: INPI presentation form PatMut3 (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in the Industrial Property Bulletin Entry in the patent register Inspection in reading room Copies available Art. 84(1), 85(1) PA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 26.94 if filed online, EUR 53.87 if filed on paper Art. 87(1) PA Fees Res.

Contracting state	Portugal
9 **Special features**	Patent proprietors with neither residence nor principal place of business in Portugal must have the translation prepared by a professional representative before INPI (see section 3). The translation must be accompanied by a copy of the drawings, even where there is no textual matter. Art. 81(2), 83 PA

Romania

Contracting state	Romania
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Romanian must be supplied under the conditions provided for in Art. 65(1) EPC.
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Romania must appoint a representative authorised to act before the OSIM.
4 **Period for filing the translation**	(i) 3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin; (ii) extendible by three months
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) (i) EUR 100 or RON 495 plus EUR 5 or RON 25 for each page of the translation in excess of 20 (ii) EUR 200 or RON 989 plus EUR 5 or RON 25 for each page of the translation in excess of 20 (b) (i) Within period pursuant to section 4(i) (ii) before the end of the period specified in section 4(ii) Annex 1.31 Fees Ord.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 3
7 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the patent bulletin
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 20 or RON 99 Art. 7(2) AccEPCLaw Annex 1.36 Fees Ord.

Contracting state	Romania
9 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - number and date of the European Patent Bulletin in which the grant was mentioned, - names and addresses of the owner(s) and the inventor(s), - the title of the invention in Romanian, - drawings, if any, - as well as a signed declaration stating that the translation corresponds to the original text of the patent specification. If the EPO maintains the patent in an amended form, a Romanian translation of the amended text must be filed.

Serbia

Contracting state	Serbia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Serbian must be filed with the Serbian Intellectual Property Office. Art. 149(2) PL
3 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons not resident or having no seat in the Republic of Serbia must be represented by a representative listed in the competent authority's "Register of Representatives" or by a domestic attorney. Art. 5(1) PL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Art. 149(2)(3) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 149(2)(3) PL
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (*www.zis.gov.rs/prava-is/patenti/obrasci,-uputstva-i-primeri.4.html*) (b) 2
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections Mention of the published printed patent document and of any corrections in the Intellectual Property Gazette Art. 149(4)(10) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 150(5), 149(10) PL
9 **Special features**	-

Sweden

Contracting state	Sweden
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Swedish must be supplied under the conditions provided for in Art. 65(1) EPC. No further requirements if the European patent has been granted in English. If the European patent has been granted in French or German, a translation into English must be supplied under the conditions provided for in Art. 65(1) EPC. The translation may also be supplied in Swedish. Art. 1(2) and (3) London Agreement § 82 PA § 60 PD § 39 POR
3 **Must a national professional representative be appointed?**	No § 71 PA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. § 82 PA § 60 PD
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Basic fee for publication of a translation of a European patent as granted, amended or limited by the EPO, or of a correction of a published translation: SEK 2 500 Fee for amendment of a translation not yet published by PRV of a European patent: SEK 900 (b) Within period pursuant to section 4 § 82 PA §§ 45, 64 PD
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in "Svensk Patenttidning" (Swedish Patent Bulletin) Internet § 82 PA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes, but only for patents in respect of which the mention of grant was published in the European Patent Bulletin before 1 July 2014 (b) Yes, SEK 2 500 § 91(1) PA §§ 45, 63, 64 PD
9 **Special features**	The number of the European patent, the title of the invention and the name and address of the patent proprietor must accompany the translation. The translation must be accompanied by a copy of the drawings in the EP specification even where there is no textual matter. The drawings are considered part of the description. Neither the abstract nor any sequence listings need to be translated. § 60 PD

Slovenia

Contracting state	Slovenia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Slovene must be supplied under the conditions provided for in Art. 65(1) EPC. Art. 1(3) London Agreement Art. 27(2) IPA
3 **Must a national professional representative be appointed?**	No (provided an address for correspondence in Slovenia is given). For other requests or acts before SIPO, an authorised professional representative, registered at the SIPO, is mandatory. Art. 129 IPA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin. Art. 27(2) IPA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 (Publication fee) (b) Within period pursuant to section 4 Art. 1(1.4.1) Fees Decr.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 2 Art. 2, 9 PR
7 **Manner and form in which the translation is made available to the public**	Translation and any corrections published at the Slovenian Patent Documents Server Mention in official bulletin (BIL) Inspection of files and inspection in library Art. 27(5) IPA
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 60 (fee for any subsequent publication of the translation) to be paid within the period pursuant to section 4 (see also section 9). Art. 27(2), 28(2) IPA Art. 1(1.4.2) Fees Decr.
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided. Correction of translation has legal effect from the date of publication by SIPO. Art. 28(2) IPA

Slovakia

Contracting state	Slovakia
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No

Contracting state	Slovakia
2 **Translation requirements**	A translation of the patent specification into Slovak must be supplied under the conditions provided for in Art. 65(1) EPC.
3 **Must a national professional representative be appointed?**	Yes § 79 (2) PA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to limit or maintain the patent as amended is published in the European Patent Bulletin; additional 3 months if no translation is submitted provided surcharge is paid. The additional 3-month period is not applicable if the patent is limited or maintained in amended form. §§ 63(2), (3) and 65(3), (4) PA
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication and making available the translation or amended translation, or translation of the amended wording of the European patent within the prescribed time limit: EUR 116 Publication and making available the filed translation of the European patent document within the additional period: EUR 232 (b) Within period pursuant to section 4 Schedule of Fees, item 216a(c) and (d) Fees Law
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention in the official journal Internet Inspection in reading room
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 116 § 62(3) PA Schedule of Fees, item 216a(c) Fees Law
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided.

San Marino

Contracting state	San Marino
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent description and claims into Italian must be supplied under the conditions provided for in Art. 65(1) EPC. The translation must be certified by the patentee or his representative.
3 **Must a national professional representative be appointed?**	Yes, foreign applicants must appoint a professional representative who has been entered on the list of patent attorneys maintained by the USBM. An address for correspondence in the Republic of San Marino must be given.

Contracting state	San Marino
4 **Period for filing the translation**	6 months as from the date on which the mention of grant of the European patent is published in the European Patent Bulletin. Art. 5(2) Decree Law No. 76/2009
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 plus EUR 10 for each page of the translation in excess of 20 (b) Within period pursuant to section 4 Tab. I Fees Decree
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2 (in case of application sent by email, 1)
7 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention of the translation in the official bulletin Entry in the patent register Online register available on *www.usbm.sm*
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	a) Yes b) No
9 **Special features**	The translation must be signed by the representative. The translation of the European patent must comprise: - the title of the invention - the description - the claims - drawings, if any The translation must be accompanied by a declaration stating that the translation corresponds to the original text, signed by the proprietor or the professional representative If the EPO maintains the patent in an amended form, a translation of the amended text must be filed. The translation has to be filed in paper form and on CD or DVD in PDF format.

Turkey

Contracting state	Turkey
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	No
2 **Translation requirements**	A translation of the patent specification into Turkish must be supplied under the conditions provided for in Art. 65(1) EPC.
3 **Must a national professional representative be appointed?**	Yes; applicants with neither residence nor principal place of business in Turkey must appoint an authorised professional representative. R. 12 RegEPC
4 **Period for filing the translation**	(i) 3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin (ii) Extension of 3 months by paying a surcharge (see section 9) R. 12 and 14 RegEPC

Contracting state	Turkey
5 **(a) Special fee payable?** **(b) If so, when due?**	(a)(i) TRY 4 640* for publication of a translation of the patent specification or TRY 1 935* for publication of the translation of an amended patent specification (opposition, limitation) (ii) TR 2 625* (b)(i) Within period pursuant to section 4(i) (ii) Within period pursuant to section 4(i); the fees payable pursuant to points (a)(i) and (ii) respectively must be paid together (see section 9) Fees 2022
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	Mention of the filing of the translation in the "Resmi Patent Bülteni" Inspection in the reading room Copies available R. 13 RegEPC
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Publication of a corrected translation of the patent specification: TRY 1 470* Publication of the translation of an amended patent specification (opposition, limitation): TRY 1 935* R. 14 and 16 RegEPC Fees 2022
9 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - number and date of the European Patent Bulletin in which the grant was mentioned, - names and addresses of applicant(s) and inventor(s), - the title of the invention, - the name and address of the representative, - the IPC, - a signed declaration stating that the translation corresponds to the original text, - the abstract, - drawing and priority data, if applicable. The option of filing the translation during the three-month extension is available **only** if the fee for publication and the surcharge have been paid **in advance**, within the initial period of three months from the mention of grant. R. 12 and 14 RegEPC

* All fees are revised annually on 1 January.

United Kingdom

Contracting state	United Kingdom
1 **Contracting state to the London Agreement on the application of Art. 65 EPC?**	Yes Official language in common with one of the official languages of the EPO.

Contracting state	United Kingdom
2 **Translation requirements**	No translation required under Art. 65(1) EPC. Art. 1(1) London Agreement R. 56(9) and 56(10) PR Sect. 77(6) and 77(9) PA
3 **Must a national professional representative be appointed?**	n/a
4 **Period for filing the translation**	n/a
5 **(a) Special fee payable?** **(b) If so, when due?**	n/a
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	n/a
7 **Manner and form in which the translation is made available to the public**	n/a
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Translations filed under Sect. 77(6) PA prior to 1 May 2008 may be corrected. (i) Form 54 (corrections under Sect. 80(3) PA; R. 56 and R. 57 PR) in duplicate. (ii) in writing (corrections under Sect. 117 PA; R. 105 PR) (b) No Sect. 80(3), 117 PA R. 57, 105 PR Schedule 1 to PFR
9 **Special features**	-

Republic of Moldova

Validation state	Republic of Moldova
1 **Contracting state to the London Agreement?**	No information for extension or validation States, because the London Agreement does not apply to them.
2 **Translation requirements**	Romanian translation of the patent specification must be filed with AGEPI Art. 44^2(6), (7) Law No. 50/2008
3 **Must a national professional representative be appointed?**	Yes Art. 86(2) Law No. 50/2008
4 **Period for filing the translation**	Within 3 months of the date on which the mention of the grant, maintenance in amended form or limitation of the European patent is published in the European Patent Bulletin Additional period of 3 months, subject to a 100% surcharge on the prescribed fee Art. 44^2(6), (7) and art. 44^2(10) Law No. 50/2008

Validation state	Republic of Moldova
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100; and EUR 5 for each page, exceeding 20 (b) Date on which the translation is filed Art. 44^2(6), (7) Law No. 50/2008 point 6 in the Annex to Gov. Dec. No. 774/1997
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	In electronic form on AGEPI publication server Mention in the Official Bulletin Entry in the National Register of Patents Art. 44^2(9) Law No. 50/2008
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 20 Art. 44^3(3) Law No. 50/2008 point 8 in the Annex to Gov. Dec. No. 774/1997
9 **Special features**	The form prescribed in section 6 must contain all requisite information.

Morocco

Validation state	Morocco
1 **Contracting state to the London Agreement?**	No information for extension or validation states, because the London Agreement does not apply to them.
2 **Translation requirements**	A translation of the **claims** into Arabic or French must be filed with OMPIC Art. 50.4 Law No. 17-97
3 **Must a national professional representative be appointed?**	Yes Applicants who do not have a residence or place of business in Morocco must appoint a professional representative who does. Art. 4 Law No. 17-97
4 **Period for filing the translation**	3 months as from publication of mention of grant of patent in European Patent Bulletin Art. 50.4 Law No. 17-97
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 50.4 Law No. 17-97 Dec. No. 9/2017
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1 Art. 2 Decr.
7 **Manner and form in which the translation is made available to the public**	In electronic form on OMPIC publication server (*patent.ompic.ma*) Copies available to anyone Mention in official catalogue Grant of validated patent mentioned in patent register Art. 50.4, 49, 89 Law No. 17-97

Validation state	Morocco
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) No (b) n/a
9 **Special features**	The prescribed form must contain all requisite information.

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	**Tunisia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **Contracting state to the London Agreement?**	No information for extension or validation states, because the London Agreement does not apply to them.
2 **Translation requirements**	A translation of the **claims** into an official language of Bosnia and Herzegovina must be filed with the Institute for Intellectual Property of Bosnia and Herzegovina. Art. 5(2) Ext. Agr. Annex Art. 88(2) PL
3 **Must a national professional representative be appointed?**	Yes
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the European patent is published in the European Patent Bulletin. Art. 5(2) Ext. Agr. Annex Art. 88(2) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (publication fee) (b) Within period pursuant to section 4
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	Database inspection in the Office Copies available Mention in the official gazette ("Glasnik")
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 5(3) and 6(3) Ext. Agr. Annex Art. 88(3), 89(3) PL

Extension state	Bosnia and Herzegovina
9 **Special features**	-

Montenegro

Extension state	Montenegro
1 **Contracting state to the London Agreement?**	No information for extension or validation states, because the London Agreement does not apply to them.
2 **Translation requirements**	Patent holder must submit to the competent authority a translation of the **claims** of the European patent into Montenegrin and pay the prescribed publication fee. Art. 145(2) PL
3 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons must be represented by a representative listed in the competent authority's Register of Representatives or by a domestic lawyer (Register of Representatives at *www.advokatskakomora.me*). Art. 4 PL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Art. 145(2) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
7 **Manner and form in which the translation is made available to the public**	Publication of translation of patent claims and any corrections in the Intellectual Property Gazette Art. 145(5) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 145(3) PL
9 **Special features**	-

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Albanian must be filed with the GDIP. Art. 82(2) PL

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
3 **Must a national professional representative be appointed?**	Yes
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the European patent is published in the European Patent Bulletin. Art. 82(2) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) ALL 1 000 (b) Within period pursuant to section 4 Art. 82(2) PL
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections Entry in the patent register Art. 82(4) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) ALL 2 000 Art. 83(3) PL
9 **Special features**	-

Croatia

Former extension state *	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** of the European patent into Croatian must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent has been granted in French or German, a translation into English must be supplied under the conditions provided for in Art. 65(1) EPC. If the European patent has been maintained in amended form, a translation of the amended claims into Croatian must be filed under the conditions provided for in Art. 65(1) EPC. Art. 124(2) and (3)
3 **Must a national professional representative be appointed?**	Yes Art. 17 PA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the EP or the decision to maintain the patent as amended is published in the European Patent Bulletin. Art. 124(2) and (3) PA

Former extension state *	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 124(2) PA
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) yes (b) 1 Art. 124 (2.)1. PA Art. 34 (1) PO
7 **Manner and form in which the translation is made available to the public**	Mention of the translation and any corrections in the official gazette Translation and any corrections published in the form of a printed patent document Entry in the patent register Copies available for viewing and downloading from the internet website Art. 124(4) PA Art. 35 PO
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 125(3) PA
9 **Special features**	Correction of translation has legal effect from the date of publication by the Croatian Intellectual Property Office. Art. 125(5) PA

* The Agreement on the Application of Article 65 EPC (the London Agreement) applies to all European patents and extended European patents granted after 1 May 2008, irrespective of whether they are granted after a first-instance procedure, an opposition procedure or an appeal procedure, and in respect of which the mention of grant or amendment is published by the EPO.

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Lithuanian must be filed with the LT State Patent Bureau. Art. 71(2) PL
3 **Must a national professional representative be appointed?**	Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC Contracting State must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. Art. 14(3) PL

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the European patent or the decision to maintain the patent as amended is published in the European Patent Bulletin. Art. 71(2) PL
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Publication of claims: EUR 46 plus EUR 14 for the 16th and each subsequent claim. Publication of amended claims: EUR 34 (b) Within period pursuant to section 4 The translation is not published until the fee has been paid. Art. 71(2) PL Fees Law
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No (b) 2 R. 8, 9 Ext. Order
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections in the official bulletin of the State Patent Bureau of the Republic of Lithuania Inspection of the official bulletin online at *http://vpb.lrv.lt* Art. 71(4) PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 71(3), 72(3) PL Fees Law
9 **Special features**	Full translation is required only for legal proceedings.

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Latvian must be filed with the LV Patent Office. R. 2 Transitional provisions of the PL Art. 70(2) PL
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117 IPL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the EP or the decision to maintain the patent as amended is published in the European Patent Bulletin. R. 2 Transitional provisions of the PL Art. 70(2) PL

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 50 (b) Within period pursuant to section 4 The translation is not published until the fee has been paid. Art. 71(6) PL R. 7 Fees Reg.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 1
7 **Manner and form in which the translation is made available to the public**	Translation and any corrections published in the official bulletin Inspection at the LV Patent Office Entry in the patent register Art. 35 PL
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 71(5), 72(3) PL
9 **Special features**	The translation of the claims must be accompanied by a copy of the EP specification. Full translation is required only for legal proceedings. Art. 72 PL

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Macedonian must be filed with SOIP. Art. 1(3) London Agreement
3 **Must a national professional representative be appointed?**	Yes, authorised agent who is either a domestic legal person or a citizen of North Macedonia. Art. 16, 227 PL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the EP or the decision to maintain the patent as amended is published in the European Patent Bulletin. Art. 5(2), (3) Ext. Reg.
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) MKD 3 000 (publication fee) (b) Within period pursuant to section 4
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes, Form об. ДЗИС -П5 (b) 3

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
7 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the official gazette ("Glasnik") Art. 5(3) Ext. Reg.
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes, see section 5(a) Art. 5(3) Ext. Reg.
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided. Art. 5(5) Ext. Reg.

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Contracting state to the London Agreement?**	No
2 **Translation requirements**	A translation of the patent specification into Romanian must be filed with the OSIM.
3 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Romania must appoint a representative authorised to act before the OSIM.
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 or RON 495 plus EUR 5 or RON 25 for each page of the translation in excess of 20 (b) Within period pursuant to section 4 Annex 1.31(a) Fees Ord. Art. V.2 GO
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 3
7 **Manner and form in which the translation is made available to the public**	Inspection in reading room Copies available Mention in the patent bulletin Art. V.2, 4 GO
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 20 or RON 99 Art. V.3, 4 GO Annex 1.36 Fees Ord.

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
9 **Special features**	The following data must be provided with the translation: - EP application and publication numbers, - EP application and publication dates, - number and date of the European Patent Bulletin in which the grant was mentioned, - names and addresses of the owner(s) and the inventor(s), - the title of the invention in Romanian, - drawings, if any, - as well as a signed declaration stating that the translation corresponds to the original text of the patent specification. If the EPO maintains the patent in an amended form, a Romanian translation of the amended text must be filed.

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Contracting state to the London Agreement?**	Yes No official language in common with one of the official languages of the EPO.
2 **Translation requirements**	A translation of the **claims** into Slovenian must be filed with SIPO.
3 **Must a national professional representative be appointed?**	Translations of **claims** may be filed and fees may be paid direct by the proprietor of the European patent, provided an address for correspondence on Slovenian territory is given. For other requests or acts before SIPO, an authorised professional representative, registered at the SIPO, is mandatory. Art. 129 IPA
4 **Period for filing the translation**	3 months after the date on which the mention of the grant of the European patent or the decision to maintain the patent as amended is published in the European Patent Bulletin. Art. 5(2) Ext. Decr.
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) EUR 100 (publication fee) (b) Within period pursuant to section 4 (see also section 9) Art. 1(1.4.1) Fees Decr. Art. 5(2) Ext. Decr.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) No, but recommended (b) 2 Art. 2, 9 PR
7 **Manner and form in which the translation is made available to the public**	Translation and any corrections published at the Slovenian Patent Documents Server Mention in official bulletin (BIL) Inspection of files Inspection in library Art. 5(3) Ext. Decr.

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) EUR 60 (Fee for any subsequent publication of the translation), to be paid within the period pursuant to section 4 (see also section 9) Art. 5, 6(3) Ext. Decr. Art. 1(1.4.2) Fees Decr.
9 **Special features**	The publication fee is deemed to have been paid only when proof of payment has been duly provided. Correction of translation has legal effect from the date of publication by SIPO. Art. 6(3) Ext. Decr.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Contracting state to the London Agreement?**	No
2 **Translation requirements**	A translation of the patent specification into Serbian must be filed with the Serbian Intellectual Property Office. Art. 124(2) PL Ext.
3 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons not resident or having no seat in the Republic of Serbia must be represented by a representative listed in the competent authority's Register of Representatives or by a domestic attorney. Art. 5(1) PL
4 **Period for filing the translation**	3 months after the date on which the mention of the grant or the decision to maintain the patent as amended is published in the European Patent Bulletin Art. 124(2)(3) PL Ext.
5 **(a) Special fee payable?** **(b) If so, when due?**	(a) Yes (b) Within period pursuant to section 4 Art. 124(2)(3) PL Ext.
6 **(a) Must a form be used?** **(b) No. of copies to be filed**	(a) Yes (b) 2
7 **Manner and form in which the translation is made available to the public**	Publication of the translation and any corrections Mention of the published printed patent document and of any corrections in the Intellectual Property Gazette Art. 124(4) PL Ext.
8 **Correction of translation** **(a) permitted?** **(b) Special fee payable?**	(a) Yes (b) Yes Art. 125(3) PL Ext.
9 **Special features**	-

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V. Authentic text of a European patent application or European patent (Article 70 EPC)

In any proceedings before the European Patent Office and in any contracting state, the text of a European patent application or a European patent in the language of the proceedings is the authentic text.

Any contracting state may provide that a translation, as provided for in the Convention, in an official language of that state, shall in that state be regarded as authentic, except for revocation proceedings, in the event of the application or patent in the language of the translation conferring protection (Article 69 EPC) which is narrower than that conferred by it in the language of the proceedings.

Any contracting state which adopts a provision of this kind

(a) must allow the applicant for or proprietor of the patent to file a corrected translation of the European patent application or European patent

(b) may prescribe that any person who, in that state, in good faith is using or has made effective and serious preparations for using an invention the use of which would not constitute infringement of the application or patent in the original translation may, after the corrected translation takes effect, continue such use in the course of his business or for the needs thereof without payment (Article 70(4)(b) EPC).

The following table indicates which text of a European patent application or European patent is authentic in the event of translations pursuant to Articles 67(3) and 65(1) EPC being filed, and whether a state has made provision for use in good faith in the meantime as provided for in Article 70(4)(b) EPC.

It also contains information about which text of a European patent application or patent is considered the authentic text under the national laws of the extension and validation states.

Albania

Contracting state	Albania
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 87/dh(2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 87/dh(4) PL

Austria

Contracting state	Austria
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. § 6(1) ILPT
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 6(4) ILPT

Belgium

Contracting state	Belgium
1 **Authentic text of a European patent application or European patent**	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	n/a

Bulgaria

Contracting state	Bulgaria
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 72d(1) PL

Contracting state	Bulgaria
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 72d(5) PL

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Authentic text of a European patent application or European patent**	n/a
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	n/a

Cyprus

Contracting state	Cyprus
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Sect. 67(1) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Sect. 67(3) PL

Czech Republic

Contracting state	Czech Republic
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. § 35d(1) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 35d(3) PA

Denmark

Contracting state	Denmark

Contracting state	Denmark
1 **Authentic text of a European patent application or European patent**	If the translation does not correspond to the text in the language of the EPO proceedings, the protection conferred by the patent only extends to the subject-matter disclosed in both texts. In the event of the European patent application or European patent in the language of the translation conferring protection which is narrower than that conferred by it in the language of the proceedings, only the text in the language of the proceedings shall apply in revocation proceedings. §§ 85(1) and 85(3) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 86(3) PA

Germany

Contracting state	Germany
1 **Authentic text of a European patent application or European patent**	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	No

Estonia

Contracting state	Estonia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. § 8 IA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 9(3) IA

Spain

Contracting state	Spain
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 157 NPL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 96 RD 316

Finland

Contracting state	Finland
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. In invalidity proceedings, the text as published by the EPO. § 70p PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 70q PA

France

Contracting state	France
1 **Authentic text of a European patent application or European patent**	Text in the language of the proceedings before the EPO. In the event of litigation, the judge or defendant may require a full translation of the patent into French. Art. L. 614-7 PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. L. 614-10 PL

Greece

Contracting state	Greece
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 14(2) Pres. Decr. No. 77/88
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 16 Pres. Decr. No. 77/88

Croatia

Contracting state	Croatia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 125(2) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 125(6) PA

Hungary

Contracting state	Hungary

Contracting state	Hungary
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. If a Hungarian translation of the text of the European patent other than the claims was voluntarily submitted after validation, the general rule applies to this translation once it has been published by the HIPO. Art. 84/J PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 84/K(6) PA

Ireland

Contracting state	Ireland
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. In all other cases, the text in the language of the proceedings is the authentic text. Sect. 121 PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Sect. 121(4) PA

Iceland

Contracting state	Iceland
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 85(1) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 86(3) PA

Italy

Contracting state	Italy
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 57(2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 57(5) PL

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 80(1), (2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 80(3) PL

Luxembourg

Contracting state *	Luxembourg
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(1) Law of 27.5.77
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 6(2) Law of 27.5.77

* Contracting state requires only a translation of the claims pursuant to Art. 67(3) EPC.

Latvia

Contracting state	Latvia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 72(1)(2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 72(4) PL

Malta

Contracting state	Malta

Contracting state	Malta
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. R. 8(1) L.N. 99/2007
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes R. 8(3) L.N. 99/2007

Monaco

Contracting state *	Monaco
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 3(1) SO No. 10.427
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 3(3) SO No. 10.427

* Contracting state requires only a translation of the claims pursuant to Art. 67(3) EPC.

Montenegro

Contracting state	Montenegro
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 146(2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	The national legislation stipulates that the patent holder is obliged to submit to the competent authority a translation of the claims of the granted European patent into Montenegrin within a period of three months from the date of publication of the information on the grant of the European patent and to pay fees for the special costs of publication and printing the translation of the claims. The same rule also applies when it comes to a published European patent application: the applicant is obliged to submit to the competent authority a translation of the claims of the published European application into Montenegrin.

North Macedonia

Contracting state	North Macedonia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings.

Contracting state	North Macedonia
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes

Netherlands

Contracting state	Netherlands
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 52(9) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 55(3) PA

Norway

Contracting state	Norway
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. § 66i PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 66j(1) and (2) PL

Poland

Contracting state	Poland
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 7(2) EPAL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 7(4) EPAL

Portugal

Contracting state	Portugal
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 86 PA

Contracting state	Portugal
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 87(2) PA

Romania

Contracting state	Romania
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 7 AccEPCLaw
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 7(3) AccEPCLaw

Serbia

Contracting state	Serbia
1 **Authentic text of a European patent application or European patent**	Authentic text is a translation. The text of a European patent application or a European patent in the language of the proceedings before the European Patent Office is the authentic text in revocation proceedings if the protection conferred is narrower than in the language of the proceedings before the European Patent Office. Art. 150(2) PL
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 150(6) PL

Sweden

Contracting state	Sweden
1 **Authentic text of a European patent application or European patent**	For patents in respect of which the mention of grant was published in the European Patent Bulletin before 1 July 2014: both original text and translation to the extent that they correspond; in invalidity proceedings, the text as published by the EPO. For patents in respect of which the mention of grant was published in the European Patent Bulletin on or after 1 July 2014: the original text as published by the EPO. § 90 PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 91(3) PA (Revoked in 2014, thus applicable only to applications filed before 1 July 2014.)

Slovenia

Contracting state	Slovenia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 28(1) IPA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 28(3) IPA

Slovakia

Contracting state	Slovakia
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. § 62(1) and (2) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes § 62(5) PA

San Marino

Contracting state	San Marino
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings Art. 6(2) Decree Law No. 76/2009
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Art. 6(5) Decree Law No. 76/2009

Turkey

Contracting state	Turkey
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. R. 15 RegEPC
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes R. 17 RegEPC

United Kingdom

Contracting state	United Kingdom

Contracting state	United Kingdom
1 **Authentic text of a European patent application or European patent**	Translation filed under Sect. 77 or Sect. 78 PA, if protection conferred is narrower than in the language of the proceedings (except in revocation proceedings). In all other cases, the text in the language of the proceedings is the authentic text. Sect. 80(1), (2) PA
2 **Has provision pursuant to Art. 70(4)(b) EPC been made?**	Yes Sec. 80(4) PA

Republic of Moldova

Validation state	Republic of Moldova
1 **Authentic text of a European patent application or European patent**	The text of a European patent application or a European patent in the language of proceedings before the EPO is the authentic text in any proceedings in the Republic of Moldova. Art. 44^3(1) Law No. 50/2008
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Any person who, in good faith, uses or has made effective and serious preparations for using the invention and such use would not constitute infringement of the application or patent as originally translated may, after the corrected translation takes effect, continue such use in the course of his business or for the needs thereof without payment. Art. 44^3(4) Law No. 50/2008

Morocco

Validation state	Morocco
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 50.4 Law No. 17-97
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	No, see table IV, section 7

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	Tunisia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(2) Ext. Agr. Annex Art. 89(2) PL
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 6(4) Ext. Agr. Annex Art. 89(4) PL

Montenegro

Extension state	Montenegro
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 146(2) PL
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 146(6) PL

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. 83(1), (2) PL
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 83(3) PL

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 125(2) PA
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 125(6) PA

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 72(1), (2) PL
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 72(3) PL

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 72(1)(2) PL
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 72 PL

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(2) Ext. Reg.
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 6(3) Ext. Reg.

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings; this does not apply, however, in revocation proceedings. Art. VI.2 GO
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. VI.3 GO

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Authentic text of a European patent application or European patent**	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(2) Ext. Decr.
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 6(3) Ext. Decr.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Authentic text of a European patent application or European patent**	Authentic text is a translation. The text of a European patent application or a European patent in the language of the proceedings before the European Patent Office is the authentic text in revocation proceedings if the protection conferred is narrower than in the language of the proceedings before the European Patent Office. Art. 125(2) PL Ext.
2 **Specific provisions, if a revised translation takes effect, for third parties who began using the invention in good faith on the basis of the original one**	Yes Art. 125(3) PL Ext.

Last updated: 26.10.2022

Europäisches Patentamt
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Office européen des brevets

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URL

https://www.epo.org/law-practice/legal-texts/html/natlaw/en/via/index.htm

Location

Home > Law & practice > Legal Texts > National Law relating to EPC

VI.A Payment of renewal fees for European patents

Under Article 141 EPC, "national" renewal fees in respect of a European patent may be imposed for the years which follow that in which the mention of the grant of the European patent is published in the "European Patent Bulletin". If a renewal fee becomes due shortly before such publication, it is still to be paid to the EPO. The mention of grant will in this case not be published until the renewal fee has been paid. Further information on the calculation of the patent years for which "national" renewal fees are to be paid is published in Official Journal 6/1984, p. 272 f.

The following table indicates the most important national provisions and requirements to be observed when paying "national renewal fees" in respect of European patents. It takes no account of national provisions concerning reductions in renewal fees in connection with licences of right, or of any stipulations applying to the possibilities of extending or deferring payment.

Irrespective of the information given in section 3 of the following table, the minimum period referred to in Article 141(2) EPC is decisive for all contracting states, i.e. "national" renewal fees in respect of a European patent falling due within two months of the publication of the mention of the grant of the European patent are deemed to have been validly paid if they are paid within that period. Any additional fee provided for under national law will not be charged.

Attention is particularly drawn to the fact that the fees given in sections 1 and 3 are frequently subject to change in various contracting states. The EPO can therefore accept no responsibility for the validity of those figures. As in the past, however, it will endeavour to report such changes as soon as possible in the Official Journal.

The table below also shows what provisions of national law govern the payment of renewal fees for extended or validated European patents in the extension and validation states.

Albania

<table>
<tr><th>Contracting state</th><th>Albania</th></tr>
<tr><td>Legal basis for levying renewal fees</td><td>Art. 40, 41, 86 Fees Decr.</td></tr>
<tr><td>1
Amount of fees
(plus any charges levied by banks)</td><td>
<table>
<tr><th>Year</th><th>ALL</th><th>Year</th><th>ALL</th></tr>
<tr><td>1st</td><td>0</td><td>11th</td><td>27 000</td></tr>
<tr><td>2nd</td><td>5 000</td><td>12th</td><td>30 000</td></tr>
<tr><td>3rd</td><td>6 000</td><td>13th</td><td>35 000</td></tr>
<tr><td>4th</td><td>8 000</td><td>14th</td><td>40 000</td></tr>
<tr><td>5th</td><td>10 000</td><td>15th</td><td>45 000</td></tr>
<tr><td>6th</td><td>12 000</td><td>16th</td><td>50 000</td></tr>
<tr><td>7th</td><td>14 000</td><td>17th</td><td>55 000</td></tr>
<tr><td>8th</td><td>18 000</td><td>18th</td><td>60 000</td></tr>
<tr><td>9th</td><td>20 000</td><td>19th</td><td>65 000</td></tr>
<tr><td>10th</td><td>25 000</td><td>20th</td><td>70 000</td></tr>
</table>
</td></tr>
<tr><td>2
(a) Due date (in the patent year concerned)
(b) Time limit for payment (without surcharge)*
(c) Earliest possible date for payment</td><td>(a) Last day of the month in which the date of filing occurred
(b) n/a
(c) Payment may not be made more than 12 months before due date.
Art. 41(2) PL</td></tr>
<tr><td>3
Period of grace for payment of fees (with surcharge)
(a) duration
(b) surcharge</td><td>(a) (i) 6 months from due date
(ii) 8 months from due date
(b) (i) 50%
(ii) 100%
Art. 41(3) PL
Chapter 16 (2.1) PR
Fees Decr.</td></tr>
</table>

Contracting state	Albania
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (i) to the licensee if the patent proprietor fails to pay the relevant fee in time and a licence in favour of a third party is entered in the patent register (ii) to the owner or his representative. Notifications are sent only to the addresses that the owners of the patents or their representatives have in the territory of the Republic of Albania. (b) (i) Approx. 8 weeks before expiry of the grace period (ii) Within 2 months from the due date Art. 41(3), 46(5) PL
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) No later than 6 months from expiry of period of grace under section 3 Art. 35 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (c) Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP (b) n/a Art. 35 PL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in the Patent Bulletin Entry in the patent register Part XIV (3.3) PR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Austria

Contracting state	Austria
Contracting state **Legal basis for levying renewal fees**	§ 9 LPOF Enquiries re renewal fees: Accounts: Tel. +43 1 53424-396 Fax +43 1 53424-192 Enquiries re patent register: Tel. +43 1 53424-240 Fax +43 1 53424-535

<table>
<tr><th>Contracting state</th><th>Austria</th></tr>
<tr><td>1
Amount of fees
(plus any charges levied by banks)</td><td>
<table>
<tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr>
<tr><td>6th</td><td>104</td><td>14th</td><td>940</td></tr>
<tr><td>7th</td><td>208</td><td>15th</td><td>1 044</td></tr>
<tr><td>8th</td><td>313</td><td>16th</td><td>1 148</td></tr>
<tr><td>9th</td><td>417</td><td>17th</td><td>1 253</td></tr>
<tr><td>10th</td><td>522</td><td>18th</td><td>1 357</td></tr>
<tr><td>11th</td><td>626</td><td>19th</td><td>1 566</td></tr>
<tr><td>12th</td><td>731</td><td>20th</td><td>1 775</td></tr>
<tr><td>13th</td><td>835</td><td></td><td></td></tr>
</table>
§ 6(2), 9(2) LPOF</td></tr>
<tr><td>2
(a) Due date (in the patent year concerned)
(b) Time limit for payment (without surcharge)*
(c) Earliest possible date for payment</td><td>(a) Last day of the month in which the date of filing occurred
(b) For the first fee to be paid: 3 months from due date; subsequent fees must be paid by due date
(c) Payment may not be made more than 3 months before due date.
§ 9(3) – (5) LPOF</td></tr>
<tr><td>3
Period of grace for payment of fees (with surcharge)
(a) duration
(b) surcharge</td><td>(a) Fee for 1st year: beginning of 4th up to end of 12th month from due date;
fees for further years: beginning of 1st up to end of 6th month from due date
(b) 20%
§ 9(4), (5) LPOF</td></tr>
<tr><td>4
Communication of a reminder in cases of non-payment
(a) provided for?
(b) date of despatch</td><td>(a) No
(b) n/a</td></tr>
<tr><td>5
Restitutio in integrum
(a) provided for?
(b) time limit for submitting application</td><td>(a) Yes
(b) 2 months after removal of obstacle; no later than 12 months after expiry of non-observed time limit
§ 24 ILPT
§§ 129 et seq. PA</td></tr>
</table>

Contracting state	Austria
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria. However, if the residence or place of business is in the EEA, a person authorised to accept service who is a resident of Austria may be appointed instead. (The requirement that the appointed person be resident in Austria can be waived in certain cases.) § 27(1) LPOF § 24 ILPT § 21(4) PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the patent bulletin §§ 46, 79, 80 PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Belgium

Contracting state	Belgium
Legal basis for levying renewal fees	Art. 3 Sect. 3 Law of 21.4.07 and Art. 8 RD of 5.12.07** Art. 5 Sect. 3, Law of 8.7.77 and Art. 9 RD of 27.2.81*** Art. XI.83(4) ELC**** Art. 9 RD of 12.5.15**** Art. 1 RD of 9.11.15 Enquiries re renewal fees: Tel. +32 2 2775296 Fax +32 2 2775262
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
3rd	40	12th	240
4th	55	13th	275
5th	75	14th	320
6th	95	15th	360
7th	110	16th	400
8th	135	17th	450
9th	165	18th	500
10th	185	19th	555
11th	215	20th	600

Art. XI.48 ELC
Art. 1 RD of 9.11.15

Contracting state	Belgium
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing of the application for a European patent not having unitary effect occurred (b) As of 22 September 2014, there is no period for payment without a surcharge. A surcharge is payable if the renewal fee is paid late. (c) Payment may not be made more than 6 months before the fee due date. --- Art. XI.48 ELC Art. 8 RD of 5.12.07** Art. 9 RD of 27.2.81*** Art. 9 RD of 12.5.15****
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) If the renewal fee is not paid in time, it can still be paid, subject to a surcharge, within a grace period of 6 months from the original due date (b) 3rd-10th year: EUR 85 11th-20th year: EUR 230 --- Art. XI.48(1), subpara. 4, ELC Art. 1 RD of 9.11.15
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a

Contracting state	Belgium
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) With effect from the entry into force of the ELC provisions on patents, the specific procedure under Art. 40 of the Law of 28.3.1984 for re-establishing rights lost owing to late payment of fees has been replaced by a general re-establishment procedure under Art. XI.77 ELC. This general procedure applies to European patents granted prior to the ELC's entry into force (Article 35(3) Law of 19.4.2014). The period for filing a request for re-establishment of rights is whichever of the following two expires earlier: - 2 months from the date of the removal of the cause of failure to comply with the time limit for the action in question - 12 months from the date of expiry of the grace period under Art. XI.48(1), subpara. 4, ELC (i.e. 6 months from the due date of the renewal fee). The renewal fee must be paid within the applicable period for filing the request for re-establishment of rights. The request must give the reasons for failing to meet the deadline (due caretest applied) and the supporting evidence must be produced within 2 months of the date of filing the request. A EUR 350 re-establishment fee is also payable. If the request is granted, the legal consequences of the failure to observe the time limit will be deemed not to have ensued. The decision as to whether to grant or refuse the request will be entered in the register. If the request is granted, any renewal fee would have fallen due in the period from the date of the loss of rights up to and including the date on which the decision to re-establish rights is entered in the register, must be paid within 4 months of the latter date. Art. XI.77 ELC Art. 27a RD of 2.12.86
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No, any person can pay renewal fees. (b) n/a (c) see table III.B, section 1 Art. XI.62(4) ELC
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Confirmation of non-payment on request Entry in the patent register Art. XI.48(2) ELC

* For first renewal fee to be paid, see Art. 141(2) EPC.

** European patents for which the application was filed between 13 December 2007 and 21 September 2014.

*** European patents for which the application was filed before 13 December 2007.

**** European patents for which the application was filed after 22 September 2014.

Bulgaria

<table>
<tr><th>Contracting state</th><th>Bulgaria</th></tr>
<tr><td>Legal basis for levying renewal fees</td><td>Art. 72e, Art. 33 PL
Decr. Fees
Enquiries re renewal fees:
Tel. +359 2 9701321
Fax +359 2 8735258</td></tr>
<tr><td>1
Amount of fees
(plus any charges levied by banks)</td><td>
<table>
<tr><th>Year</th><th>BGN</th><th>Year</th><th>BGN</th></tr>
<tr><td>1st</td><td>40</td><td>11th</td><td>600</td></tr>
<tr><td>2nd</td><td>40</td><td>12th</td><td>700</td></tr>
<tr><td>3rd</td><td>40</td><td>13th</td><td>800</td></tr>
<tr><td>4th</td><td>40</td><td>14th</td><td>900</td></tr>
<tr><td>5th</td><td>140</td><td>15th</td><td>1 000</td></tr>
<tr><td>6th</td><td>180</td><td>16th</td><td>1 100</td></tr>
<tr><td>7th</td><td>220</td><td>17th</td><td>1 200</td></tr>
<tr><td>8th</td><td>270</td><td>18th</td><td>1 300</td></tr>
<tr><td>9th</td><td>380</td><td>19th</td><td>1 500</td></tr>
<tr><td>10th</td><td>500</td><td>20th</td><td>1 700</td></tr>
</table>
Decr. Fees</td></tr>
<tr><td>2
(a) Due date (in the patent year concerned)
(b) Time limit for payment (without surcharge)*
(c) Earliest possible date for payment</td><td>(a) Last day of the month in which the preceding patent year expires.
(Each patent year starts from the filing date of the patent application)
(b) 2 months under the conditions laid down in Article 141 EPC
(c) Payment may not be made more than 12 months before due date.
Art. 33(1), (2) PL</td></tr>
<tr><td>3
Period of grace for payment of fees (with surcharge)
(a) duration
(b) surcharge</td><td>(a) 6 months from due date
(b) twice the rate
Art. 33(3) PL</td></tr>
<tr><td>4
Communication of a reminder in cases of non-payment
(a) provided for?
(b) date of despatch</td><td>(a) No
(b) n/a</td></tr>
</table>

Contracting state	Bulgaria
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b1) A patent that has lapsed due to non-payment of an annual renewal fee may be renewed within 6 months of expiry of the time limit referred to in Art. 33(3) PL on payment of a fee for this and double the originally due fee. (b2) 1 month after the reason ceases to apply; no later than 3 months after expiry of non-observed time limit Art. 26(2), Art. 49 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the patent bulletin

* For first renewal fee to be paid, see Art. 141(2) EPC.

Switzerland

Contracting state	Switzerland / Liechtenstein
Contracting state **Legal basis for levying renewal fees**	Art. 41 PA Art. 18, 118a PO Enquiries re renewal fees and patent register: Tel. +41 31 3777777 (patent register: *www.swissreg.ch*)
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><td>Year</td><td>CHF</td><td>Year</td><td>CHF</td></tr><tr><td>4th</td><td>100</td><td>13th</td><td>400</td></tr><tr><td>5th</td><td>120</td><td>14th</td><td>460</td></tr><tr><td>6th</td><td>140</td><td>15th</td><td>520</td></tr><tr><td>7th</td><td>160</td><td>16th</td><td>600</td></tr><tr><td>8th</td><td>180</td><td>17th</td><td>680</td></tr><tr><td>9th</td><td>220</td><td>18th</td><td>760</td></tr><tr><td>10th</td><td>260</td><td>19th</td><td>860</td></tr><tr><td>11th</td><td>300</td><td>20th</td><td>960</td></tr><tr><td>12th</td><td>340</td><td></td><td></td></tr></table> Fees Reg. (Annex III)

Contracting state	Switzerland / Liechtenstein
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of month in which the date of filing occurred (b) 3 months from due date (c) Payment may not be made more than 2 months before due date. Art. 18(2), (3), 18c(d) PO
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 3 months after expiry of time limit under section 2(b) (b) CHF 50 Art. 18(3) PO Fees Reg. (Annex III)
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, but reminders are not sent abroad. (b) 8 weeks before expiry of period of grace; requests are not sent abroad. Art. 18d PO
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than one year from expiry of the non-observed time limit **Further processing** possible Art. 46a, 47 PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) and (c) No, but an address for service in Switzerland/Liechten-stein must be given. Art. 13 PA Art. 18d PO
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Communication to proprietor of patent Entry in the patent register Published in official publication medium *www.swissreg.ch* Art. 15 PA Art. 18b, 94, 117 PO

* For first renewal fee to be paid, see Art. 141(2) EPC.

Cyprus

Contracting state	Cyprus
Legal basis for levying renewal fees	Sect. 26(3) PL R. 42(1)(a), 56(2) PFR

Contracting state	Cyprus
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>50</td><td>12th</td><td>240</td></tr><tr><td>4th</td><td>60</td><td>13th</td><td>280</td></tr><tr><td>5th</td><td>80</td><td>14th</td><td>320</td></tr><tr><td>6th</td><td>100</td><td>15th</td><td>360</td></tr><tr><td>7th</td><td>120</td><td>16th</td><td>420</td></tr><tr><td>8th</td><td>140</td><td>17th</td><td>480</td></tr><tr><td>9th</td><td>160</td><td>18th</td><td>540</td></tr><tr><td>10th</td><td>180</td><td>19th</td><td>600</td></tr><tr><td>11th</td><td>200</td><td>20th</td><td>660</td></tr></table> PFR
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) The date preceding the anniversary date of filing (Form P.13) (b) n/a (c) Payment may not be made more than 3 months before due date. R. 42(1)(a), 56(2) PFR
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 25% per month R. 42(1)(b) PFR
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (Form P.14 P.15) (b) Within 12 months of expiry of the period of grace under section 3 R. 43 PFR
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette R. 3(1)(b), 42(4) PFR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Czech Republic

Contracting state	Czech Republic
Legal basis for levying renewal fees	§ 35g PA LRenFees Enquiries re renewal fees: Tel. +420 2 20383139 Fax +420 2 24324718 **helpdesk@upv.gov.cz**
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>CZK</th><th>Year</th><th>CZK</th></tr><tr><td>1st</td><td>1 000</td><td>11th</td><td>6 000</td></tr><tr><td>2nd</td><td>1 000</td><td>12th</td><td>8 000</td></tr><tr><td>3rd</td><td>1 000</td><td>13th</td><td>10 000</td></tr><tr><td>4th</td><td>1 000</td><td>14th</td><td>12 000</td></tr><tr><td>5th</td><td>2 000</td><td>15th</td><td>14 000</td></tr><tr><td>6th</td><td>2 000</td><td>16th</td><td>16 000</td></tr><tr><td>7th</td><td>2 000</td><td>17th</td><td>18 000</td></tr><tr><td>8th</td><td>2 000</td><td>18th</td><td>20 000</td></tr><tr><td>9th</td><td>3 000</td><td>19th</td><td>22 000</td></tr><tr><td>10th</td><td>4 000</td><td>20th</td><td>24 000</td></tr></table> Annex to LRenFees
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) Payment may not be made more than 12 months before due date. § 35g(2) PA § 8(3) LRenFees
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 100% § 35g(2) PA § 8(4) LRenFees
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) No (b) n/a § 11(1)(a) LRenFees

Contracting state	Czech Republic
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) n/a § 70 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Věstník Úřadu průmyslového vlastnictví" (Bulletin of the CZ Industrial Property Office) Entry in the patent register Information on changes in legal status is subsequently made available in the National Database of Patents and Utility Models – List of Register items (*www.upv.gov.cz*) and through the Federated Register in the European Patent Register (*www.epo.org*) § 69(1), (2) PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Denmark

Contracting state	Denmark
Legal basis for levying renewal fees	§§ 81 and 99 PA Enquiries re renewal fees and patent register: Tel. +45 43 508000 Fax +45 43 508001
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	DKK	Year	DKK
1st	500	11th	2 550
2nd	500	12th	2 800
3rd	500	13th	3 050
4th	1 100	14th	3 300
5th	1 250	15th	3 600
6th	1 400	16th	3 900
7th	1 600	17th	4 200
8th	1 800	18th	4 500
9th	2 050	19th	4 800
10th	2 300	20th	5 100

§ 99(1) PA

Contracting state	Denmark
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 3 months before due date. § 41(1) PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 20% §§ 81(2), 41(3) and 99(2) PA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No, but a postal cheque form will be sent to applicants/ representatives (b) 2-4 weeks after due date
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than 1 year from expiry of period of grace under section 3 § 72(1) PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) No § 66 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Dansk Patenttidende" (Danish Patent Gazette) Entry in the patent register § 51, cf. § 55 PA § 47(1)(4) PO

* For first renewal fee to be paid, see Art. 141(2) EPC.

Germany

Contracting state	Germany
Legal basis for levying renewal fees	Art. II § 7 LIPC in conjunction with § 17 PA Enquiries re renewal fees and patent register: Tel. +49 89 2195-1000 Fax +49 89 2195-2221

Contracting state	Germany
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>70</td><td>12th</td><td>680</td></tr><tr><td>4th</td><td>70</td><td>13th</td><td>830</td></tr><tr><td>5th</td><td>100</td><td>14th</td><td>980</td></tr><tr><td>6th</td><td>150</td><td>15th</td><td>1 130</td></tr><tr><td>7th</td><td>210</td><td>16th</td><td>1 310</td></tr><tr><td>8th</td><td>280</td><td>17th</td><td>1 490</td></tr><tr><td>9th</td><td>350</td><td>18th</td><td>1 670</td></tr><tr><td>10th</td><td>430</td><td>19th</td><td>1 840</td></tr><tr><td>11th</td><td>540</td><td>20th</td><td>2 030</td></tr></table> Renewal fees falling due after the filing of a licence of right endorsement are reduced by half. If the renewal fees for the 3rd to 5th years are paid together when the 3rd year fee falls due, the total payable is reduced to EUR 200. § 23(1) PA Fees Schedule LPF
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month containing the anniversary of the date of filing (b) Up to the end of the second month from the due date (c) Payment may not be made more than one year before due date. Exception: 3rd to 5th renewal fees may be paid when 3rd fee falls due (No. 312 205 Fees Schedule LPF) §§ 3(2), 5(2), 7(1) first sentence LPF Art. II § 7 LIPC
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) Up to end of 6th month from due date (b) EUR 50 § 7(1) second sentence LPF Fees Schedule LPF
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than one year after expiry of non-observed time limit § 123 PA

Contracting state	Germany
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) Yes (see also notice No. 4/84 of the President of the DPMA in Bl.f.PMZ 1984, 117 = OJ EPO 1984, 275) § 25 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the patent bulletin § 30(1), 32(5) PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Estonia

Contracting state	Estonia
Legal basis for levying renewal fees	§ 10 IA § 104(3) FA Enquiries re renewal fees and patent register: Tel. +372 6277908 *(patent register)* Fax +372 6277943
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>1st</td><td>26</td><td>11th</td><td>245</td></tr><tr><td>2nd</td><td>26</td><td>12th</td><td>285</td></tr><tr><td>3rd</td><td>64</td><td>13th</td><td>320</td></tr><tr><td>4th</td><td>77</td><td>14th</td><td>360</td></tr><tr><td>5th</td><td>96</td><td>15th</td><td>405</td></tr><tr><td>6th</td><td>120</td><td>16th</td><td>450</td></tr><tr><td>7th</td><td>135</td><td>17th</td><td>495</td></tr><tr><td>8th</td><td>155</td><td>18th</td><td>540</td></tr><tr><td>9th</td><td>180</td><td>19th</td><td>585</td></tr><tr><td>10th</td><td>205</td><td>20th</td><td>630</td></tr></table> § 106(3) FA
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 6 months before due date. § 10(3) IA

Contracting state	Estonia
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 10% § 10(4) IA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than 1 year from expiry of period of grace under section 3 § 29(2), (3) PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) n/a § 15 IA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Eesti Patendileht" (official gazette) Entry in the patent register § 38(2) PA § 17 IA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Spain

Contracting state	Spain
Legal basis for levying renewal fees	Art. 161 NPL Enquiries re renewal fees and validity: Tel. +34 91 0780780

Contracting state	Spain
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>18.85</td><td>12th</td><td>324.37</td></tr><tr><td>4th</td><td>23.52</td><td>13th</td><td>372.39</td></tr><tr><td>5th</td><td>45.00</td><td>14th</td><td>420.86</td></tr><tr><td>6th</td><td>66.41</td><td>15th</td><td>449.45</td></tr><tr><td>7th</td><td>109.63</td><td>16th</td><td>468.07</td></tr><tr><td>8th</td><td>136.47</td><td>17th</td><td>499.85</td></tr><tr><td>9th</td><td>171.26</td><td>18th</td><td>499.85</td></tr><tr><td>10th</td><td>220.40</td><td>19th</td><td>499.85</td></tr><tr><td>11th</td><td>276.27</td><td>20th</td><td>499.85</td></tr></table> Note: the fees may be revised at the beginning of each year. Art. 157 and 184 NPL NPL Annex
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) 3 months from due date (c) The day following the due date Art. 157 and 184 NPL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from expiry of the time limit under section 2(b) (b) 25% if paid within 3 months, 50% if paid within 6 months from expiry of the time limit under section 2(b) (a) and (b) After expiry of the period of grace renewal may still be secured by paying, before the due date for the next renewal fee, the fee with a 50% surcharge and an additional fee of EUR 102.01. Art. 157 and 184 NPL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes, in cases where an applicant or owner has failed to comply with a time limit for an action in a procedure before the Office in spite of due care required by the circumstances, and that failure has the direct consequence of causing a loss of rights (b) The request has to be filed within 2 months of removal of the obstacle, provided that the request is filed within 12 months from the date of expiry of the applicable time limit to pay with surcharge. Art. 53 NPL

Contracting state	Spain
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No, if proprietor resides in a country of the EU (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in "Boletín Oficial de la Propiedad Industrial" Communication to the owner or the representative Art. 72 RD 316

* For first renewal fee to be paid, see Art. 141(2) EPC.

Finland

Contracting state	Finland
Legal basis for levying renewal fees	§§ 41, 51, 70I PA Enquiries re renewal fees and patent register: Tel. +358 29 5095000 Fax +358 29 5095328
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd (incl. 1st to 3rd year)</td><td>200</td><td>12th</td><td>500</td></tr><tr><td>4th</td><td>125</td><td>13th</td><td>550</td></tr><tr><td>5th</td><td>150</td><td>14th</td><td>600</td></tr><tr><td>6th</td><td>200</td><td>15th</td><td>650</td></tr><tr><td>7th</td><td>250</td><td>16th</td><td>700</td></tr><tr><td>8th</td><td>300</td><td>17th</td><td>750</td></tr><tr><td>9th</td><td>350</td><td>18th</td><td>800</td></tr><tr><td>10th</td><td>400</td><td>19th</td><td>850</td></tr><tr><td>11th</td><td>450</td><td>20th</td><td>900</td></tr></table> Fees Decr.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred. The first renewal fee is not, however, due for payment until the last day of the third month following the month the patent was granted. (b) n/a (c) Payment may not be made more than 6 months before due date. § 41, 70 I PA

Contracting state	Finland
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 20% § 41 PA Fees Decr.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than 12 months from expiry of period of grace under section 3 § 71a PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) No
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Patenttilehti" (Finnish patent bulletin) Entry in the patent register § 55 PA § 40 PD

* For first renewal fee to be paid, see Art. 141(2) EPC.

France

Contracting state	France
Legal basis for levying renewal fees	Art. L. 612-19 PL Art. R. 613-46, R. 613-47, R. 613-63 and R. 614-16 Reg. Enquiries re renewal fees: Direction de la propriété industrielle – Département des données, Pôle examen et gestion des redevances

Contracting state	France
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>2nd</td><td>38</td><td>12th</td><td>300</td></tr><tr><td>3rd</td><td>38</td><td>13th</td><td>350</td></tr><tr><td>4th</td><td>38</td><td>14th</td><td>400</td></tr><tr><td>5th</td><td>38</td><td>15th</td><td>460</td></tr><tr><td>6th</td><td>76</td><td>16th</td><td>520</td></tr><tr><td>7th</td><td>96</td><td>17th</td><td>580</td></tr><tr><td>8th</td><td>136</td><td>18th</td><td>650</td></tr><tr><td>9th</td><td>180</td><td>19th</td><td>730</td></tr><tr><td>10th</td><td>220</td><td>20th</td><td>800</td></tr><tr><td>11th</td><td>260</td><td></td><td></td></tr></table> subject to possible adjustment under Art. R. 613-63 Reg Fees Ord. of 24.4.08 (as amended 6.3.20)
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (deferred to next working day if a Saturday, Sunday or public holiday) (b) If the payment made up to the date specified under (a) is insufficient, no surcharge is payable if the deficit is made good within the period for payment of the surcharge (c) Payment may not be made more than 12 months before due date. Art. L. 612-19 PL R. 613-46, R. 613-47 Reg.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from day after due date (b) 50% of the due renewal fee Art. L. 612-19 PL Art. R. 613-46, R. 613-47 and R. 618-3 Reg. Fees Ord. of 24.4.08 (as amended 6.3.20)
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (reminders are sent abroad) (b) 2 months after the due date not observed. Art. R. 613-48 Reg.
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within one year of expiry of the six-month grace period and within two months of removal of the cause of non-compliance (the unpaid renewal fee must also be paid within this two-month period). Fee for appeal: EUR 156 Art. L. 612-16 PL Art. R. 613-52 Reg.

Contracting state	France
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No,but natural persons or legal persons not having their residence or place in business in an EU member state or in an EEA state must appoint a professional representative, who must meet the requirements under Art. R. 612-2. To facilitate communication with INPI, it is highly advisable to sign up for its "e-procedures" portal at *https://procedures.inpi.fr/* and to upload patent to the account. (c) No, but natural persons or legal persons not having their residence or place in business in an EU member state or in an EEA state must appoint a professional representative, who must meet the requirements under Art. R. 612-2.
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Determined by decision of the Director of INPI (communication to proprietor of patent) Publication of decision in the official bulletin (BOPI) Entry in the patent register Art. L. 613-22 PL Art. R. 613-50 Reg.

* For first renewal fee to be paid, see Art. 141(2) EPC.

Greece

Contracting state	Greece
Legal basis for levying renewal fees	Art. 24 Law No. 1733/87 Art. 17, 18a Pres. Decr. No. 77/88 Enquiries re renewal fees and validation: Tel. +30 210 6183509 Fax +30 210 6819231
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
3rd	20	12th	300
4th	50	13th	400
5th	80	14th	500
6th	90	15th	600
7th	100	16th	700
8th	115	17th	800
9th	140	18th	900
10th	190	19th	1 000
11th	240	20th	1 100

Dec. of 31.8.2016

Contracting state	Greece
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Any time after the filing date Art. 24(2) Law No. 1733/87
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 24(2) Law No. 1733/87
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, to the address for service in Greece, but not mandatory; reminders are not sent abroad. (b) Approx. 1 month before expiry of period of grace
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) No (b) n/a
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Payment must be made by the patentee or a Greek legal practitioner. Patentees with neither residence nor principal place of business in Greece must appoint a representative for service in that country. (b) No, but an address for service in Greece must be given. (c) n/a Art. 19 Pres. Decr. No. 77/88
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in the EDBI; the loss of rights takes effect as from the date of publication. Art. 16(2) Law No. 1733/87

* For first renewal fee to be paid, see Art. 141(2) EPC.

Croatia

Contracting state	Croatia
Legal basis for levying renewal fees	Art. 88 PA

Contracting state	Croatia
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>HRK</th><th>Year</th><th>HRK</th></tr><tr><td>3rd</td><td>260</td><td>12th</td><td>1 800</td></tr><tr><td>4th</td><td>320</td><td>13th</td><td>2 100</td></tr><tr><td>5th</td><td>440</td><td>14th</td><td>2 300</td></tr><tr><td>6th</td><td>560</td><td>15th</td><td>2 600</td></tr><tr><td>7th</td><td>640</td><td>16th</td><td>3 000</td></tr><tr><td>8th</td><td>820</td><td>17th</td><td>3 500</td></tr><tr><td>9th</td><td>940</td><td>18th</td><td>4 600</td></tr><tr><td>10th</td><td>1 200</td><td>19th</td><td>5 800</td></tr><tr><td>11th</td><td>1 500</td><td>20th</td><td>6 900</td></tr></table> Art. 14 RFees
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) No specific legal provision: payment may be made for more than one patent year. However, if the fees are subsequently changed, the patent proprietor will be obliged to pay the difference between the amount paid in advance and the amount due for the year concerned. Art. 129 PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 100% Art. 88(5) PA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Approx. 1 month after due date Art. 88(6) PA
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 3 months of the removal of the cause of non-compliance with the time limit or 12 months upon expiry of the period of grace for payment of renewal fees. Art. 28 PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) Yes (c) Yes Art. 17 PA

Contracting state	Croatia
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette Art. 20.2 and 90.2 PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Hungary

Contracting state	Hungary
Legal basis for levying renewal fees	Art. 84/L PA Art. 3(7) FeeDecr
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	HUF
1st	17 600
2nd	17 600
3rd	17 600
4th	88 000
5th	110 000
6th	148 500
7th	148 500
8th	148 500
9th	148 500
10th	148 500
11th	148 500
12th	148 500
13th	154 000
14th	154 000
15th	154 000
16th	154 000
17th	159 500
18th	159 500
19th	165 000
20th	165 000

* Having regard to the state of danger declared due to the **coronavirus pandemic**, Article 23(1) of PA shall be applied differently from 7 August 2021 during the period of the **state of danger** as follows:
Article 1 of Government Decree 675/2021 (3 December)

Contracting state	Hungary
	(1) Article 23 of Act XXXIII of 1995 on the protection of inventions by patents shall be applied with the derogation that **no maintenance fees shall be paid during the first three years** of patent protection in the case of **patent applications filed after** the entry into force (**7 August 2021**) of Government Decree 474/2021 (6 August) on the different application of Act XXXIII of 1995 on the protection of inventions by patents but before the termination of the state of danger pursuant to Government Decree 27/2021 (29 January) on the declaration of the state of danger and the entry into force of the emergency measures. (2) **In the case of patent applications pursuant to paragraph (1), the maintenance fee** of patent protection shall be a) HUF 44 000 for the fourth year; b) HUF 55 000 for the fifth year; c) HUF 66 000 for the sixth year; d) HUF 77 000 for the seventh year; e) HUF 88 000 for the eighth year; f) HUF 99 000 for the ninth year; g) HUF 110 000 for the tenth year; h) HUF 148 500 yearly for the eleventh to the twelfth year; i) HUF 154 000 yearly for the thirteenth to the sixteenth year; j) HUF 159 500 yearly for the seventeenth to the eighteenth year; k) HUF 165 000 yearly for the nineteenth to the twentieth year. ** Upon termination of the state of danger (the time of which is currently unknown), a modification of Article 23(1) of PA will enter into force. According to this modification, **maintenance fees**, specified by the law on fees for administrative services in industrial property procedures, **shall be paid annually starting from the fourth year** during the term of patent protection. The fee for the fourth year shall be due upon expiry of three years following the filing date, and the fees for the subsequent years shall be paid in advance on the anniversaries of the filing date. This modification shall be applied for the fees becoming due after the termination of the state of danger. Art. 23(1) PA Art. 3(7) FeeDecr
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) 3 months from due date If the first renewal fee is due within 3 months of the publication of the mention of grant in the European Patent Bulletin, the renewal fee may be paid within said 3 months without a surcharge. Renewal fees which – in the case of revocation of a European patent as a result of an omission or a decision reviewed by the Enlarged Board of Appeal – would have been due after the revocation, may also be paid within a grace period of six months from the communication of the decision re-establishing the rights or re-opening proceedings before the Board of Appeal. (c) Payment may not be made more than 2 months before due date. Art. 23, 84/L(2), (3), 115/M(3) PA

Contracting state	Hungary
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (the first 3 months without surcharge) (b) 4th, 5th and 6th month: 50% Art. 23, 115/M PA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, but not binding (b) One payment reminder issued before the due date and another during the period of grace
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) No, however, request for restoration of patent protection is possible (b) Within 3 months of the end of the period of grace if double the amount of that year's renewal fee is paid within that period Art. 40 PA Art. 9(4) FeeDecr
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	Unless an international treaty provides otherwise, foreign applicants whose permanent residence or seat is not in the territory of the EEA must appoint a professional representative who is entitled to act before the HIPO. This professional representative does not have to be a national professional representative but must be domiciled in the EEA. Art. 51(1), (4) PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in the official gazette of the HIPO, the "Szabadalmi Közlöny és Védjegyértesítő" Entry in the patent register (available also from the HIPO website) Art. 54, 56 and 56/A PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Ireland

Contracting state	Ireland
Legal basis for levying renewal fees	Sect. 99 PA R. 34 PR Patent Fees Rules Enquiries re renewal fees and patent register: Tel. +353 56 7720122 Fax +353 56 7720100

Contracting state	Ireland

1
Amount of fees
(plus any charges levied by banks)

Year	EUR	Year	EUR
3rd	60	12th	265
4th	90	13th	285
5th	114	14th	311
6th	134	15th	335
7th	150	16th	356
8th	176	17th	382
9th	194	18th	408
10th	220	19th	438
11th	242	20th	468

2
(a) Due date (in the patent year concerned)
(b) Time limit for payment (without surcharge)*
(c) Earliest possible date for payment

(a) Last day of the month in which the date of filing occurred
(b) n/a
(c) Payment may not be made more than 4 months before due date. Form No. 4, duly completed, is to be filed with the payment.

Art. 36(3) PA
R. 34(2), (3) PR

3
Period of grace for payment of fees (with surcharge)
(a) duration
(b) surcharge

(a) up to 6 months on request made by or on behalf of the proprietor to the Controller
(b) 1st - 3rd month: EUR 11 per month
4th - 6th month: EUR 19 per month
(a) and (b) The request for extension and the additional fee must be submitted before expiry of the period of extension specified in the request.

Art. 36(3) PA
Patent Fees Rules

4
Communication of a reminder in cases of non-payment
(a) provided for?
(b) date of despatch

(a) Yes
(b) No later than 6 weeks after due date

R. 34(5), (6) PR

5
Restitutio in integrum
(a) provided for?
(b) time limit for submitting application

(a) Yes
(b) Within 2 years of the date on which the patent lapsed

Sect. 37 PA
R. 35 PR

6
Appointment of a national professional representative for
(a) payment of fees
(b) communication of a reminder of non-payment
(c) proceedings in respect of restitutio in integrum

(a) No
(b) No, but an address for service in the EEA must be given
(c) No

Sect. 37(2) PA
R. 34(5), 34(6), 93(1) PR
S.I. 141/2006, S.I. 579/2015

Contracting state	Ireland
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the IPOI Journal

* For first renewal fee to be paid, see Art. 141(2) EPC.

Iceland

Contracting state	Iceland
Legal basis for levying renewal fees	Art. 81 cf. Art. 41 PA Enquiries re renewal fees and patent register: Tel. +35 4 580-9400 hugverk@hugverk.is / isipo@isipo.is
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>ISK</th><th>Year</th><th>ISK</th></tr><tr><td>1st</td><td>11 600</td><td>11th</td><td>26 600</td></tr><tr><td>2nd</td><td>11 600</td><td>12th</td><td>29 000</td></tr><tr><td>3rd</td><td>11 600</td><td>13th</td><td>32 000</td></tr><tr><td>4th</td><td>13 400</td><td>14th</td><td>36 200</td></tr><tr><td>5th</td><td>14 600</td><td>15th</td><td>40 500</td></tr><tr><td>6th</td><td>15 800</td><td>16th</td><td>44 700</td></tr><tr><td>7th</td><td>17 600</td><td>17th</td><td>50 200</td></tr><tr><td>8th</td><td>19 400</td><td>18th</td><td>55 100</td></tr><tr><td>9th</td><td>21 800</td><td>19th</td><td>60 400</td></tr><tr><td>10th</td><td>24 200</td><td>20th</td><td>66 500</td></tr></table> Art. 3 Fees Reg. (Updated on a regular basis). Charges levied by banks may vary, however, usually a minimum of ISK 700 is charged upon transfer.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred. The renewal fee for the 1st year payable to the ISIPO, however, does not become due until 4 months after grant. (b) n/a (c) Payment may not be made more than 3 months before due date. Art. 41(1), 81(1) PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 20% Art. 81(2), 41(3) PA Art. 3(2) Fees Reg.

Contracting state	Iceland
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, if e-mail of a proprietor / representative is available. (b) One month prior to due date. Art. 41(4) PA
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than 12 months from expiry of period of grace under section 3 and subject to the payment of fee for restitutio and completing the omitted act. Art. 72 cf. Art. 78 PA Art. 97 PR Art. 17(2) Fees Reg.
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a), (b) and (c) An applicant who is not domiciled in Iceland must have a representative residing in the EU, a member state of the European Free Trade Association (EFTA) which is party to the EEA Agreement, Switzerland or the Faroe Islands, who can represent the applicant in all matters concerning the application. When the patent has taken effect in Iceland, no agent is needed except when the ISIPO so requires. Art. 12 or 66 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Hugverkatíðindi" (Icelandic IP Gazette) Entry in the patent register Notification via e-mail to proprietor / representative. Art. 41(4) and 51 PA Art. 93 PR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Italy

Contracting state	Italy
Legal basis for levying renewal fees	Min. Decr. of 2.4.2007
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
5th	60	13th	530
6th	90	14th	600
7th	120	15th	650
8th	170	16th	650
9th	200	17th	650
10th	230	18th	650
11th	310	19th	650
12th	410	20th	650

Contracting state	Italy
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of month in which the date of filing occurred (b) n/a (c) No specific legal provision.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months after due date (b) EUR 100 Art. 227 PL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 2 months of removal of the cause of non-compliance with the time limit, but no later than 12 months after expiry of non-observed time limit. Art. 193(2) PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) No
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Confirmation of non-payment on request

* For first renewal fee to be paid, see Art. 141(2) EPC.

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

* For first renewal fee to be paid, see Art. 141(2) EPC.

Lithuania

Contracting state	Lithuania
Legal basis for levying renewal fees	Appendix I Fees Law

Contracting state	Lithuania
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>81</td></tr><tr><td>4th</td><td>92</td></tr><tr><td>5th</td><td>115</td></tr><tr><td>6th</td><td>139</td></tr><tr><td>7th</td><td>162</td></tr><tr><td>8th</td><td>185</td></tr><tr><td>9th</td><td>208</td></tr><tr><td>10th</td><td>231</td></tr><tr><td>11th-15th</td><td>289</td></tr><tr><td>16th-20th</td><td>347</td></tr></table> Appendix I Fees Law
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the patent year preceding the patent year for which the renewal fee is due (the patent years starting on the anniversary of the date of filing) (b) n/a (c) Payment may not be made more than 2 months before due date. Fees Law Art. 36(4) PL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 36(5) PL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) after the due date Art. 36(5) PL
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (request fee: EUR 173) (b) Within two months of removal of the cause of non-compliance with the time limit or within 12 months of expiry of the non-observed time limit or, in cases of non-compliance with the time limit for payment of renewal fees, within 12 months of expiry of the grace period prescribed in Article 5*bis* of the Paris Convention, whichever period ends earlier. Art. 33 PL Fees Law

Contracting state	Lithuania
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (c) Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. (b) n/a
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in a database of European patents Publication in the official bulletin Online at *http://vpb.lrv.lt* Art. 29 PL

* For first renewal fee to be paid, see Art. 141(2) EPC.

Luxembourg

Contracting state	Luxembourg
Legal basis for levying renewal fees	Art. 10 Law of 27.5.77 Enquiries re renewal fees: Tel. +352 247-84113, -84120, -84156 *https://patent.public.lu* **bpp@eco.etat.lu**
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>33</td><td>12th</td><td>165</td></tr><tr><td>4th</td><td>41</td><td>13th</td><td>180</td></tr><tr><td>5th</td><td>52</td><td>14th</td><td>198</td></tr><tr><td>6th</td><td>66</td><td>15th</td><td>213</td></tr><tr><td>7th</td><td>82</td><td>16th</td><td>230</td></tr><tr><td>8th</td><td>99</td><td>17th</td><td>246</td></tr><tr><td>9th</td><td>115</td><td>18th</td><td>262</td></tr><tr><td>10th</td><td>131</td><td>19th</td><td>281</td></tr><tr><td>11th</td><td>148</td><td>20th</td><td>300</td></tr></table> Art. 5 Fees Reg.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 10 Law of 27.5.77 Art. 67, 68, 92(3) PL Art. 6, 7 Fees Reg.

Contracting state	Luxembourg
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) EUR 20 Art. 10 Law of 27.5.77 Art. 67 PL Art. 6, 9 Fees Reg.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 20 months from the date of lapse of the patent Art. 70 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Information about the date of lapse of the patent provided retrospectively.

* For first renewal fee to be paid, see Art. 141(2) EPC.

Latvia

Contracting state	Latvia
Legal basis for levying renewal fees	Art. 73 PL Fees Reg.
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR
3rd	90
4th	120
5th	140
6th	160
7th	180
8th	220
9th	270
10th-15th	320
16th-20th	420

Contracting state	Latvia
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) A fee falling due within 3 months of the publication of the mention of grant in the European Patent Bulletin may be paid without surcharge within this 3-month period. (c) No information available. Art. 73(2) PL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months (b) 25% Art. 43 PL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, but not mandatory (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle, but no later than 12 months after expiry of the non-observed time limit Art. 26 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) Yes (c) Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117(2) IPL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Communication to representative Entry in the patent register Publication in the official bulletin

* For first renewal fee to be paid, see Art. 141(2) EPC.

Malta

Contracting state	Malta
Legal basis for levying renewal fees	R. 39 L.N. 117/2002

Contracting state	Malta
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>34.94</td><td>12th</td><td>139.76</td></tr><tr><td>4th</td><td>46.59</td><td>13th</td><td>141.41</td></tr><tr><td>5th</td><td>58.23</td><td>14th</td><td>163.06</td></tr><tr><td>6th</td><td>69.88</td><td>15th</td><td>174.10</td></tr><tr><td>7th</td><td>81.53</td><td>16th</td><td>186.35</td></tr><tr><td>8th</td><td>93.17</td><td>17th</td><td>198.00</td></tr><tr><td>9th</td><td>104.82</td><td>18th</td><td>209.64</td></tr><tr><td>10th</td><td>116.47</td><td>19th</td><td>221.29</td></tr><tr><td>11th</td><td>128.12</td><td>20th</td><td>232.94</td></tr></table> R. 39 L.N.117/2002
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) Payment may not be made more than 6 months before due date. Art. 26 (2), (3) PA 2000 R. 24 (1), (2), (3), (4), (5) L.N. 117/2002
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) Surcharge where maintenance fee is paid later than the last day of the month in which the prescribed due date falls and within 1 month from due date: EUR 11.65 within 2 months from due date: EUR 16.31 within 3 months from due date: EUR 23.29 within 4 months from due date: EUR 32.61 within 5 months from due date: EUR 44.26 within 6 months from due date: EUR 58.23 R. 39 L.N. 117/2002
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a R. 24(3) L.N. 117/2002
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) When unable to observe the time limit set, causing refusal of the patent application, lapse of the patent or loss of any other right or means of redress. (b) Within 2 months from removal of the cause of non-compliance with the time limit or within 12 months from expiry of the non-observed time limit, whichever is the earlier Art. 46(1), (2) PA 2000

Contracting state	Malta
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	n/a

* For first renewal fee to be paid, see Art. 141(2) EPC.

Monaco

Contracting state	Monaco
Legal basis for levying renewal fees	Art. 4 PA SO (Fees) Enquiries re renewal fees and patent register: Tel. +377 98989801 Fax +377 92057520
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>1st</td><td>1</td><td>11th</td><td>220</td></tr><tr><td>2nd</td><td>30</td><td>12th</td><td>255</td></tr><tr><td>3rd</td><td>50</td><td>13th</td><td>290</td></tr><tr><td>4th</td><td>55</td><td>14th</td><td>335</td></tr><tr><td>5th</td><td>90</td><td>15th</td><td>350</td></tr><tr><td>6th</td><td>125</td><td>16th</td><td>365</td></tr><tr><td>7th</td><td>140</td><td>17th</td><td>375</td></tr><tr><td>8th</td><td>145</td><td>18th</td><td>380</td></tr><tr><td>9th</td><td>155</td><td>19th</td><td>400</td></tr><tr><td>10th</td><td>175</td><td>20th</td><td>430</td></tr></table> SO (Fees)
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 4(2), (3) MD

Contracting state	Monaco
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 20% Art. 5 SO No. 10.427 Art. 4(4) MD
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (reminders are sent abroad) (b) No information available
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) No (b) n/a
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) n/a
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	n/a

* For first renewal fee to be paid, see Art. 141(2) EPC.

North Macedonia

Contracting state	North Macedonia
Legal basis for levying renewal fees	Art. 86 PL Tariff No. 109 Fees Law
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	MKD	Year	MKD
3rd	800	12th	5 000
4th	1 000	13th	6 000
5th	1 200	14th	7 000
6th	1 400	15th	8 000
7th	1 600	16th	9 000
8th	1 800	17th	10 000
9th	2 000	18th	11 000
10th	3 000	19th	12 000
11th	4 000	20th	13 000

Contracting state	North Macedonia
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) 2 months from due date (c) Payment may not be made more than 6 months before due date.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a)(i) 3 months from due date (ii) 9 months from due date (b)(i) 25% (ii) 100%
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) No later than 3 months from expiry of the non-observed time limit
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette

* For first renewal fee to be paid, see Art. 141(2) EPC.

Netherlands

Contracting state	Netherlands
Contracting state **Legal basis for levying renewal fees**	Art. 61, 103 PA Enquiries re renewal fees and validity: Tel. +31 88 602 66 60

Contracting state	Netherlands
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Fee no.</th><th>Year</th><th>EUR</th></tr><tr><td>1</td><td>1st</td><td>0</td></tr><tr><td>2</td><td>2nd</td><td>0</td></tr><tr><td>3</td><td>3rd</td><td>0</td></tr><tr><td>4</td><td>4th</td><td>40</td></tr><tr><td>5</td><td>5th</td><td>100</td></tr><tr><td>6</td><td>6th</td><td>160</td></tr><tr><td>7</td><td>7th</td><td>220</td></tr><tr><td>8</td><td>8th</td><td>280</td></tr><tr><td>9</td><td>9th</td><td>340</td></tr><tr><td>10</td><td>10th</td><td>400</td></tr><tr><td>11</td><td>11th</td><td>500</td></tr><tr><td>12</td><td>12th</td><td>600</td></tr><tr><td>13</td><td>13th</td><td>700</td></tr><tr><td>14</td><td>14th</td><td>800</td></tr><tr><td>15</td><td>15th</td><td>900</td></tr><tr><td>16</td><td>16th</td><td>1 000</td></tr><tr><td>17</td><td>17th</td><td>1 100</td></tr><tr><td>18</td><td>18th</td><td>1 200</td></tr><tr><td>19</td><td>19th</td><td>1 300</td></tr><tr><td>20</td><td>20th</td><td>1 400</td></tr></table> The fee number corresponds to the patent year as counted from the date of filing. (For details, please refer to OJ EPO 2008, 412.) Art. 6(7) PR
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Renewal fees must be paid for each coming patent year and are due on the last day of the month in which the anniversary of the date of filing falls. (b) n/a (c) No specific legal provision (any time after grant of the patent). Art. 61(1), (2) PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 62 PA Art. 6(8) PR
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a

Contracting state	Netherlands
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) within two months of discovery of the failure to observe, but no later than one year after expiry of non-observed time limit In the case of failure to observe Art. 9(6), (7) or (8) PA (provisions relating to priority), the request for restitutio must be submitted no later than two months after expiry of the non-observed time limit. Art. 23 PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) No, however only patent agents or attorneys at law registered in the Netherlands may represent the patentee or applicant before the NPO. Art. 23b(1) PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in "De Industriële Eigendom" Art. 20, 62 PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Norway

Contracting state	Norway
Legal basis for levying renewal fees	Fees Reg.
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>NOK</th><th>Year</th><th>NOK</th></tr><tr><td>1st</td><td>700</td><td>11th</td><td>3 500</td></tr><tr><td>2nd</td><td>700</td><td>12th</td><td>3 850</td></tr><tr><td>3rd</td><td>700</td><td>13th</td><td>4 200</td></tr><tr><td>4th</td><td>1 350</td><td>14th</td><td>4 500</td></tr><tr><td>5th</td><td>1 650</td><td>15th</td><td>4 850</td></tr><tr><td>6th</td><td>2 000</td><td>16th</td><td>5 200</td></tr><tr><td>7th</td><td>2 200</td><td>17th</td><td>5 500</td></tr><tr><td>8th</td><td>2 550</td><td>18th</td><td>5 800</td></tr><tr><td>9th</td><td>2 850</td><td>19th</td><td>6 200</td></tr><tr><td>10th</td><td>3 200</td><td>20th</td><td>6 500</td></tr></table> § 29 Fees Reg.

Contracting state	Norway
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the calendar month in which the fee year starts, i.e. the month in which the application was filed at the EPO. However, if the month in which the date of original filing with the EPO occurred falls between the month in which the patent was granted by the EPO and the month in which the deadline for translation of documents expires, annual renewal fees are due at the same time as the translated documents at the earliest. (b) n/a (c) Payment may not be made more than 6 months before due date. §§ 41, 66e PL § 29(2) Fees Reg.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) NOK 700 § 41(3) PL § 29(3) Fees Reg.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, but not mandatory; reminders are sent in both Norwegian and English in Norway and abroad. (b) Approx. 2 months before expiry of the period of grace under section 3
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle; no later than 12 months after expiry of the period of grace under section 3 § 72 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) No § 67 PL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in "Norsk patenttidende" (Norwegian Patents Gazette) Entry in the patent register §§ 57 PR (cf. § 55 PL) and 45 PR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Poland

Contracting state	Poland

Contracting state	Poland
Legal basis for levying renewal fees	Art. 8 EPAL Fees Reg. Reg. of 8/9/2016 Enquiries re renewal fees and patent register: Tel. +48 22 579 05 55 **Centrum.Kontaktowe@uprp.gov.pl** **Contact.Center@uprp.gov.pl** *www.uprp.pl*
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>PLN</th><th>Year</th><th>PLN</th></tr><tr><td>*2nd</td><td>160</td><td>12th</td><td>800</td></tr><tr><td>3rd</td><td>160</td><td>13th</td><td>900</td></tr><tr><td>4th</td><td>250</td><td>14th</td><td>950</td></tr><tr><td>5th</td><td>300</td><td>15th</td><td>1 050</td></tr><tr><td>6th</td><td>350</td><td>16th</td><td>1 150</td></tr><tr><td>7th</td><td>400</td><td>17th</td><td>1 250</td></tr><tr><td>8th</td><td>450</td><td>18th</td><td>1 350</td></tr><tr><td>9th</td><td>550</td><td>19th</td><td>1 450</td></tr><tr><td>10th</td><td>650</td><td>20th</td><td>1 550</td></tr><tr><td>11th</td><td>750</td><td></td><td></td></tr></table> * Pursuant to Art. 8(3) of the Polish Act on the Filing of European Patents, the fee for EP is broken down. As set forth in Article 8(1), the fee for the 1st year is never charged. Annex 1 Fees Reg.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) No later than the date on which the previous protection term ends (b) n/a (c) Renewal fees may be paid within one year prior to the date on which the previous protection term ends. Art. 224(2), (3) IPL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months after due date (b) 30% Art. 224(4) IPL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, on request the PPO informs the right holder of the approaching date of renewal fee payment, no later than one month before the date on which the previous period of protection expires. If the right holder does not receive the information, it has no effect on the assessment of the right holder’s compliance with time-limit for payment. (b) n/a Art. 224(2^2-2^3) IPL

Contracting state	Poland
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) No (b) n/a
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. (b) Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. (c) n/a Art. 236(3) IPL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Determined by decision of the PPO (communication to right holder) Publication in "Wiadomości Urzędu Patentowego" (official gazette of the Polish Patent Office) Entry in the patent register Art. 90, 92 and 233 IPL

* For first renewal fee to be paid, see Art. 141(2) EPC.

Portugal

Contracting state	Portugal
Legal basis for levying renewal fees	Art. 90, 365, 366(1), 368, 369 PA Fees Res. Enquiries re renewal fees and validity: Tel. +351 21 8818100 Fax +351 21 8869859

Contracting state	Portugal
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>1st</td><td>0</td><td>11th</td><td>371.85</td></tr><tr><td>2nd</td><td>0</td><td>12th</td><td>424.96</td></tr><tr><td>3rd</td><td>0</td><td>13th</td><td>478.08</td></tr><tr><td>4th</td><td>0</td><td>14th</td><td>531.21</td></tr><tr><td>5th</td><td>53.13</td><td>15th</td><td>584.31</td></tr><tr><td>6th</td><td>79.67</td><td>16th</td><td>584.31</td></tr><tr><td>7th</td><td>106.24</td><td>17th</td><td>690.56</td></tr><tr><td>8th</td><td>159.37</td><td>18th</td><td>690.56</td></tr><tr><td>9th</td><td>318.72</td><td>19th</td><td>743.68</td></tr><tr><td>10th</td><td>371.85</td><td>20th</td><td>743.68</td></tr></table> Fees Res.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) Anniversary of date of filing. In the case of validation or conversion, 3 months from the date of the first anniversary following the date of validation or conversion. (c) Payment may not be made more than 6 months before due date. Art. 368(2), (3) PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 368(7) PA Fees Res.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) No information available Art. 368(8), (9) PA
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within one year of publication of the notice of lapse by paying a surcharge equal to three times the fee due and without prejudice to third party rights Art. 369(1), (2) PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) No Art. 10(1), 368(8) PA

Contracting state	Portugal
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the Industrial Property Bulletin Art. 375(1) PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Romania

Contracting state	Romania
Legal basis for levying renewal fees	Art. 8 AccEPCLaw Annex 1.23 Fees Ord. Art. 11 Fees Ord.
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>RON</th></tr><tr><td>3rd</td><td>150</td><td>742</td></tr><tr><td>4th</td><td>160</td><td>792</td></tr><tr><td>5th</td><td>180</td><td>890</td></tr><tr><td>6th</td><td>200</td><td>989</td></tr><tr><td>7th</td><td>220</td><td>1088</td></tr><tr><td>8th</td><td>240</td><td>1187</td></tr><tr><td>9th</td><td>260</td><td>1286</td></tr><tr><td>10th</td><td>280</td><td>1385</td></tr><tr><td>11th</td><td>300</td><td>1484</td></tr><tr><td>12th</td><td>320</td><td>1583</td></tr><tr><td>13th</td><td>340</td><td>1682</td></tr><tr><td>14th</td><td>370</td><td>1830</td></tr><tr><td>15th</td><td>400</td><td>1979</td></tr><tr><td>16th</td><td>500</td><td>2474</td></tr><tr><td>17th</td><td>500</td><td>2474</td></tr><tr><td>18th</td><td>500</td><td>2474</td></tr><tr><td>19th</td><td>500</td><td>2474</td></tr><tr><td>20th</td><td>500</td><td>2474</td></tr></table> Pursuant to the Fees Ordinance, renewal fees are payable in EUR or in RON.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) Renewal fees falling due within 3 months of the grant of the patent may be paid without surcharge within this 3-month period. (c) Payments may not be made more than 4 years before the due date.

Contracting state	Romania
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50%
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 6 months of publication, in the patent bulletin, of the patent's lapse due to non-payment of renewal fees Art. 37 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes, if proprietor resides outside Romania (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the patent bulletin Communication to proprietor of patent

* For first renewal fee to be paid, see Art. 141(2) EPC.

Serbia

Contracting state	Serbia
Legal basis for levying renewal fees	Fees Law

Contracting state	Serbia

1
Amount of fees
(plus any charges levied by banks)

Year	RSD	Year	RSD
3rd	11 510	12th	46 110
4th	13 980	13th	52 700
5th	16 470	14th	59 260
6th	19 730	15th	65 840
7th	23 010	16th	72 440
8th	26 320	17th	79 020
9th	29 620	18th	85 600
10th	32 920	19th	92 180
11th	39 530	20th	98 760

50% fee reduction for natural persons.

2
(a) Due date (in the patent year concerned)
(b) Time limit for payment (without surcharge)*
(c) Earliest possible date for payment

(a) Last day of the patent year preceding the patent year for which the renewal fee is due (a patent year starts on the anniversary of the date of filing)
(b) n/a
(c) Payment may not be made more than 3 months before the due date.

Tar. No. 111 Fees Law

3
Period of grace for payment of fees (with surcharge)
(a) duration
(b) surcharge

(a) 6 months from due date
(b) 50%

Art. 40(5) PL
Tar. No. 111 Fees Law

4
Communication of a reminder in cases of non-payment
(a) provided for?
(b) date of despatch

(a) No
(b) n/a

5
Restitutio in integrum
(a) provided for?
(b) time limit for submitting application

(a) Yes
(b) Within 3 months from the date on which the grounds for the omission ceased to exist or, if the applicant learned about the omission subsequently, from the date on which he found out about the omission; the request is admissible only within 12 months of expiry of the time limit and, if it relates to non-payment of the maintenance fee, at least 12 months from the date of expiry of the additional time limit for payment

Art. 73 PL

6
Appointment of a national professional representative for
(a) payment of fees
(b) communication of a reminder of non-payment
(c) proceedings in respect of restitutio in integrum

(a) No
(b) n/a
(c) Yes

Art. 5 PL

Contracting state	Serbia
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Yes Art. 41(2) PL

* For first renewal fee to be paid, see Art. 141(2) EPC.

Sweden

Contracting state	Sweden
Legal basis for levying renewal fees	§ 86 PA Enquiries re renewal fees: The Cashier's Office Tel. +46 8 7822522 Fax +46 8 6660286
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>SEK</th><th>Year</th><th>SEK</th></tr><tr><td></td><td></td><td>11th</td><td>3 400</td></tr><tr><td></td><td></td><td>12th</td><td>3 800</td></tr><tr><td>3rd</td><td>1 400</td><td>13th</td><td>4 200</td></tr><tr><td>4th</td><td>1 500</td><td>14th</td><td>4 600</td></tr><tr><td>5th</td><td>1 700</td><td>15th</td><td>5 000</td></tr><tr><td>6th</td><td>1 900</td><td>16th</td><td>5 400</td></tr><tr><td>7th</td><td>2 100</td><td>17th</td><td>5 800</td></tr><tr><td>8th</td><td>2 400</td><td>18th</td><td>6 200</td></tr><tr><td>9th</td><td>2 700</td><td>19th</td><td>6 600</td></tr><tr><td>10th</td><td>3 000</td><td>20th</td><td>7 000</td></tr></table> § 46 PD and Annex B
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Payment must have been made before expiry of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 6 months before due date. § 41 PA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 20% § 41 PA § 46 PD Annex B
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes, but not mandatory (b) Approx. 1 month after due date

Contracting state	Sweden
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of obstacle, no later than 12 months from expiry of period of grace under section 3 § 72 PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No (c) No § 72 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in the patent bulletin Entry in the patent register § 51 PA § 42 PD

* For first renewal fee to be paid, see Art. 141(2) EPC.

Slovenia

Contracting state	Slovenia
Legal basis for levying renewal fees	Art. 109 IPA
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>30</td><td>12th</td><td>200</td></tr><tr><td>4th</td><td>34</td><td>13th</td><td>234</td></tr><tr><td>5th</td><td>42</td><td>14th</td><td>274</td></tr><tr><td>6th</td><td>50</td><td>15th</td><td>310</td></tr><tr><td>7th</td><td>60</td><td>16th</td><td>390</td></tr><tr><td>8th</td><td>70</td><td>17th</td><td>510</td></tr><tr><td>9th</td><td>80</td><td>18th</td><td>654</td></tr><tr><td>10th</td><td>110</td><td>19th</td><td>870</td></tr><tr><td>11th</td><td>154</td><td>20th</td><td>1 100</td></tr></table> Art. 1(1.2) Fees Decr.

Contracting state	Slovenia
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) For each patent year (a patent year starting on the anniversary of the date of filing) on the last day of the preceding patent year (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 29(2) IPA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 110(1) IPA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes; reminders are sent to the representative or address for correspondence which should be on Slovenian territory. (b) Approx. 1 month after due date Art. 110(2) IPA
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes; at the time of filing a request for restitutio in integrum the omitted act should be completed and fee (EUR 150 – Art. 1(7.2) Fees Decr.) paid, otherwise the request is deemed to be withdrawn; (b) Within 3 months of removal of the cause of non-compliance with the time limit or of date party becomes aware of non-compliance with the time limit, if this date is later; request is only admissible within one year of the expiry of the time limit. Art. 68 IPA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No, if the address for correspondence is on Slovenian territory, otherwise yes (c) Yes Art. 129 IPA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Mention in the official bulletin (BIL) Decision on lapse of a patent due to non-payment of fees Art. 5(2) IPA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Slovakia

Contracting state	Slovakia

Contracting state	Slovakia
Legal basis for levying renewal fees	§ 67 PA Enquiries re renewal fees and patent register: Tel. +421 48 4300131 Fax +421 48 4132563 **infocentrum@indprop.gov.sk**
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>66.00</td><td>12th</td><td>265.50</td></tr><tr><td>4th</td><td>82.50</td><td>13th</td><td>298.50</td></tr><tr><td>5th</td><td>99.50</td><td>14th</td><td>331.50</td></tr><tr><td>6th</td><td>116.00</td><td>15th</td><td>365.00</td></tr><tr><td>7th</td><td>132.50</td><td>16th</td><td>398.00</td></tr><tr><td>8th</td><td>149.00</td><td>17th</td><td>464.50</td></tr><tr><td>9th</td><td>165.50</td><td>18th</td><td>531.00</td></tr><tr><td>10th</td><td>199.00</td><td>19th</td><td>597.00</td></tr><tr><td>11th</td><td>232.00</td><td>20th</td><td>663.50</td></tr></table> § 67 PA § 1 + Schedule of Fees (Annex) Act No. 495/2008
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) The renewal fee for the European patent for each coming year must be paid at the latest by the date on which the current year of validity of the European patent expires. (b) The first fee, due in the year in which the mention of the grant of the European patent is published in the European Patent Bulletin, must be paid - on or before the anniversary of the date of filing, or - within 2 months of publication in the European Patent Bulletin of the mention of the grant of the European patent, whichever period expires later (c) Payment may not be made more than 12 months before due date. §§ 6(1), (2), (3), 8(1) Act No. 495/2008
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 100% § 8(4) Act No. 495/2008
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a

Contracting state	Slovakia
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) 2 months after removal of the cause of non-compliance with the time limit; no later than 12 months from expiry of the grace period under section 3 § 10(1) Act No. 495/2008
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) n/a § 79 (3) PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Mention in the official journal § 26 RPA

* For first renewal fee to be paid, see Art. 141(2) EPC.

San Marino

Contracting state	San Marino
Legal basis for levying renewal fees	Art. 33(3) PA Fees Decr.
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
4th	70	13th	270
5th	70	14th	270
6th	70	15th	270
7th	70	16th	400
8th	140	17th	460
9th	140	18th	530
10th	140	19th	600
11th	140	20th	650
12th	270		

2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) n/a

Contracting state	San Marino
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 25%
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 2 months after USBM's communication on expiry of the time limit
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (c) Foreign applicants must appoint a professional representative who has been entered on the list of patent attorneys maintained by the USBM. (b) An address for correspondence in the Republic of San Marino must be given.
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Communication to proprietor of patent or to his representative and mention in the bulletin

* For first renewal fee to be paid, see Art. 141(2) EPC.

Turkey

Contracting state	Turkey
Legal basis for levying renewal fees	Art. 134 DL No. 551 Art. 101, 107 IPL Art. 106, 115 IPLR R. 48 IR R. 18 RegEPC Enquiries re renewal fees: Tel. +90 312 3031000 Fax +90 312 3031220 *www.turkpatent.gov.tr*

Contracting state	Turkey
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>TRY**</th></tr><tr><td>3rd</td><td>540</td></tr><tr><td>4th</td><td>640</td></tr><tr><td>5th</td><td>950</td></tr><tr><td>6th</td><td>1080</td></tr><tr><td>7th</td><td>1205</td></tr><tr><td>8th</td><td>1350</td></tr><tr><td>9th</td><td>1470</td></tr><tr><td>10th</td><td>1610</td></tr><tr><td>11th</td><td>1830</td></tr><tr><td>12th</td><td>2130</td></tr><tr><td>13th</td><td>2460</td></tr><tr><td>14th</td><td>2785</td></tr><tr><td>15th</td><td>3210</td></tr><tr><td>16th</td><td>3510</td></tr><tr><td>17th</td><td>3900</td></tr><tr><td>18th</td><td>4170</td></tr><tr><td>19th</td><td>4400</td></tr><tr><td>20th</td><td>4590</td></tr></table> Fees 2022
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) No specific legal provision: payment may be made for more than one patent year. However, if the fees are subsequently changed, the patent proprietor will be obliged to pay the difference between the amount paid in advance and the amount due for the year concerned. Art. 101 IPL Art. 106 IPLR R. 48 IR
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 25% Art. 101 IPL Art. 106 IPLR R. 48 IR
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a

Contracting state	Turkey
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 2 months of publication of the notice of lapse Art. 101, 107 IPL Art. 106, 115 IPLR
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) n/a (c) Yes R. 18 RegEPC R. 47 IR
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Communication to representative Publication in the "Resmi Patent Bülteni" Entry in the patent register Art. 101, 107 IPL Art. 106, 115 IPLR

* For first renewal fee to be paid, see Art. 141(2) EPC.

** All fees are revised annually on 1 January.

United Kingdom

Contracting state	United Kingdom
Legal basis for levying renewal fees	Sect. 25, 77 PA Enquiries re renewal fees and validity: Tel. +44 1633 814433
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>GBP</th><th>Year</th><th>GBP</th></tr><tr><td>5th</td><td>70</td><td>13th</td><td>260</td></tr><tr><td>6th</td><td>90</td><td>14th</td><td>300</td></tr><tr><td>7th</td><td>110</td><td>15th</td><td>360</td></tr><tr><td>8th</td><td>130</td><td>16th</td><td>420</td></tr><tr><td>9th</td><td>150</td><td>17th</td><td>470</td></tr><tr><td>10th</td><td>170</td><td>18th</td><td>520</td></tr><tr><td>11th</td><td>190</td><td>19th</td><td>570</td></tr><tr><td>12th</td><td>220</td><td>20th</td><td>610</td></tr></table> R. 37, 38 PR Schedule 2 PFR

Contracting state	United Kingdom
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month containing the anniversary of the date of filing Where the date of publication in the European Patent Bulletin of the mention of grant of the patent occurs less than 3 months before an anniversary of the date of filing, the first renewal fee due on the patent following mention of grant may be paid up to the last day of the third whole calendar month after the date of publication in the Bulletin without any additional fee being charged. (b) Up to the end of the last day of the second month from the due date Renewal fees which – in the case of revocation of a European patent as a result of a decision reviewed by the Enlarged Board of Appeal – would have been due after the revocation may be paid within a period of two months following the restoration of the patent. (c) Payment may not be made more than 3 months before due date (Form 12). Sect. 25, 77(5A) PA R. 37, 38, 41A PR
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 1st month: 0 (Nil) 2nd month: GBP 24 3rd month: GBP 48 4th month: GBP 72 5th month: GBP 96 6th month: GBP 120 Sec. 25(4) PA R. 36(4) PR Schedule 2 PFR
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (reminders are sent to addresses outside the UK) (b) Within 6 weeks of the due date Sect. 25(5) PA R. 39 PR
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 13 months of the end of the 6-month period specified for late payment Sect. 28 PA R. 40 PR
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (b) No (c) No, but an address for service in the United Kingdom, Gibraltar or Channel Islands should be given. R. 103 PR (see also R. 49 PR)

Contracting state	United Kingdom
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Communication to applicant (notice of cessation) Entry in the patent register Publication in the Patents Journal Sect. 32(2), 123(6) PA R. 41 PR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Republic of Moldova

Validation state	Republic of Moldova
Legal basis for levying renewal fees	
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>Year</th><th>EUR</th></tr><tr><td>1st</td><td>100</td><td>11th</td><td>500</td></tr><tr><td>2nd</td><td>100</td><td>12th</td><td>500</td></tr><tr><td>3rd</td><td>100</td><td>13th</td><td>500</td></tr><tr><td>4th</td><td>100</td><td>14th</td><td>500</td></tr><tr><td>5th</td><td>100</td><td>15th</td><td>500</td></tr><tr><td>6th</td><td>300</td><td>16th</td><td>700</td></tr><tr><td>7th</td><td>300</td><td>17th</td><td>700</td></tr><tr><td>8th</td><td>300</td><td>18th</td><td>700</td></tr><tr><td>9th</td><td>300</td><td>19th</td><td>700</td></tr><tr><td>10th</td><td>300</td><td>20th</td><td>700</td></tr></table> point 3 in the Annex to Gov. Dec. No. 774/1997
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of filing date (b) until the beginning of each year. (c) No restriction Art. 93(4), 93(4^{1}) Law No. 50/2008 point 461 Gov. Dec. No. 528/2009
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 61(3) Law No. 50/2008 Gov. Dec. No. 774/1997
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Within 6 months of the due date Art. 61(3) Law No. 50/2008

Validation state	Republic of Moldova
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) within 2 months from the removal of obstacle, but no later than one year after expiry of 6-month period from due date of renewal fee in question Art. 92(2) Law No. 50/2008
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) Yes (c) Yes Art. 86(2) Law No. 50/2008
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the National Register of Patents and publication in the Official Bulletin Art. 60(5), 68(3) Law No. 50/2008

* For first renewal fee to be paid, see Art. 141(2) EPC.

Morocco

Validation state	Morocco
Legal basis for levying renewal fees	Art. 50.5, 82 Law No. 17-97
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	MAD	Year	MAD
1st		11th	7 200
2nd	1 200	12th	7 200
3rd	1 200	13th	7 200
4th	1 200	14th	7 200
5th	1 200	15th	7 200
6th	1 920	16th	10 000
7th	2 400	17th	12 000
8th	2 880	18th	12 000
9th	3 360	19th	12 000
10th	4 800	20th	12 000

A reduction is available for certain proprietor categories.

Dec. No. 9/2017

Validation state	Morocco
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 82 Law No. 17-97
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 25% per month late started, and no less than MAD 240 Art. 82 Law No. 17-97 Dec. No. 9/2017
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Within 2 months after the due date If no reminder is sent, OMPIC is not liable, nor can this be a ground for restoring the proprietor's rights. Art. 82 Law No. 17-97
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) The proprietor has a choice of two: (i) 3 months as from date of notification of decision that patent has lapsed, or (ii) 2 months after removal of obstacle, but no later than one year from expiry of 6-month period following due date of renewal fee in question. Art. 84, 14.4 Law No. 17-97
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) Yes (c) Yes Applicants with neither a residence nor a place of business in Morocco must appoint a professional representative authorised to act before OMPIC. Art. 4 Law No. 17-97
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Art. 83, 84 Law No. 17-97

* For first renewal fee to be paid, see Art. 141(2) EPC.

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

* For first renewal fee to be paid, see Art. 141(2) EPC.

Tunisia

Validation state	**Tunisia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

* For first renewal fee to be paid, see Art. 141(2) EPC.

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
Legal basis for levying renewal fees	Art. 56, 92 PL
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	BAM	Year	BAM
3rd	90	12th	720
4th	110	13th	940
5th	130	14th	1 060
6th	190	15th	1 180
7th	250	16th	1 400
8th	310	17th	1 620
9th	370	18th	1 840
10th	480	19th	2 060
11th	600	20th	2 280

2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) Payment may be made within the patent year preceding the patent year for which the renewal fee is due.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50%
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Approximately 1 month after due date

Extension state	Bosnia and Herzegovina
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 3 months of the removal of the cause of non-compliance with the time limit or of date party becomes aware of non-compliance with the time limit, if this date is later; request is only admissible within 1 year of the expiry of the time limit Art. 50(2)(3) PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) Yes (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette Art. 45(1), 56 and 57 PL

* For first renewal fee to be paid, see Art. 141(2) EPC.

Montenegro

Extension state	Montenegro
Legal basis for levying renewal fees	LAdmFees
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
3rd	40	12th	200
4th	50	13th	225
5th	60	14th	250
6th	70	15th	275
7th	80	16th	300
8th	100	17th	325
9th	125	18th	350
10th	150	19th	375
11th	175	20th	400

2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the patent year preceding the patent year for which the renewal fee is due (a patent year starts on the anniversary of the date of filing) (b) n/a (c) n/a

Extension state	Montenegro
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due payment date (b) 50% Art. 81 PL Art. 101 LAdminFees
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 3 months of the date on which the grounds for non-observance of the time limit ceased to exist or, if the applicant learned of the non-observance after that date, of the date on which he learned of it, but no later than 12 months after the non-observed time limit. Art. 85 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) Yes Art. 29 Rules
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Art. 3 Rules

* For first renewal fee to be paid, see Art. 141(2) EPC.

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
Legal basis for levying renewal fees	Art. 86 PL Art. 40, 41, 86 Fees Decr.

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>ALL</th><th>Year</th><th>ALL</th></tr><tr><td>1st</td><td>0</td><td>11th</td><td>27 000</td></tr><tr><td>2nd</td><td>5 000</td><td>12th</td><td>30 000</td></tr><tr><td>3rd</td><td>6 000</td><td>13th</td><td>35 000</td></tr><tr><td>4th</td><td>8 000</td><td>14th</td><td>40 000</td></tr><tr><td>5th</td><td>10 000</td><td>15th</td><td>45 000</td></tr><tr><td>6th</td><td>12 000</td><td>16th</td><td>50 000</td></tr><tr><td>7th</td><td>14 000</td><td>17th</td><td>55 000</td></tr><tr><td>8th</td><td>18 000</td><td>18th</td><td>60 000</td></tr><tr><td>9th</td><td>20 000</td><td>19th</td><td>65 000</td></tr><tr><td>10th</td><td>25 000</td><td>20th</td><td>70 000</td></tr></table> Fees Decr.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 41(2) PL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) (i) 6 months from due date (ii) 8 months from due date (b) (i) 50% (ii) 100% Art. 41(3) PL Chapter 16 (2.1) PR Fees Decr.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (i) to the licensee if the patent proprietor fails to pay the relevant fee in time and a licence in favour of a third party is entered in the patent register (ii) to the owner or his representative. Notifications are sent only to the addresses that the owners of the patents or their representatives have in the territory of the Republic of Albania. (b) (i) Approx. 8 weeks before expiry of the grace period (ii) Within 2 months from the due date Art. 41(3), 46(5) PL
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Not later than 6 months from expiry of period of grace under section 3 Art. 35 PL

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (c) Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP (b) n/a Art. 35 PL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Publication in the Patent Bulletin Entry in the patent register Part XIV (3.3) PR

* For first renewal fee to be paid, see Art. 141(2) EPC.

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
Legal basis for levying renewal fees	Art. 88 PA
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>HRK</th><th>Year</th><th>HRK</th></tr><tr><td>3rd</td><td>260</td><td>12th</td><td>1 800</td></tr><tr><td>4th</td><td>320</td><td>13th</td><td>2 100</td></tr><tr><td>5th</td><td>440</td><td>14th</td><td>2 300</td></tr><tr><td>6th</td><td>560</td><td>15th</td><td>2 600</td></tr><tr><td>7th</td><td>640</td><td>16th</td><td>3 000</td></tr><tr><td>8th</td><td>820</td><td>17th</td><td>3 500</td></tr><tr><td>9th</td><td>940</td><td>18th</td><td>4 600</td></tr><tr><td>10th</td><td>1 200</td><td>19th</td><td>5 800</td></tr><tr><td>11th</td><td>1 500</td><td>20th</td><td>6 900</td></tr></table> Art. 14 RFees
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) n/a (c) No specific legal provision: payment may be made for more than one patent year. However, if the fees are subsequently changed, the patent proprietor will be obliged to pay the difference between the amount paid in advance and the amount due for the year concerned. Art. 129 PA

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 100% Art. 88(5) PA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Approx. 1 month after due date Art. 88(6) PA
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 3 months of the removal of the cause of non-compliance with the time limit or 12 months upon expiry of the period of grace for payment of renewal fees Art. 28 PA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) Yes (c) Yes Art. 17 PA
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette Art. 20.2 and 90.2 PA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
Legal basis for levying renewal fees	Fees Law Appendix I

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>81</td></tr><tr><td>4th</td><td>92</td></tr><tr><td>5th</td><td>115</td></tr><tr><td>6th</td><td>139</td></tr><tr><td>7th</td><td>162</td></tr><tr><td>8th</td><td>185</td></tr><tr><td>9th</td><td>208</td></tr><tr><td>10th</td><td>231</td></tr><tr><td>11th-15th</td><td>289</td></tr><tr><td>16th-20th</td><td>347</td></tr></table> Fees Law Appendix I
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the patent year preceding the patent year for which the renewal fee is due (the patent years starting on the anniversary of the date of filing) (b) n/a (c) Payment may not be made more than 2 months before due date. Fees Law Art. 36(4) PL
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 36(5) PL
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) after the due date Art. 36(5) PL
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (request fee: EUR 173) (b) Within two months of removal of the cause of non-compliance with the time limit or within 12 months of expiry of the non-observed time limit or, in cases of non-compliance with the time limit for payment of renewal fees, within 12 months of expiry of the grace period prescribed in Article 5*bis* of the Paris Convention, whichever period ends earlier. Art. 33 PL Art. 12 PLT

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) and (c) Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. (b) n/a
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official bulletin Online at *http://vpb.lrv.lt* Art. 29 PL R. 42 Reg.

* For first renewal fee to be paid, see Art. 141(2) EPC.

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
Legal basis for levying renewal fees	Art. 73 PL Fees Reg.
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th></tr><tr><td>3rd</td><td>90</td></tr><tr><td>4th</td><td>120</td></tr><tr><td>5th</td><td>140</td></tr><tr><td>6th</td><td>160</td></tr><tr><td>7th</td><td>180</td></tr><tr><td>8th</td><td>220</td></tr><tr><td>9th</td><td>270</td></tr><tr><td>10th-15th</td><td>320</td></tr><tr><td>16th-20th</td><td>420</td></tr></table> Fees Reg.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the month in which the date of filing occurred (b) n/a (c) No information available.

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 25 % Art. 43(2) PL Fees Reg.
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes (b) Not later than 2 weeks after due date
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Not later than 6 months from expiry of period of grace under section 3
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) Yes (c) Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117(2) IPL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official bulletin

* For first renewal fee to be paid, see Art. 141(2) EPC.

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
Legal basis for levying renewal fees	Art. 67 PL

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>MKD</th><th>Year</th><th>MKD</th></tr><tr><td>3rd</td><td>800</td><td>12th</td><td>5 000</td></tr><tr><td>4th</td><td>1 000</td><td>13th</td><td>6 000</td></tr><tr><td>5th</td><td>1 200</td><td>14th</td><td>7 000</td></tr><tr><td>6th</td><td>1 400</td><td>15th</td><td>8 000</td></tr><tr><td>7th</td><td>1 600</td><td>16th</td><td>9 000</td></tr><tr><td>8th</td><td>1 800</td><td>17th</td><td>10 000</td></tr><tr><td>9th</td><td>2 000</td><td>18th</td><td>11 000</td></tr><tr><td>10th</td><td>3 000</td><td>19th</td><td>12 000</td></tr><tr><td>11th</td><td>4 000</td><td>20th</td><td>13 000</td></tr></table> Tariff No. 109 Fees Law
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) 2 months from due date (c) Payment may not be made more than 6 months before due date.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a)(i) 3 months from due date (ii) 9 months from due date (b)(i) 25% (ii) 100%
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Not later than 3 months from expiry of the non-observed time limit Art. 105 Law on GAP
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes (b) n/a (c) Yes Art. 16 PL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official gazette Art. 39 Reg.

* For first renewal fee to be paid, see Art. 141(2) EPC.

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
Legal basis for levying renewal fees	Fees Ord. Art. IX of the Annex to the Government Ordinance No. 32/1996
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>EUR</th><th>RON</th></tr><tr><td>3rd</td><td>150</td><td>742</td></tr><tr><td>4th</td><td>160</td><td>792</td></tr><tr><td>5th</td><td>180</td><td>890</td></tr><tr><td>6th</td><td>200</td><td>989</td></tr><tr><td>7th</td><td>220</td><td>1088</td></tr><tr><td>8th</td><td>240</td><td>1187</td></tr><tr><td>9th</td><td>260</td><td>1286</td></tr><tr><td>10th</td><td>280</td><td>1385</td></tr><tr><td>11th</td><td>300</td><td>1484</td></tr><tr><td>12th</td><td>320</td><td>1583</td></tr><tr><td>13th</td><td>340</td><td>1682</td></tr><tr><td>14th</td><td>370</td><td>1830</td></tr><tr><td>15th</td><td>400</td><td>1979</td></tr><tr><td>16th</td><td>500</td><td>2474</td></tr><tr><td>17th</td><td>500</td><td>2474</td></tr><tr><td>18th</td><td>500</td><td>2474</td></tr><tr><td>19th</td><td>500</td><td>2474</td></tr><tr><td>20th</td><td>500</td><td>2474</td></tr></table> Pursuant to the Fees Ordinance renewal fees are payable in EUR or in RON. Annex 1.23 Fees Ord.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Anniversary of date of filing (b) Renewal fees falling due within 3 months of the grant of the patent may be paid without surcharge within this 3-month period. (c) Payment may not be made more than 4 years before the due date.
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Fees Ord.

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 6 months of publication, in the patent bulletin, of the patent's lapse due to non-payment of renewal fees Art. 37 PL
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) Yes, if proprietor resides outside Romania (b) n/a (c) Yes
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the patent bulletin Communication to proprietor of patent

* For first renewal fee to be paid, see Art. 141(2) EPC.

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
Legal basis for levying renewal fees	Fees Decr.
1 **Amount of fees** **(plus any charges levied by banks)**	

Year	EUR	Year	EUR
3rd	30	12th	200
4th	34	13th	234
5th	42	14th	274
6th	50	15th	310
7th	60	16th	390
8th	70	17th	510
9th	80	18th	654
10th	110	19th	870
11th	154	20th	1 100

Art. 1(1.2) Fees Decr.

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) For each patent year (a patent year starting on the anniversary of the date of filing) on the last day of the preceding patent year (b) n/a (c) Payment may not be made more than 12 months before due date. Art. 109 IPA
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 109, 110 IPA
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) Yes; reminders are sent to the representative or address for correspondence which should be on Slovenian territory (b) Approx. 1 month after due date
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes; at the time of filing a request for restitutio in integrum the omitted act should be completed and fee (EUR 150 – Art. 1(7.2) Fees Decr.) paid, otherwise the request is deemed to be withdrawn; (b) Within 3 months of removal of the cause of non-compliance with the time limit or of date party becomes aware of non-compliance with the time limit, if this date is later; request is only admissible within 1 year of the expiry of the time limit. Art. 68 IPA
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) No, if the address for correspondence is on Slovenian territory, otherwise yes. (c) Yes Ext. Decr.
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Entry in the patent register Publication in the official bulletin (BIL) Decision on lapse of a patent due to non-payment of fees Art. 5(2) IPA

* For first renewal fee to be paid, see Art. 141(2) EPC.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
Legal basis for levying renewal fees	Fees Law
1 **Amount of fees** **(plus any charges levied by banks)**	<table><tr><th>Year</th><th>RSD</th><th>Year</th><th>RSD</th></tr><tr><td>3rd</td><td>11 510</td><td>12th</td><td>46 110</td></tr><tr><td>4th</td><td>13 980</td><td>13th</td><td>52 700</td></tr><tr><td>5th</td><td>16 470</td><td>14th</td><td>59 260</td></tr><tr><td>6th</td><td>19 730</td><td>15th</td><td>65 840</td></tr><tr><td>7th</td><td>23 010</td><td>16th</td><td>72 440</td></tr><tr><td>8th</td><td>26 320</td><td>17th</td><td>79 020</td></tr><tr><td>9th</td><td>29 620</td><td>18th</td><td>85 600</td></tr><tr><td>10th</td><td>32 920</td><td>19th</td><td>92 180</td></tr><tr><td>11th</td><td>39 530</td><td>20th</td><td>98 760</td></tr></table> 50% fee reduction for natural persons.
2 **(a) Due date (in the patent year concerned)** **(b) Time limit for payment (without surcharge)*** **(c) Earliest possible date for payment**	(a) Last day of the patent year preceding the patent year for which the renewal fee is due (a patent year starts on the anniversary of the date of filing) (b) n/a (c) Payment may not be made more than 3 months before the due date. Tar. No. 111 Fees Law
3 **Period of grace for payment of fees (with surcharge)** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) 50% Art. 40(5) PL Tar. No. 111 Fees Law
4 **Communication of a reminder in cases of non-payment** **(a) provided for?** **(b) date of despatch**	(a) No (b) n/a
5 **Restitutio in integrum** **(a) provided for?** **(b) time limit for submitting application**	(a) Yes (b) Within 3 months from the date on which the grounds for the omission ceased to exist or, if the applicant learned about the omission subsequently, from the date on which he found out about the omission; the request is admissible only within 12 months of expiry of the time limit and, if it relates to non-payment of the maintenance fee, at least 12 months from the date of expiry of the additional time limit for payment Art. 73 PL

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
6 **Appointment of a national professional representative for** **(a) payment of fees** **(b) communication of a reminder of non-payment** **(c) proceedings in respect of restitutio in integrum**	(a) No (b) n/a (c) Yes Art. 5 PL
7 **Information regarding lapse of patent in cases of non-payment of renewal fees**	Yes Art. 41(2) PL

* For first renewal fee to be paid, see Art. 141(2) EPC.

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Location

Home > Law & practice > Legal Texts > National Law relating to EPC

VI.B Payment of renewal fees after a successful petition for review (Article 112a(5) EPC)

A **petition for review under Article 112a EPC** may result in the restoration of a previously revoked European patent under the following circumstances:

- a board of appeal revoked a European patent or dismissed an appeal against its revocation by an opposition division

- the proprietor filed a petition for review under Article 112a EPC against the board's decision

- the Enlarged Board of Appeal considered the petition allowable and therefore re opened the proceedings before the board under Article 112a(5) EPC.

The revoked European patent is thereby restored and national renewal fees may then become payable for the period during which it was revoked.

Renewal fees will naturally also be payable while the re-opened board proceedings are pending.

The following table indicates the national provisions and requirements to be observed when paying "national renewal fees" in respect of a European patent where – following a successful petition for review – the Enlarged Board of Appeal decides to set aside a decision revoking it and re open the appeal proceedings.

Albania

Contracting state	Albania
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Austria

Contracting state	Austria
Contracting state	No specific provision. Proprietor would be given an opportunity to keep the patent by paying renewal fees retroactively within one month.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Belgium

Contracting state	Belgium
Contracting state	No specific provision.

Contracting state	Belgium
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Bulgaria

Contracting state	Bulgaria
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	n/a
2 **Beginning of period / due date**	n/a
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	n/a
4 **Special features**	n/a

Switzerland

Contracting state	Switzerland / Liechtenstein
Contracting state	No specific provisions, but proprietor may pay renewal fees retroactively within 6 months of the date of notification of the Enlarged Board's decision to re-open the appeal proceedings

Contracting state	Switzerland / Liechtenstein
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	3 months (without surcharge) Analogous application of Art. 41 PA Art. 18, 118a PO
2 **Beginning of period / due date**	From date of notification of the Enlarged Board's decision Analogous application of Art. 41 PA and Art. 18, 118a PO
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) From end of 3rd month to end of 6th month after the due date (b) CHF 50 Analogous application of Art. 41 PA and Art. 18, 118a PO
4 **Special features**	-

Cyprus

Contracting state	Cyprus
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Czech Republic

Contracting state	Czech Republic
Contracting state	

Contracting state	Czech Republic
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	No specific provision, but any renewal fees due could be paid within a grace period of 6 months
2 **Beginning of period / due date**	From date of communication of the Enlarged Board's decision to re-open the appeal proceedings
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No surcharge
4 **Special features**	No

Denmark

Contracting state	Denmark
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Germany

Contracting state	Germany
Contracting state	

Contracting state	Germany
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	2 months Art. II § 7(2) LIPC § 7(1) LPF
2 **Beginning of period / due date**	From date of notification of the Enlarged Board's decision to set aside board's decision Art. II § 7(2) LIPC
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) Until end of 6th month after the due date (b) EUR 50 Art. II § 7(2) LIPC § 7(1) 2nd sentence LPF Fee Schedule LPF
4 **Special features**	-

Estonia

Contracting state	Estonia
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Spain

Contracting state	Spain
Contracting state	

Contracting state	Spain
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	3 months Art. 157 and 184 NPL
2 **Beginning of period / due date**	From publication of the Enlarged Board's decision in the "Boletín Oficial de la Propiedad Industrial" Law 39/2015, Common Administrative Procedure Act
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) 6 months from expiry of the time limit in Table VI.A, section 2(b) (b) 25% if paid within 3 months, 50% if paid within 6 months of due date (a) and (b) After expiry of the period of grace renewal may still be secured by paying, before the due date for the next renewal fee, the fee with a 50% surcharge and an additional fee of EUR 102.01 Art. 157 and 184 NPL
4 **Special features**	

Finland

Contracting state	Finland
Contracting state	No specific provisions, but the Finnish Patent Office would send the patent proprietor an invitation to pay any renewal fee which would have fallen due.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	-
2 **Beginning of period / due date**	2 months from date of invitation
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No surcharge
4 **Special features**	-

France

Contracting state	France

Contracting state	France
Contracting state	Legal basis: no specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	Based on INPI's power under Art. R. 618-4 PL to grant 2 to 4 months to complete formalities
2 **Beginning of period / due date**	From date of entry of Enlarged Board's decision in European Patent Register
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No
4 **Special features**	-

Greece

Contracting state	Greece
Contracting state	
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	3 months Art. 18a, 11(1) Pres. Decr. No. 77/88
2 **Beginning of period / due date**	From publication in the European Patent Bulletin of the decision setting aside the patent revocation to the last day of the 3-month period. Art. 18a, 11(1) Pres. Decr. No. 77/88
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	Surcharge 50% Art. 18a, 11(1) Pres. Decr. No. 77/88 Art. 2(10)(g), 24 Law No. 1733/87
4 **Special features**	The fees are paid according to the current list of fees Art. 18a, 11(1) Pres. Decr. No. 77/1988 Art. 2(10)(g), 24 Law No. 1733/87

Croatia

Contracting state	Croatia

Contracting state	Croatia
Contracting state	_
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	No express legal provisions, but the Croatian Intellectual Property Office would send the patent holder an invitation to retroactively pay any renewal fee which would have fallen due.
2 **Beginning of period / due date**	2 months from date of invitation
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No surcharge
4 **Special features**	-

Hungary

Contracting state	Hungary
Contracting state	
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	6 months Art. 84/L(3) PA
2 **Beginning of period / due date**	From date of communication of the Enlarged Board's decision to re-open the appeal proceedings Art. 84/L(3) PA
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) First 3 months without surcharge; 4th, 5th and 6th months: 50% Art. 23, 115/M PA
4 **Special features**	-

Ireland

Contracting state	Ireland
Contracting state	

Contracting state	Ireland
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	6 months No express legal provision in PA or PR but, once the IPOI has been informed of the Enlarged Board's decision to set aside the revocation of a European patent and re-open the appeal proceedings, the practice is to allow the patent proprietor a period of up to 6 months to pay all renewal fees that would have fallen due in the intervening period.
2 **Beginning of period / due date**	From date of Enlarged Board's decision to re-open the appeal proceedings No provision – Office practice
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No surcharge Office practice
4 **Special features**	-

Iceland

Contracting state	Iceland
Contracting state	No information available.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	Annuities which fall due during restitutio or appeal procedures fall due as if the application / patent was still in force. If the decision of the Board of Appeal to reject an application is reversed by a court, the renewal fee for the fee years beginning after the decision of the Board of Appeal is made and extending until the court ruling comes into effect, may not fall due earlier than two months after the latter date. Art. 81 cf. Art. 41 PA
2 **Beginning of period / due date**	2 months from date of the effect of a court ruling.
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) 6 months (b) 20% Art. 81 cf. Art. 41 PA Art. 2 Fees Reg.
4 **Special features**	n/a

Italy

Contracting state	Italy
Contracting state	No specific provision.

Contracting state	Italy
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Liechtenstein

Contracting state	Liechtenstein
Contracting state	see Switzerland
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Lithuania

Contracting state	Lithuania
Contracting state	
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	6 months

Contracting state	Lithuania
2 **Beginning of period / due date**	Notification of the decision to re-open the proceedings before the boards of appeals
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) 6 months (b) 50%
4 **Special features**	-

Luxembourg

Contracting state	Luxembourg
Contracting state	Currently no specific provisions, but a law amending PL to introduce new provisions is under discussion.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Latvia

Contracting state	Latvia
Contracting state	No information available.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	

Contracting state	Latvia
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Malta

Contracting state	Malta
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	n/a
2 **Beginning of period / due date**	n/a
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	n/a
4 **Special features**	n/a

Monaco

Contracting state	Monaco
Contracting state	Currently no specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Montenegro

Contracting state	Montenegro
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

North Macedonia

Contracting state	North Macedonia
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Netherlands

Contracting state	Netherlands
Contracting state	No specific provision.

Contracting state	Netherlands
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Norway

Contracting state	Norway
Contracting state	§ 66e PL
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	If the Enlarged Board of Appeal of the EPO sets aside a decision of an EPO Board of Appeal to revoke a patent, the renewal fees for any fee years that commenced after the Board of Appeal's decision and up to the date of the Enlarged Board of Appeal's decision fall due 2 months after the date of the latter decision.
2 **Beginning of period / due date**	2 months § 66e PL
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) 6 months from due date (b) NOK 700
4 **Special features**	-

Poland

Contracting state	Poland
Contracting state	

Contracting state	Poland
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	No provision. Recommended practice: payment of renewal fees as a precautionary measure while petition for review is pending (with refund if it is unsuccessful) as a precautionary measure.
2 **Beginning of period / due date**	n/a
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	n/a
4 **Special features**	-

Portugal

Contracting state	Portugal
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Romania

Contracting state	Romania
Contracting state	No information available.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	

Contracting state	Romania
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Serbia

Contracting state	Serbia
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Sweden

Contracting state	Sweden
Contracting state	Currently no specific provisions.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	

Contracting state	Sweden
4 **Special features**	

Slovenia

Contracting state	Slovenia
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Slovakia

Contracting state	Slovakia
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

San Marino

Contracting state	San Marino

Contracting state	San Marino
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Turkey

Contracting state	Turkey
Contracting state	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	Applicant should request to pay fee within 3 months from the date of entry of Enlarged Board's decision in European Patent Register without any further notification. After the applicant's request to pay fee, Turkish Patent and Trademark Office grants two months of extra time limit.
2 **Beginning of period / due date**	From date of entry of Enlarged Board's decision in European Patent Register
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No
4 **Special features**	

United Kingdom

Contracting state	United Kingdom
Contracting state	

Contracting state	United Kingdom
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	2 months Sect. 77(5A) PA R. 39 and 41A PR
2 **Beginning of period / due date**	From the day the patent is restored by the Enlarged Board of Appeal Sect. 77(5A) PA R. 39 and 41A PR
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	(a) From the 2nd to the 6th month after the original 2-month period has expired (b) Surcharges are the same as set out in Table VI.A, section 3 Sect. 25(4) PA R. 36(4) PR
4 **Special features**	-

Republic of Moldova

Validation state	Republic of Moldova
	No information available.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Morocco

Validation state	Morocco
	No information available.

Validation state	Morocco
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	**Tunisia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	

Extension state	Bosnia and Herzegovina
4 **Special features**	

Montenegro

Extension state	Montenegro
	No specific provision.
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	No express legal provisions, but the Croatian Intellectual Property Office would send the patent holder an invitation to pay any renewal fee which would have fallen due.
2 **Beginning of period / due date**	2 months from date of invitation
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	No surcharge
4 **Special features**	

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
4 **Special features**	

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Period for retroactive payment of renewal fees which would have become due during the period between revocation of the patent and re-opening of the proceedings before the boards of appeal**	
2 **Beginning of period / due date**	
3 **Payment of fees with surcharge** **(a) duration** **(b) surcharge**	
4 **Special features**	

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Location

Home > Law & practice > Legal Texts > National Law relating to EPC

VII. Conversion of European patent applications or patents into national patent applications

1. Basis for conversion

Under Article 135(1) EPC, the central industrial property office of a designated contracting state may apply the procedure for the grant of a national patent at the request of the applicant for or proprietor of a European patent, in the following circumstances:

(a) where the application is deemed to be withdrawn pursuant to Article 77(3) EPC (delay by national authorities in forwarding the European application);

(b) in such other cases as are provided for by the national law in which the European patent application is refused or withdrawn or deemed to be withdrawn, or the European patent is revoked under the EPC.

2. Time limit for filing the request for conversion

The request for conversion must be filed within three months after the date on which

(a) the European patent application has been withdrawn or

(b) a communication has been notified that the application is deemed to be withdrawn, or

(c) a decision has been notified refusing the application or revoking the European patent.

The equivalence of the European patent to a regular national filing lapses if the request is not filed in due time (Rule 155(1), second sentence, EPC).

3. Submission of the request for conversion

(a) Unless the European patent application is deemed to be withdrawn pursuant to Article 77(3) EPC, the request for conversion must be filed with the European Patent Office. It is not deemed to be filed until the conversion fee has been paid to the Office (Article 135(3), second sentence, EPC).

(b) If the applicant has been notified that the European patent application is deemed to be withdrawn pursuant to Article 77(3) EPC, the request must be filed with the central industrial property office with which the application was filed (Article 135(2) EPC).

4. Transmission of the request

(a) The requests for conversion which must be filed with the European Patent Office (cf. 3(a) above) are transmitted by the Office to the central industrial property offices of the contracting states specified therein, accompanied by a copy of the files relating to the European patent application or the European patent (Article 135(3), Rule 155(2) EPC).

(b) Where the request for conversion has to be filed with a national patent office (cf. 3(b) above), that Office, subject to the provisions of national security, transmits the request, together with a copy of the European patent application, directly to the central industrial property offices of the contracting states specified by the applicant in the request. The effect referred to in Article 66 EPC (i.e. equivalence of the European patent application to a regular national filing in the contracting states designated) lapses if the request for conversion is not transmitted within twenty months after the date of filing or date of priority (Rule 155(3) EPC).

5. Explanatory notes concerning the table

The table below indicates the basis for conversion under the national law of all the contracting states to the EPC and contains useful information regarding the formal requirements of the competent national authorities, the time limits involved and regulations concerning representation or addresses for service if the applicant or his representative before the EPO has neither a residence nor his principal place of business in the contracting states in question.

All European patent applications transmitted pursuant to Article 135(2) or 135(3) EPC are governed by Article 137(1) EPC, which lays down that these applications may not be subjected to formal requirements of national law which are different from or additional to those provided for in the EPC.

The translation referred to in the table should be understood to mean a translation of the original text of the European patent application and, where appropriate, of the text, as amended during proceedings before the EPO, which the applicant wishes to submit to the national procedure (Article 137(2) (b) EPC).

The table also lists the provisions of the extension and validation states' national laws under which European patent applications and patents can be converted to national patent applications.

Albania

Contracting state	Albania
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 14(2) and Art. 90(3) EPC for failure to supply a translation of the application in the language of the proceedings Art. 87/ë(1) PL
2 **Procedural steps to be taken**	(a) Payment of national filing fee (ALL 7 000) (b) Filing of an Albanian translation Art. 87/ë(7) PL
3 **Time limit for taking procedural steps referred to in section 2**	2 months after the notification of a request by the GDIP Art. 87/ë(7) PL
4 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP. Art. 195(2) PL
5 **Special features**	-

Austria

Contracting state	Austria
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC § 9(1) ILPT
2 **Procedural steps to be taken**	(a) Payment of the fee for conversion into a national patent application or utility model application: EUR 52 (b) Filing, in duplicate, of a German translation § 9(2), 24 ILPT § 10 LPOF
3 **Time limit for taking procedural steps referred to in section 2**	2 months after a request by the Austrian Patent Office (may be extended on request) § 9(2) ILPT

Contracting state	Austria
4 **Must a national professional representative be appointed?**	All procedural steps connected with the conversion must be taken by an attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria, if the applicant has neither a residence nor his principal place of business in Austria. However, if the residence or place of business is in the EEA, a person authorised to accept service who is a resident of Austria may be appointed instead. (The requirement that the appointed person be resident in Austria can be waived in certain cases.) § 24 ILPT § 21(4) PA
5 **Special features**	In the case indicated in section 1, the EP application may also be converted into an application for a utility model. § 9(1) ILPT As regards the legal device known as derivation (Abzweigung) of an application for a utility model from an EP application, see §§ 15a, 21 GMG

Belgium

Contracting state	Belgium
1 **Basis for conversion**	Deemed withdrawal of the European patent application pursuant to Art. 77(3) EPC Art. 6 Law of 21.4.07* Art. 8 Law of 8.7.77** Art. XI.87 ELC***
2 **Procedural steps to be taken**	(a) Payment of national filing fee (EUR 50) (b) Filing of a translation of the European patent application, including the abstract and any drawings, into one of the national languages if not drafted in any of those languages (see also section 5) (c) Payment of any renewal fees due on the date of payment of the filing fee (see also table VIII, section 3) Art. 6 Law of 21.4.07* Art. 9 RD of 5.12.07* Art. 8 Law of 8.7.77** Art. 10 RD of 27.2.81** Art. 10 RD of 12.5.15***
3 **Time limit for taking procedural steps referred to in section 2**	The filing fee must be paid and any translation of the application supplied within three months of receipt by OPRI of the request for conversion. Renewal fees must be paid within the period prescribed in Art. XI.48(1) ELC. Art. 6 Law of 21.4.07* Art. 8 Law of 8.7.77** Art. XI.87 ELC*** Art. 10(3) RD of 12.5.15***

Contracting state	Belgium
4 **Must a national professional representative be appointed?**	See table III.B, section 1
5 **Special features**	The translation referred to in section 2(b) must be filed in one of the national languages prescribed in the Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of languages for administrative purposes (see OJ EPO 1999, 320). Where a translation is not required: filing in duplicate, in accordance with the provisions applying to Belgian patents, of a copy of the EP application including the abstract, and, as the case may be, of the drawings accompanying the description and, if any, the abstract. If an OPRI deadline is not met, the procedure for re-establishing rights under Art. XI.77 ELC is applicable. Art. 9 (2) RD of 5.12.07* Art. 10(2) RD of 27.2.81** Art. 10(2) RD of 12.5.15***

* European patent applications filed between 13 December 2007 and 21 September 2014.

** European patent applications filed before 13 December 2007.

*** European patent applications filed after 22 September 2014.

Bulgaria

Contracting state	Bulgaria
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC for failure to supply a translation of the application in the language of the proceedings Art. 72f(1) PL
2 **Procedural steps to be taken**	(a) Payment of national fees for filing, examination, patent claims, priority claims and for publication of the mention of the application (b) Filing in triplicate of a Bulgarian translation of the European patent application as originally filed and, where appropriate, a translation of the application as amended during the proceedings before the EPO Art. 72f(3), Art. 35(2) PL
3 **Time limit for taking procedural steps referred to in section 2**	3 months following the date of transmission of the request for conversion to the Bulgarian Patent Office Art. 72f(3) PL

Contracting state	Bulgaria
4 **Must a national professional representative be appointed?**	Yes Applicants who are not established in the Republic of Bulgaria or in another Member State of the European Union, in a state - party to the European Economic Area Agreement or in the Swiss Confederation, are required to act before the Patent Office through a lawyer or an industrial property representative Art. 3(2) PL
5 **Special features**	In the case indicated in section 1, the EP application may also be converted into an application for a utility model registration. Art. 72f(1) PL

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 14(2) EPC because the translation in the language of the proceedings was not filed in time (for applications filed in Italian). Art. 121 PA
2 **Procedural steps to be taken**	(a) Payment of national filing fee (CHF 200 + CHF 50 for the 11th and each subsequent claim) (b) Filing of a translation in one of Switzerland's official languages (c) Payment of renewal fees already due Art. 123 PA Art. 118, 17a(1)(a), 49, 18 PO Fees Reg. (Annex III)
3 **Time limit for taking procedural steps referred to in section 2**	(a) and (b) time limit set by the IPI (c) 6 months from a request by the IPI (surcharge payable from 4th month) Art. 118 PO
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his representative before the EPO; an authorised professional representative before the EPO is not required to file a new authorisation. For subsequent procedural acts, applicants having their residence or principal place of business abroad must give an address for service in Switzerland or Liechtenstein. Art. 13 PA Art. 118 PO

Contracting state	Switzerland / Liechtenstein
5 **Special features**	If the applicant has his residence or principal place of business abroad, he is first required to indicate in the time limit set by the IPI an address for service in Switzerland or Liechtenstein or appoint a national representative to accept correspondence. The applicant or his representative is then requested to take all subsequent procedural steps. Text in the drawings may, if admissible, be translated during the national procedure. A translation of the request and search report is not required.

Cyprus

Contracting state	Cyprus
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time Sect. 70(1) PL
2 **Procedural steps to be taken**	(a) Payment of the filing fee (EUR 100) (b) Filing, in duplicate, of a translation in Greek Sect. 70(4) PL R. 59(2) PFR
3 **Time limit for taking procedural steps referred to in section 2**	(a) 3 months after notification of a request by the CY Patent Office (b) 4 months from filing of the request for conversion R. 59(1) PFR
4 **Must a national professional representative be appointed?**	Yes The procedural steps referred to in section 2 must be taken by a professional representative in Cyprus if the applicant has neither a residence nor his principal place of business in Cyprus. Sect. 70(5) PL
5 **Special features**	The request for conversion is recorded in Record Book Volume A National Applications. R. 59 PFR

Czech Republic

Contracting state	Czech Republic
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC § 35b(1) PA

Contracting state	Czech Republic
2 **Procedural steps to be taken**	(a) Payment of the national filing fee (CZK 1 200; CZK 600 if applicant is inventor) (b) Filing, in triplicate, of a Czech translation (c) Appointment of a professional representative §§ 35b(2), (3), 70 PA
3 **Time limit for taking procedural steps referred to in section 2**	(a) and (b) within 3 months of notification of the invitation by CZ Industrial Property Office to submit the Czech translation and to pay the filing fee (c) see section 4 §§ 35b(2), 70 PA
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 must be taken by a national professional representative – see table III.B, section 1. § 70 PA
5 **Special features**	In the case indicated in section 1, the European patent application may also be converted into a national application for a utility model. § 35b(4) PA § 10a of Law No. 478/1992 Coll., on utility models, as amended by Law No. 116/2000 Coll.

Denmark

Contracting state	Denmark
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC § 88(1) PA
2 **Procedural steps to be taken**	(a) Filling a request for conversion with the national authority that received the application (b) Payment of the filing fee (DKK 3 000 + DKK 300 for the 11th and each subsequent claim) (c) Filing of a Danish or English translation §§ 88 (1) and 98(2) PA § 95 PO
3 **Time limit for taking procedural steps referred to in section 2**	(a) within 3 months after the applicant has been notified that the application is deemed to be withdrawn (b+c) within 3 months of the DKPTO's notifying the applicant of receipt of the copy of the European application. § 88(1) PA § 89(2) PO
4 **Must a national professional representative be appointed?**	No § 12 PA

Contracting state	Denmark
5 **Special features**	In the case indicated in section 1, the EP application may also be converted into a national application for a utility model. § 36 Utility Models Act

Germany

Contracting state	Germany
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. II § 9(1) LIPC
2 **Procedural steps to be taken**	(a) Payment of national filing fee (b) Filing of a German translation of the patent application (c) Filing of the designation of the inventor, if not indicated in the European application Art. II § 9(1), (2) LIPC § 3(1) LPF Fees Schedule LPF § 37 PA
3 **Time limit for taking procedural steps referred to in section 2**	(a) 3 months from filing of the request for conversion (b) 3 months after notification of a request by the DPMA § 6(1) LPF Art. II § 9(2) LIPC
4 **Must a national professional representative be appointed?**	Not required for procedural steps referred to in section 2; an authorised professional representative before the EPO is not required to file a new authorisation. A domestic representative must be appointed to handle the rest of the procedure. § 25 PA
5 **Special features**	As regards the legal device known as derivation (Abzweigung) of an application for a utility model from an EP application, see OJ EPO 1987, 175.

Estonia

Contracting state	Estonia
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC or Art. 90(3) EPC § 11(1) IA

Contracting state	Estonia
2 **Procedural steps to be taken**	(a) Filing of an Estonian translation accompanied by a request for conversion (b) Payment of national filing fee (EUR 225 + EUR 13 for the 11th and each subsequent claim for patent application) § 11(5), (6) IA §§ 89(3) to (5), 99 FA §§ 31 to 34 REP
3 **Time limit for taking procedural steps referred to in section 2**	Within 3 months of notification by the Estonian Patent Office of receipt of documents § 11(5) and (6) IA
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 must be taken by the applicant itself or authorised Estonian patent attorney whose name is entered in the State Register of Patent Attorneys as specialising in the legal protection of inventions and layout designs of integrated circuits. All subsequent procedural steps must be taken by an authorised Estonian patent attorney if the applicant has neither a residence nor his principal place of business in Estonia. § 15 IA § 13^1 PA § 31(1) REP
5 **Special features**	In the cases indicated in section 1 and in all cases referred to in Art. 135(1)(b) EPC, the European patent application may also be converted into a national application for a utility model, subject to payment of the national filing fee (EUR 105), except where under Estonian law the invention may not be protected as a utility model. § 11(1) to (3) IA § 99 FA The following information must be given in the request for conversion: - European application or patent number - European application date - the title of the invention - the applicant's or patentee's name and address - kind of protection (patent and/or utility model) - the representative's name and address for service, if applicable. § 31(3) REP The 3-month period for filing the translation may, at the request of the applicant, be extended by 2 months. § 11(5) IA

Spain

Contracting state	Spain

Contracting state	Spain
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time (see also section 5) Art. 158 NPL
2 **Procedural steps to be taken**	(a) Payment of - filing fee (EUR 102.39 for paper filings/EUR 87.03 for electronic filings) - fee for each priority (EUR 20.05 for paper filings/EUR 17.04 for electronic filings) (b) Filing of a Spanish translation Note: the fees may be revised at the beginning of each year. Art. 98 RD 316
3 **Time limit for taking procedural steps referred to in section 2**	2 months after receipt by OEPM of the request for conversion Art. 98 RD 316
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his representative before the EPO; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by an authorised national representative, if the applicant has neither a residence nor his principal place of business in the EU. Art. 158 NPL
5 **Special features**	The EP application may also be converted into an application for a utility model. The same applies to applications refused by the EPO, withdrawn or deemed to be withdrawn. Art. 159 NPL

Finland

Contracting state	Finland
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time § 70s PA
2 **Procedural steps to be taken**	(a) Request for conversion (b) Payment of the filing fee EUR 500 + EUR 50 for the 16th and each subsequent claim (EUR 400 + EUR 50 for the 16th and each subsequent claim if filed online) (c) Filing of a Finnish, Swedish or English translation. §§ 8, 70s PA

Contracting state	Finland
3 **Time limit for taking procedural steps referred to in section 2**	Within 3 months of the PRH notifying the applicant of receipt of the request for conversion § 70s PA § 52s PD
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his representative before the EPO. All subsequent procedural steps must be taken by an authorised representative residing in the EEA, if the applicant has neither a residence nor his principal place of business in Finland. § 12 PA
5 **Special features**	A pending EP application may be converted into a national application for a utility model. §§ 8, 8a Utility Models Act §§ 5, 5a Utility Models Decree

France

Contracting state	France
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. L. 614-6 PL
2 **Procedural steps to be taken**	(a) Payment of - national filing fee (for electronic filings EUR 26) - the fee for a search report (EUR 520), (b) Filing of a French translation Art. R. 614-5 and R. 614-17 Reg. DG Dec. No. 2018-156 and Fees Ord. of 24.4.08 (as amended 6.3.20)
3 **Time limit for taking procedural steps referred to in section 2**	2 months after publication in BOPI of a notice regarding the conversion. Where patent applications may not be published: 2 months from the receipt by INPI of the request for conversion except the fee for a search report which is due within 6 months of the end of the prohibition measures. Art. R. 614-5, R. 612-31, para 2 Reg.

Contracting state	France
4 **Must a national professional representative be appointed?**	Not required for procedural steps in section 2; an authorised professional representative before the EPO is not required to file a new authorisation. All subsequent procedural steps must be taken by an authorised national representative, if the applicant has neither a residence nor principal place of business in France or in another member state of the EU or EEA. For proprietors resident or having their place of business outside the EU/EEA, it is compulsory to appoint a professional representative online at *procedures.inpi.fr*. Art. R. 612-2 Reg.
5 **Special features**	For the procedure for filing a request for conversion, see DG Dec. No. 2018-156 Subject to national security legislation, INPI publishes in BOPI a notice regarding the conversion within one month of receiving the request for conversion. INPI charges a fee of EUR 26 + EUR 0.75 per page and copy for producing copies of the EP application and transmitting them to the designated States; see Art. R. 614-15 Reg. re payment of renewal fees. Art. R. 614-5, R. 614-19 Reg. Fees Ord. of 24.4.08 (as amended 6.3.20) Regarding provisions applicable to utility certificates, see Art. L. 611-2 PL

Greece

Contracting state	Greece
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time (2 months from the filing date) Art. 23(10)(f) Law No. 1733/87 Art. 20 Pres. Decr. No. 77/88
2 **Procedural steps to be taken**	(a) Payment of the filing fee (EUR 50) (b) Filing, in duplicate, of a Greek translation of the patent application Art. 21(1), (2) Pres. Decr. No. 77/88 Dec. of 31.8.2016
3 **Time limit for taking procedural steps referred to in section 2**	(a) Proof of payment must be submitted together with the request for conversion within 3 months of the date on which the EPO has notified the applicant that the application is deemed to be withdrawn. (b) 4 months after receipt by OBI of the request for conversion Art. 21(1), (2) Pres. Decr. No. 77/88

Contracting state	Greece
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 must be taken by the applicant or by a Greek legal practitioner. Art. 19 Pres. Decr. No. 77/88
5 **Special features**	The request for conversion is entered in the Register Book, Volume A "National applications". Art. 21(3) Pres. Decr. No. 77/88 In the cases indicated in section 1, the EP patent application may also be converted into a national application for a utility model. Art. 21 Pres. Decr. No. 77/88 Art. 19(6) Law No. 1733/87

Croatia

Contracting state	Croatia
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 14(2) and Art. 90(3) EPC for failure to supply a translation of the application in the language of the proceedings Art. 128(1) PA
2 **Procedural steps to be taken**	(a) Payment of the filing fee and the fee for conversion (b) Filing of a Croatian translation
3 **Time limit for taking procedural steps referred to in section 2**	2 months from filing the request for conversion
4 **Must a national professional representative be appointed?**	Yes
5 **Special features**	-

Hungary

Contracting state	Hungary
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 14(2), 77(3) or Art. 78(2) EPC Art. 84/F(1), (3) PA
2 **Procedural steps to be taken**	(a) Payment of the filing and the search fee: HUF 37 400 plus an additional fee per ten claims in excess of the 10th (11th to 20th claim: HUF 1 900; 21st to 30th claim: HUF 3 800; from 31st claim onwards: HUF 5 600) (b) Filing of a Hungarian translation Art. 3(1) FeeDecr Art. 84/F(2) and (3) PA

Contracting state	Hungary
3 **Time limit for taking procedural steps referred to in section 2**	(a) 2 months after filing the request for conversion or, if the request is not filed with the HIPO, after receipt of the request (b) 4 months after filing the request for conversion or, if the request is not filed with the HIPO, after receipt of the request Art. 84/F(2) and (3) PA
4 **Must a national professional representative be appointed?**	Unless an international treaty provides otherwise, foreign applicants whose permanent residence or seat is not in the territory of the EEA must appoint a professional representative who is entitled to act before the HIPO. This professional representative does not have to be a national professional representative but must be domiciled in the EEA. Art. 51(1), (4) PA
5 **Special features**	-

Ireland

Contracting state	Ireland
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Sect. 122(1) PA R. 86 PR
2 **Procedural steps to be taken**	(a) Request for conversion (b) Payment of the conversion fee (EUR 30) and of the filing fee (EUR 125) (c) Filing, in duplicate, of an English translation of the patent application and any amendments previously made (d) Designation of the inventor or indication of the applicant's right to be granted the patent Sect. 17(2), 122(2) PA R. 86(1) PR Patent Fees Rules

Contracting state	Ireland
3 **Time limit for taking procedural steps referred to in section 2**	If the IPOI is the receiving Office (a) Request for conversion within 3 months from the date of application being deemed to be withdrawn by the EPO (b) Payment of fees at same time as (a) (c) 2 months from receipt by the Controller of the request for conversion (d) 2 months from receipt by the Controller of the request for conversion If the IPOI is not the receiving Office (a) 20 months from the date of filing of the application or the declared priority date (b) Payment of fees within 2 months from date of notification to the applicant of receipt of a request for conversion from the Central Industrial Property Office of another contracting state at which the application was filed (c) 2 months from of date of notification by the Controller to the applicant of receipt of a request for conversion from the Central Industrial Property Office of another contracting state at which the application was filed (d) 2 months from of date of notification by the Controller to the applicant of receipt of a request for conversion from the Central Industrial Property Office of another contracting state at which the application was filed --- Sect. 122 PA R. 86 PR
4 **Must a national professional representative be appointed?**	Yes, if the applicant has neither a residence nor his principal place of business in the EEA --- R. 93(1) PR SI No.141 of 2006, S.I. 579/2015
5 **Special features**	-

Iceland

Contracting state	Iceland
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC --- Art. 88 PA
2 **Procedural steps to be taken**	(a) Payment of the filing fee in accordance with the current fees regulation. (b) Filing of the patent application in Icelandic, Danish, Norwegian, Swedish or English. Patent claims, abstract and text of the picture must be available in Icelandic translation before the application is made accessible to the public. --- Art. 88 PA Art. 59 and 5 PR Art. 2(1)(a-b) Fees reg.

Contracting state	Iceland
3 **Time limit for taking procedural steps referred to in section 2**	Within 3 months of the ISIPO's notifying the applicant of receipt of the request for conversion Art. 59(3) PR
4 **Must a national professional representative be appointed?**	An applicant who is not domiciled in Iceland must have a representative residing in the EU, a member state of the European Free Trade Association (EFTA) which is party to the EEA Agreement, Switzerland or the Faroe Islands, who can represent the applicant in all matters concerning the application. Art. 12 PA
5 **Special features**	-

Italy

Contracting state	Italy
1 **Basis for conversion**	(1) Conversion into a patent application for an industrial invention: deemed withdrawal pursuant to Art. 77(3) EPC (2) Conversion into a utility model: (a) deemed withdrawal pursuant to Art. 14(2) EPC, if filed in Italian, (b) deemed withdrawal for any other reason, refusal or revocation of the patent Art. 58 PL
2 **Procedural steps to be taken**	(a) When the conversion request is received from the EPO the applicant is invited by the UIBM to file a national application with a special annotation (b) Filing of an Italian translation of the abstract, the description, the claims and of the priority document, if any (c) Payment of national filing fee (for electronic filings: EUR 50 / for paper filings: EUR 120 to EUR 600 depending on length of application) Art. 58 PL
3 **Time limit for taking procedural steps referred to in section 2**	(a) and (b): In response to a request by the UIBM giving at least 2 months for compliance Art. 58 PL
4 **Must a national professional representative be appointed?**	Not required for procedural steps referred to in section 2; an authorised professional representative before the EPO is not required to file a new authorisation. However, an address for service in the EEA must be given. Art. 147 (3bis) PL

Contracting state	Italy
5 **Special features**	The UIBM first requires the applicant to give an address for service; only then does it despatch the request referred to in section 3. The granting of a utility model may be applied for at the same time as conversion of the EP application. EP applications refused by the EPO, withdrawn or deemed to be withdrawn may be converted into an application for registration of a utility model. The same applies to European patents revoked for Italy. Art. 58 PL

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 14(2) EPC because the translation in the language of the proceedings was not filed in time Art. 82(1) PL
2 **Procedural steps to be taken**	(a) Payment of national filing fee (EUR 86 plus EUR 14 for the 16th and each subsequent claim) (b) Filing, in triplicate, of a Lithuanian translation Art. 82(2) PL
3 **Time limit for taking procedural steps referred to in section 2**	1 month after receipt by the State Patent Bureau of the request. Art. 15(2) PL
4 **Must a national professional representative be appointed?**	Yes, but authorised professional representative before the EPO is not required to file a new authorisation. However, an address for service in Lithuania must be given. Art. 14(3) PL
5 **Special features**	-

Luxembourg

Contracting state	Luxembourg
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. 11 Law of 27.5.77

Contracting state	Luxembourg
2 **Procedural steps to be taken**	(a) Payment of - the filing fee (EUR 20) - the renewal fee(s) due on the date of receipt of the request for conversion (b) Filing of a German or French translation Art. 13 Law of 27.5.77 Fees Reg.
3 **Time limit for taking procedural steps referred to in section 2**	3 months from a request by the Luxembourg Intellectual Property Office Art. 13 Law of 27.5.77
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2(b) must be taken by a representative entitled to practise in Luxembourg, if the applicant has neither a residence nor his principal place of business on the territory of the EU.
5 **Special features**	-

Latvia

Contracting state	Latvia
1 **Basis for conversion**	Deemed withdrawn pursuant to Art. 77(3) EPC or Art. 90(3) EPC
2 **Procedural steps to be taken**	(a) Filing of a Latvian translation accompanied by a request for conversion (b) Payment of national filing fee for conversion (EUR 120) Art. 74 PL
3 **Time limit for taking procedural steps referred to in section 2**	Within 3 months of filing the request for conversion
4 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117(3) IPL
5 **Special features**	-

Malta

Contracting state	Malta

Contracting state	Malta
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time. R. 10(1) L.N. 99/2007
2 **Procedural steps to be taken**	(a) Payment of the prescribed fee (EUR 698.81) (b) Filing of a translation in one of Malta's official languages R. 10(2) L.N. 99/2007
3 **Time limit for taking procedural steps referred to in section 2**	Within 2 months from the date the Comptroller invites the applicant to submit the translation and pay the prescribed fee R. 10(2) L.N. 99/2007
4 **Must a national professional representative be appointed?**	Foreign applicants whose permanent residence or business is not in any EU member state must appoint an agent who has his ordinary residence or principal place of business in Malta to represent him. Art. 61(2) PA 2000
5 **Special features**	-

Monaco

Contracting state	Monaco
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. 6 SO No. 10.427
2 **Procedural steps to be taken**	(a) Payment of the national filing fee (EUR 30) (b) Filing of a French translation SO (Fees)
3 **Time limit for taking procedural steps referred to in section 2**	3 months after receipt by the applicant of the communication for conversion. An additional time limit of 1 month from date of notification by the MC Patent Office will be granted subject to a 20% surcharge on the amounts due. Art. 3 MD
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his representative before the EPO. Appointment of a national representative for subsequent procedural acts is not required.
5 **Special features**	-

Montenegro

Contracting state	Montenegro
1 **Basis for conversion**	
2 **Procedural steps to be taken**	
3 **Time limit for taking procedural steps referred to in section 2**	
4 **Must a national professional representative be appointed?**	
5 **Special features**	

North Macedonia

Contracting state	North Macedonia
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 14(2) and Art. 90(3) EPC for failure to supply a translation of the application in the language of the proceedings
2 **Procedural steps to be taken**	(a) Payment of the filing fee and the fee for conversion (b) Filing of a Macedonian translation Art. 125(2) PL
3 **Time limit for taking procedural steps referred to in section 2**	2 months from filing the request for conversion
4 **Must a national professional representative be appointed?**	Yes
5 **Special features**	-

Netherlands

Contracting state	Netherlands
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. 47 PA
2 **Procedural steps to be taken**	(a) Payment of the national filing fee (EUR 90) (b) Filing, in duplicate, of a Dutch translation Art. 48(2) PA
3 **Time limit for taking procedural steps referred to in section 2**	3 months after receipt of the request for conversion Art. 48(2) PA

Contracting state	Netherlands
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant, his national patent attorney or attorney at law.
5 **Special features**	A certification of the translation must be filed if required by the NPO. Art. 48(2) PA

Norway

Contracting state	Norway
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC. § 66m PL
2 **Procedural steps to be taken**	(a) Filing of a request for conversion with the national authority that received the application (b) Payment of application fee (NOK 4 650 filing fee, including search fee, plus NOK 250 for the 11th and each subsequent claim) If applicant is an individual or a small enterprise with a permanent staff of 20 full-time equivalents or fewer, the application fee is NOK 850 + NOK 250 for the 11th and each subsequent claim. (c) Filing of a Norwegian or English translation of the application, or a copy of the application if it is in English § 21 Fees Reg. § 66m PL § 62 PR
3 **Time limit for taking procedural steps referred to in section 2**	Requests for conversion must be filed within 3 months of when the applicant was informed that the application was deemed to be withdrawn, and forwarded to the NIPO within 20 months of the filing date of the application or, if priority has been claimed, of the priority date. The application fee must be paid within 30 days of the invoice date. Any translations must be filed within 3 months of acknowl-edgement by the NIPO of receipt of the request for conversion. § 66m PL § 3 Fees Reg. § 62(2) PR
4 **Must a national professional representative be appointed?**	No
5 **Special features**	-

Poland

Contracting state	Poland

Contracting state	Poland
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Withdrawal or refusal of the application Art. 5(1) EPAL
2 **Procedural steps to be taken**	(a) Payment of - filing fee (PLN 550, or PLN 500, if the application is filed electronically, plus PLN 25 for each page of the description, claims and drawings in excess of 20 pages) - extra fee for a declaration claiming priority (PLN 100 for each priority) (b) Filing, in duplicate, of a Polish translation of the patent application (containing the description of the invention, the abstract, patent claims and drawings) Art. 5(2-3) EPAL Annex 1 item I 1 and 2 Fees Reg.
3 **Time limit for taking procedural steps referred to in section 2**	At the latest, within two months of service of the PPO's invitation. Art. 5(2) EPAL
4 **Must a national professional representative be appointed?**	Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. Art. 236(3) IPL
5 **Special features**	EP applications refused by the EPO, withdrawn or deemed to be withdrawn may also be converted into an application for a utility model. Art. 5(1) EPAL

Portugal

Contracting state	Portugal
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time. Art. 88(1), (2), (3), 89(3) PA

Contracting state	Portugal
2 **Procedural steps to be taken**	(a) Conversion of European patent applications or patents into national patent applications or patents: Payment of national filing fee: EUR 107.73 if filed online, EUR 215.45 if filed on paper Conversion of European patent applications or patents into national utility model applications or utility models: Payment of national filing fee: EUR 188.53 if filed online, EUR 377.05 if filed on paper (b) Filing of a Portuguese translation Art. 83, 88(4), (6) PA Fees Res.
3 **Time limit for taking procedural steps referred to in section 2**	2 months after receipt by INPI of the request for conversion Art. 88(6) PA
4 **Must a national professional representative be appointed?**	No Art. 10 PA
5 **Special features**	The EP application may also be converted into an application for a utility model. Art. 89 PA

Romania

Contracting state	Romania
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time Art. 9(1) AccEPCLaw
2 **Procedural steps to be taken**	(a) Request for conversion (b) Filing of the Romanian translation of the EP patent application and, where appropriate, of the text as amended in proceedings before the EPO (c) Payment of the prescribed fee
3 **Time limit for taking procedural steps referred to in section 2**	(a) Within 3 months of the date of the notification to the applicant that the application is deemed to be withdrawn (b) + (c) Within 2 months of the invitation by OSIM to do so
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his national representative. All subsequent procedural steps must be taken by an authorised national representative, if the applicant has neither a residence nor his principal place of business in Romania.

Contracting state	Romania
5 **Special features**	In the case indicated in section 1, the EP application may also be converted into an application for a utility model Art. 14(5) LMU

Serbia

Contracting state	Serbia
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation into the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time. Art. 153(1) PL
2 **Procedural steps to be taken**	(a) Payment of national fees for conversion and for publication of the mention of the conversion in the Intellectual Property Gazette Proof of payment of the prescribed fees must be provided. (b) Filing of a Serbian translation of the European patent application Art. 153(4)(5) PL
3 **Time limit for taking procedural steps referred to in section 2**	Within 2 months of filing the request for conversion Art. 153(5) PL
4 **Must a national professional representative be appointed?**	Yes Art. 5 PL
5 **Special features**	-

Sweden

Contracting state	Sweden
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC § 93(1) PA
2 **Procedural steps to be taken**	(a) Payment of application fee (SEK 500 filing fee + SEK 2 500 search fee + SEK 150 for the 11th and each subsequent claim) (b) Filing of a Swedish or English translation § 93(1) PA § 66 PD
3 **Time limit for taking procedural steps referred to in section 2**	3 months after acknowledgement by the SE Patent Office of receipt of the request for conversion § 66 PD

Contracting state	Sweden
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or his representative before the EPO. The SE Patent Office can invite an applicant not domiciled in Sweden to have an agent residing here who is entitled to receive for him service in matters concerning the application. § 12 PA
5 **Special features**	-

Slovenia

Contracting state	Slovenia
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings was not filed in time Art. 30(1) IPA
2 **Procedural steps to be taken**	(a) Payment of the prescribed fee (EUR 110) (b) Filing of a Slovenian translation of the European patent application Art. 30(2) IPA Art. 1(1.4.3) Fees Decr.
3 **Time limit for taking procedural steps referred to in section 2**	2 months following the date of transmission of the request for conversion to the Patent Office Art. 137(2) EPC
4 **Must a national professional representative be appointed?**	Yes Art. 129 IPA
5 **Special features**	-

Slovakia

Contracting state	Slovakia
1 **Basis for conversion**	Request for conversion of a European patent application to a national application under Art. 135 EPC. The Slovak Industrial Property Office processes the request under Part 3 PA or Art. 135(2) EPC. § 61(1) PA

Contracting state	Slovakia
2 **Procedural steps to be taken**	(a) If the request for conversion of a European patent application to a national patent application is filed with the Slovak Industrial Property Office in accordance with Art. 135(2) EPC the applicant is obliged to pay a fee of EUR 20 for each (designated) state. (b) If the request for conversion of a European patent application to a national patent application is filed with the EPO in accordance with Art. 135(3) EPC and transmitted to the Slovak Industrial Property Office, the applicant is obliged (i) to pay a fee of EUR 30 (if the request is filed by an inventor or co-inventors) or EUR 60 (if the request is filed by a person other than an inventor or co-inventors); (ii) to file a translation of the European patent application into Slovak. § 61(2) PA Schedule of Fees, items 216(a), 216a(a), Fees Law
3 **Time limit for taking procedural steps referred to in section 2**	3 months from the date of the invitation by the Slovak Industrial Property Office § 61(2) PA
4 **Must a national professional representative be appointed?**	Yes, for natural or legal persons not having their residence or principal place of business in the Slovak Republic The above mandatory representation does not apply to parties who are nationals of a contracting state to the EEA Agreement or have their registered office or a place of business in the territory of such a state; such parties must provide the Slovak Industrial Property Office with an address for correspondence in the territory of the Slovak Republic. Representation by an appointed agent or a patent attorney authorised to practise before the Slovak Industrial Property Office § 79 (2) PA
5 **Special features**	European patent application may also be converted into an application for a utility model. § 36 UM

San Marino

Contracting state	San Marino
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Art. 9(1)(b) Decree Law No. 76/2009
2 **Procedural steps to be taken**	(a) Request for conversion (b) Payment of the prescribed fee (c) Filing of a translation in Italian of the European patent application
3 **Time limit for taking procedural steps referred to in section 2**	2 months after receipt by the USBM of the request for conversion

Contracting state	San Marino
4 **Must a national professional representative be appointed?**	Foreign applicants must appoint a professional representative who has been entered on the list of patent attorneys maintained by the USBM
5 **Special features**	-

Turkey

Contracting state	Turkey
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC R. 19 RegEPC
2 **Procedural steps to be taken**	(a) Payment of national filing fee: TRY 75* The filing fee is increased according to the number of priorities, see List of Fees. (b) Filing in duplicate of a Turkish translation R. 20 RegEPC Fees 2022
3 **Time limit for taking procedural steps referred to in section 2**	3 months after receipt of the request for conversion by the Turkish Patent and Trademark Office R. 20 RegEPC
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 must be taken by a professional representative before the Turkish Patent and Trademark Office, if the applicant has neither a residence nor his principal place of business in Turkey. R. 20 RegEPC
5 **Special features**	In the case indicated in section 1 the EP application may be converted into a national patent or utility model application. R. 19 RegEPC

* Note: all fees are revised annually on 1 January.

United Kingdom

Contracting state	United Kingdom
1 **Basis for conversion**	Deemed withdrawal pursuant to Art. 77(3) EPC Sect. 81(1) PA

Contracting state	United Kingdom
2 **Procedural steps to be taken**	(a) Request for conversion, accompanied by copy of notification by EPO that the application is deemed to be withdrawn (**only if** the IPO is the receiving Office; otherwise request will be filed by the receiving office); (b) Application fee of GBP 90 (GBP 60 if filed electronically), if paid at the time of filing the request for conversion (a 25% surcharge will be added if it is paid later); and search fee (Form 9A) of GBP 180 (GBP 150 if filed electronically) plus GBP 20 for each claim over 25; (c) Statement of inventorship and of right to grant (Form 7 – no fee) (d) Where necessary an English translation --- Sect. 81(2) PA R. 58, 59 PR R. 3(1)(b), 3A, 3B, Schedule 1 PFR
3 **Time limit for taking procedural steps referred to in section 2**	**If the IPO is the receiving Office:** (a) 3 months from date of notification to the applicant by the EPO that the application is deemed to be withdrawn (b) and (c) 2 months from receipt of the request for conversion, extendible by 2 months (R. 108(2)) or possibly longer on request under R. 108(3). Any extensions or further extensions may only be for periods of 2 months (R. 108(5)) and cannot be granted more than 2 months after the originally prescribed or previously extended period has expired (R. 108(7)). **If the IPO is not the receiving Office:** (a) 20 months from the date of filing of the application or the declared priority date (b) to (d) 4 months from the date of a communication from the IPO notifying receipt of a request for conversion, extendible by 2 months under R. 108(2) or possibly longer under R. 108(3). Any extensions or further extensions may only be for periods of 2 months (R. 108(5)) and cannot be granted more than 2 months after the originally prescribed or previously extended period has expired (R. 108(7)). --- R. 58(1), (3), (4), 59(1), (3), 108(2), (3), (5), (7) PR
4 **Must a national professional representative be appointed?**	The procedural steps referred to in section 2 may be taken by the applicant or any representative appointed by the applicant. Authorisation will not normally be required except where there is a change of national representative after the proceedings before the IPO have begun or where a representative is appointed after the applicant has started proceedings himself, in which case Form 51 (no fee) is required. --- R. 101, 103 PR

Contracting state	United Kingdom
5 **Special features**	The other information required for a normal domestic filing (Form 1) should also be supplied (e.g. title, priority data), but no fee will be necessary. re section 3: For an extension under R. 108(2), Form 52 (fee GBP 135) must be filed; for a request under R. 108(3), Form 52 (fee GBP 135) accompanied by evidence supporting the grounds for the request must be filed. R. 12(1), 108(2), (3), (5), (7) PR Schedule 1 PFR

Republic of Moldova

Validation state	Republic of Moldova
1 **Basis for conversion** **No provisions specified in the national legal sources**	A European patent application for which the validation fee has been paid but which has been refused, withdrawn or deemed withdrawn may be converted into a national patent application Art. 44^1(9) Law No. 50/2008
2 **Procedural steps to be taken**	Submission to AGEPI of a request for conversion containing the request for grant of a patent, together with a copy of the European patent application, a certified translation of the European patent application into Romanian and proof of payment of the prescribed fee Art. 44^1(9) Law No. 50/2008
3 **Time limit for taking procedural steps referred to in section 2**	Within 3 months of the date on which the European patent application was refused, withdrawn or deemed withdrawn Art. 44^1(9) Law No. 50/2008
4 **Must a national professional representative be appointed?**	Yes Art. 86(2) Law No. 50/2008
5 **Special features**	If the translation of the European patent application is not filed with AGEPI or the prescribed fee is not paid on the date of filing of the request for conversion or within 3 months of that date, the request for conversion will be deemed withdrawn. Art. 44^1(9) Law No. 50/2008

Morocco

Validation state	**Morocco**
No provisions provided in the national legal sources	

Cambodia

Validation state	Cambodia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	Tunisia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Montenegro

Extension state	Montenegro
This table contains no information on extension states since Art. 135 EPC does not apply to them.	

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Latvia

Former extension state	**Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)**
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

North Macedonia

Former extension state	**North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)**
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Romania

Former extension state	**Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)**
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Slovenia

Former extension state	**Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)**
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Serbia

Former extension state	**Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)**
This table contains no information on extension states since Art. 135 EPC does not apply to these states.	

Last updated: 26.10.2022

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https://www.epo.org/law-practice/legal-texts/html/natlaw/en/viii/index.htm

Location

Home > Law & practice > Legal Texts > National Law relating to EPC

VIII. Payment of fees

A number of "national fees" are payable to the patent authorities of the contracting states in connection with the provisions of the EPC or to those of the extension and validation states under their applicable national laws (see Tables II, III, IV, VI, VII, IX).

The purpose of the following Table is to facilitate these fee payments by setting out some useful information regarding national legal provisions, accounts held by patent authorities, permissible methods of payment and date considered as the effective payment date.

There is no special mention of common principles and practice governing payment transactions, such as the requirement to state the name of the person making payment and the purpose of the payment and to specify the patent application number or publication number.

References to banks, post offices or postal giro offices denote only the relevant institution or office within the territory of the contracting state in question.

When making payments, allowance should be made for charges which may be levied by banks, especially on incoming foreign transfers, and which it is not the responsibility of the national patent authorities to pay.

Albania

Contracting state	Albania
1 **National provisions**	Fees Decr.

Contracting state	Albania
2 **Payee** **Bank details**	Drejtoria e Pergjithshme e Pronësisë Industriale Banka Kombetare Tregtare BKT Shkolla Baletit TIRANE-SHQIPERI Account No. 515003225CLPBCLALLZQ IBAN: AL11 2051 1650 0032 25CL PBCL ALLZ SWIFT: NCBAALTXXXX
3 **Methods of payment**	(a) Bank transfer (b) Cash payment
4 **Date considered as the effective payment date**	3(a) Date on which credited to the bank account indicated in section 2 3(b) Date of receipt of payment at the GDIP

Austria

Contracting state	Austria
1 **National provisions**	POR
2 **Payee** **Bank details**	Österreichisches Patentamt BAWAG P.S.K. Georg-Coch-Platz 2 1018 WIEN IBAN: AT75 0100 0000 0516 0000 BIC: BUNDATWW
3 **Methods of payment**	(a) Payment to the Giro account (b) Transfer to the Giro account (c) Electronic payment in connection with the electronic filing of a German translation of the patent specification § 8 POR
4 **Date considered as the effective payment date**	3(a) Date of inpayment at an Austrian post office or the BAWAG P.S.K. 3(b) Date on which credited to the Patent Office Giro account indicated in section 2 3(c) Date of payment using one of the methods of electronic payment offered in the web based form § 8 POR

Belgium

Contracting state	Belgium
1 **National provisions**	RD (Fees)

Contracting state	Belgium
2 **Payee** **Bank details**	Office de la Propriété Intellectuelle (OPRI) auprès du Service public fédéral Économie, PME, Classes moyennes et Énergie Rue du Progrès, 50 1210 BRUXELLES BPost SA Centre Monnaie 1000 BRUXELLES IBAN: BE61 6792 0058 8017 BIC: PCHQBEBB
3 **Methods of payment**	- payment or transfer to OPRI's account - debit from a deposit account with the OPRI - on-the-spot electronic payment by debit card **Where represented before the OPRI:** - any person can pay renewal fees - for other fees, natural or legal persons having neither their residence nor their actual place of business in a member state of the EEA need not be represented for the purposes of paying fees in OPRI proceedings. Art. XI.62 ELC Art. 4 RD (Fees)
4 **Date considered as the effective payment date**	Payment is considered to have been made: 1. on the date it is credited to the OPRI's account if it is made by transfer or electronically 2. on the date of the OPRI's receipt of the request to debit the fee amount, provided sufficient funds are available 3. on the date additional funds sufficient to cover the fee are credited to the OPRI's account if funds available when debiting within the meaning of point 2 above was requested were insufficient. If the due date of a fee or surcharge falls on a Saturday, Sunday or public holiday, it will be deferred to the next working day. Art. 6, 7, 9, 11 RD (Fees)

Bulgaria

Contracting state	Bulgaria
1 **National provisions**	Art. 5, Art. 33 PL Decr. Fees
2 **Payee** **Bank details**	Bulgarian Patent Office Bulgarian National Bank (BNB) Centralno Upravlenie 1, Knyaz Alexander I Sq. 1000 SOFIA IBAN: BG90 BNBG 9661 3100 1709 01 SWIFT: BNBGBGSF BNB correspondent bank account in TARGET2: IBAN: BG83 BNBG 9661 1100 0661 41

Contracting state	Bulgaria
3 **Methods of payment**	(a) Cash payment (b) Bank transfer (c) on-line payment instrument via BPO portal
4 **Date considered as the effective payment date**	3(a) Date of the payment order at Bulgarian Patent Office 3(b) Date of payment order at the bank

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **National provisions**	Fees Reg.
2 **Payee** **Bank details**	Swiss Federal Institute of Intellectual Property (IPI) Swiss Post PostFinance 3030 BERN Account No. 30-4000-1 BLZ: 9000 IBAN: CH68 0900 0000 3000 4000 1 SWIFT: POFICHBE
3 **Methods of payment**	(a) Debit from a current account with the IPI (b) Payment or transfer to Giro account (c) Postal money order (d) Cash payment Art. 7 Fees Reg.
4 **Date considered as the effective payment date**	3(a) to 3(c) Date on which credited to an account of the IPI 3(d) Date of receipt of payment at the IPI The time limit for payment is observed if, before it expires, the amount due is paid to Swiss Post or debited from a postal or bank account in Switzerland, in favour of the IPI. If a payment order carries a value date after the time limit fixed by the IPI it is not possible to claim the evidence mentioned above.

Cyprus

Contracting state	Cyprus
1 **National provisions**	PL PFR

Contracting state	Cyprus
2 **Payee** **Bank details**	Registrar of Companies and Intellectual Property CENTRAL BANK OF CYPRUS 80, Kennedy Avenue 1076 NICOSIA IBAN: CY53 0010 0001 0000 0000 0600 1023 SWIFT: CBCYCY2NFBU *www.companies.gov.cy/en/business-entities/2-company/5-lifecycle/1-running-a-company/5-guidance/obtaining-certified-copies-certificates/obtaining-certified-copies-certificates-via-email*
3 **Methods of payment**	Fees must be paid in EUR: (a) Cash payment (b) Cheque payable to the Registrar of Companies (c) Bank transfer
4 **Date considered as the effective payment date**	Date of receipt of the payment at the CY Patent Office

Czech Republic

Contracting state	Czech Republic
1 **National provisions**	(a) Renewal fees for European patents: LRenFees (b) Other fees: LAdmFees
2 **Payee** **Bank details**	Czech Industrial Property Office Czech National Bank Na Příkopě 28 115 03 PRAHA 1 SWIFT: CNBACZPP Account numbers: *(a) Renewal fees for European patents:* 35-21526001/0710 IBAN: CZ95 0710 0000 3500 2152 6001 *(b) Other fees:* 3711-21526001/0710 IBAN: CZ36 0710 0037 1100 2152 6001
3 **Methods of payment**	(a) Cash payment (b) Postal money order (c) Bank cheque (d) Transfer to the account of the CZ Industrial Property Office § 10 LRenFees

Contracting state	Czech Republic
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at the CZ Industrial Property Office 3(b) Date on which credited to the bank account indicated in section 2 3(c) Date of receipt of the cheque at the CZ Industrial Property Office, provided the cheque is met 3(d) Date on which credited to the bank account indicated in section 2

Denmark

Contracting state	Denmark
1 **National provisions**	PA
2 **Payee** **Bank details**	Patent- og Varemærkestyrelsen Danske Bank Holmens Kanal 2-12 1092 KØBENHAVN K Account No. 0216 4069 0562 96 IBAN: DK66 0216 4069 0562 96 SWIFT: DABADKKK
3 **Methods of payment**	(a) Cash payment (b) Cheque drawn on a Danish bank and made payable to the DKPTO in Danish currency (c) (Cabled) transfer to a Danish bank in favour of the bank account indicated in section 2 (d) Debit from a deposit account with the DKPTO (e) Credit or debit card Any payment to the DKPTO shall be sent in DKK (Danish currency). The payment shall always be accompanied by detailed instructions/information.
4 **Date considered as the effective payment date**	3(a) and 3(e) Date of receipt of payment at the DKPTO 3(b) Date of receipt of the cheque at the DKPTO 3(c) Date on which credited to the bank account indicated in section 2 3(d) Date of receipt of debit order

Germany

Contracting state	Germany
1 **National provisions**	LPF Cost Ord.

Contracting state	Germany
2 **Payee** **Bank details**	Bundeskasse Halle/DPMA BBk München (Deutsche Bundesbank Filiale München) IBAN: DE84 7000 0000 0070 0010 54 BIC: MARKDEF1700 **Important:** Customers should declare that any handling charges are borne by the payer.
3 **Methods of payment**	(a) Cash payment at the cashdesks of the DPMA (b) Credit transfer to the account of the Bundeskasse Halle with the Bundesbank München (c) Cash payment via a domestic or foreign financial institution to the Bundeskasse Halle account with the Bundesbank München (d) Valid SEPA debit order stating purpose of payment and covering the costs § 1 Cost Ord.
4 **Date considered as the effective payment date**	3(a) Date of payment 3(b) Date payment is credited to the account 3(c) Date of payment 3(d) Date of receipt at DPMA or Federal Patent Court (for prepaid fees: their due date), provided payment is received by federal cash office competent for DPMA. If SEPA debit order is filed by fax, the original must be filed within one month thereafter; otherwise date of payment is deemed to be that on which original is received. § 2 Cost Ord.

Estonia

Contracting state	Estonia
1 **National provisions**	PA FA RFI

Contracting state	Estonia
2 **Payee** **Bank details**	Rahandusministeerium (Ministry of Finance) Patent Office Ref. No. 2900082362 (1) AS SEB Pank Tornimäe 2 15010 TALLINN IBAN: EE89 1010 2200 3479 6011 BIC/SWIFT: EEUHEE2X (2) Swedbank AS Liivalaia 8 15040 TALLINN IBAN: EE93 2200 2210 2377 8606 BIC/SWIFT: HABAEE2X (3) Luminor Bank Liivalaia 45 10145 TALLINN IBAN: EE70 1700 0170 0157 7198 BIC/SWIFT: RIKOEE22 (4) LHV Pank Tartu mnt 2 10145 TALLINN IBAN: EE777700771003813400 BIC/SWIFT: LHVBEE22
3 **Methods of payment**	Payment or transfer to a bank account of the Estonian Ministry of Finance (see section 2)
4 **Date considered as the effective payment date**	Date of receipt at the Estonian Patent Office of a document certifying the payment § 41(2) PA

Spain

Contracting state	Spain
1 **National provisions**	NPL
2 **Payee** **Bank details**	Oficina Española de Patentes y Marcas For bank details, see "Methods of payment", point (c).

Contracting state	Spain
3 **Methods of payment**	(a) Online, via the OEPM website: (a.1) Debit to a client account at CAIXABANK. (a.2) Debit to a client account at any bank associated with the Spanish Tax Administration (AEAT) (digital certificate required). (b) Cash payment in person at any CAIXABANK branch (forms generated from the OEPM website are needed). More details at *www.oepm.es/en/Formas_de_pago.html* (c) **Only if the payer cannot pay by method (a) or (b):** - Go to *https://tramites2.oepm.es/gendocpagT2/inicio* - Fill in the payer's details and select the fees to be paid. - An email with all the details needed to make the bank transfer will be sent. - Once the OEPM has received the payment, receipt(s) will be emailed to the payer.
4 **Date considered as the effective payment date**	3(a.1) and 3(a.2) Date of payment via the OEPM website. 3(b) Date of payment at a CAIXABANK branch. 3(c) Date of the bank transfer.

Finland

Contracting state	Finland
1 **National provisions**	PA Fees Decr.
2 **Payee** **Bank details**	Patentti- ja rekisterihallitus 00091 PRH Client Service: Sörnäisten rantatie 13 C HELSINKI (1) Nordea Bank Abp Satamaradankatu 5 00020 NORDEA IBAN: FI97 1660 3000 1042 27 BIC: NDEAFIHH (2) Danske Bank A/S, Finland Branch Televisiokatu 1 00075 DANSKE BANK IBAN: FI34 8919 9710 0007 32 BIC: DABAFIHH
3 **Methods of payment**	(a) Debit or credit card payment at Client Service (b) (Cabled) transfer to a Finnish bank in favour of one of the bank accounts indicated in section 2
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at the PRH 3(b) Date on which credited to one of the bank accounts indicated in section 2

France

Contracting state	France
1 **National provisions**	Fees Ord. of 24.4.08 (as amended 6.3.20) DG Dec. No. 2018-137
2 **Payee** **Bank details**	I.N.P.I. Agence Comptable Trésor Public Direction régionale des finances publiques - Île-de-France et département de Paris (DRFIP) 94 rue Réaumur 75002 PARIS
3 **Methods of payment**	Renewal fee payments are only accepted in electronic form using the dedicated interface on the INPI website (*https://eprocedures.inpi.fr*). Electronic payment of renewal fees may be made: (a) by an order to debit an INPI customer account or (b) by payment by debit card DG Dec. No. 2018-137
4 **Date considered as the effective payment date**	Date of payment DG Dec. No. 2018-137

Greece

Contracting state	Greece
1 **National provisions**	Dec. of 31.8.2016
2 **Payee** **Bank details**	OBI Organismos Biomichanikis Idioktisias (1) Alpha Bank (Amaroussio Branch No. 146) 64 Kifissias Avenue 151 25 ATHENS Account No. 1460 0200 2008 632 IBAN: GR92 0140 1460 1460 0200 2008 632 BIC: CRBAGRAA (2) National Bank of Greece (Amaroussio Branch No. 669) 6-8 Kifissias Avenue 151 25 ATHENS Account No. 66947900149 IBAN: GR05 0110 6690 0000 6694 7900 149 BIC: ETHNGRAA

Contracting state	Greece
3 **Methods of payment**	(a) Credit or debit card (b) Deposit into the OBI"s account with Alpha Bank or its account with the National Bank of Greece (c) Remittance (by online or telephone banking) to the OBI's account with Alpha Bank or its account with the National Bank of Greece Art. 4(1) Dec. of 31.8.2016 Art. 123 Law No. 4512/2018
4 **Date considered as the effective payment date**	3(a) Date of receipt of the payment at the OBI's cash office 3(b) Date of the deposit 3(c) Date on which the amount is credited to the OBI's account with Alpha Bank or its account with the National Bank of Greece Art. 4(2) Dec. of 31.8.2016

Croatia

Contracting state	Croatia
1 **National provisions**	AFees RFees
2 **Payee** **Bank details**	Ministry of Finance of the Republic of Croatia Katanciceva 5 10000 ZAGREB State Budget of the Republic of Croatia Croatian National Bank Trg hrvatskih velikana 3 10000 ZAGREB IBAN: HR12 1001 0051 8630 0016 0 BIC/SWIFT: NBHRHR2X
3 **Methods of payment**	(a) Bank transfer (b) Postal money order **Important:** Please state with each payment the following details: "MODEL: HR63 PNB: 5657-6179-140007" Each payment should preferably be followed by a remittance notice indicating the European patent application or European patent concerned.
4 **Date considered as the effective payment date**	3(a) and 3(b) Date on which credited to the account indicated in section 2

Hungary

Contracting state	Hungary

Contracting state	Hungary
1 **National provisions**	Art. 115/R PA FeeDecr
2 **Payee** **Bank details**	Account of the HIPO with the Hungarian State Treasury 1909 BUDAPEST No. 1003 2000-0173 1842-0000 0000 IBAN: HU30 1003 2000 0173 1842 0000 0000 SWIFT: MANEHUHB
3 **Methods of payment**	(a) Bank transfer (b) Postal money order Including identification data (reference or registration number) and recipient details Art. 21 FeeDecr
4 **Date considered as the effective payment date**	3(a) Two bank working days or, if transferred from abroad, five bank working days prior to crediting of the amount to the HIPO's account 3(b) Date on which the money order is issued (as date - stamped by a Hungarian post office)

Ireland

Contracting state	Ireland
1 **National provisions**	PA PR
2 **Payee** **Bank details**	Intellectual Property Office of Ireland Government Buildings Hebron Road KILKENNY R95 H4XC DANSKE BANK DBEI Intellectual Property Office of Ireland EFT – Public Bank Account Account No. 80012459 IBAN: IE94 DABA 9519 9080 0124 59 BIC: DABAIE2D

Contracting state	Ireland
3 **Methods of payment**	The IPOI accepts payment of renewal fees and grant fees by electronic means only. (1) Renewal fees and grant fees can be paid via the IPOI website. Filing fees, Search fees can be paid through the online filing system. Other fees can be paid by telephone – our office is open Monday to Friday 9.30am to 5pm. (2) EFT/Bank Details – The IPOI can only accept payment (which must be in Euro) by EFT as follows: Each payment must be followed by a remittance notice giving the date and the amount paid to the IPOI's EFT account. Where a payment is to cover a number of different transactions, a schedule or breakdown of the payment must be provided. The remittance notice must be emailed to: **payments@ipoi.gov.ie** In order to meet a statutory deadline in relation to the payment of a fee, please allow up to two working days for any EFT payment to reach our bank account. Any queries can be sent to the Finance Section at: **payments@ipoi.gov.ie** or telephone +353 56 7720111.
4 **Date considered as the effective payment date**	(1) Date of payment made online (2) Date of receipt of EFT transfer in the IPOI's bank account

Iceland

Contracting state	Iceland
1 **National provisions**	PA Fees Reg.
2 **Payee** **Bank details**	650191-2189 Hugverkastofan (Icelandic Intellectual Property Office) Engjateigur 3 105 REYKJAVIK NBI hf (Landsbankinn) Laugavegi 77 101 REYKJAVIK IBAN: IS71 0111 2601 2189 6501 9121 89 SWIFT: NBIIISRE
3 **Methods of payment**	(a) Cash payment (b) Payment in ISK to the bank account (see section 2) The payment shall always be accompanied by detailed instructions/information and relevant EP number.
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at the Icelandic Intellectual Property Office (ISIPO) 3(b) Date on which credited to the bank account indicated in section 2

Italy

Contracting state	Italy
1 **National provisions**	Fees Law Min. Decr. of 2.4.2007 Circ. of 5.2.2010 Prov. of 20.11.2014 Min. Decr. of 26.1.2015
2 **Payee** **Bank details**	**(a) Payments made within Italy** Payee: Agenzia delle Entrate All fee payments relating to European patents must be made using form F24 via an authorised Italian bank or a post office. *(i) Renewal fees for European patents:* F24, code "C301" for "Annualità convalida Brevetto Europeo" *(ii) Other fees:* F24, codes "C300" and "C302" **(b) Payments made from other states** Payee: Tesoreria dello Stato Name of bank: Banca d'Italia IBAN: IT09 Z010 0003 2453 4800 8121 701 BIC: BITAITRRENT **(c) Payments (in euro) due to the Chamber of Commerce of Rome – only for filing by postal service** Payee: Camera di Commercio Industria Artigianato e Agricoltura di Roma Name of the bank: Poste Italiane IBAN: IT67 C076 0103 2000 0003 3692 005 BIC: BPPIITRRXXX
3 **Methods of payment**	(a) Via an Italian bank or post office, using the prescribed form (F24). The payment voucher has to be presented to the Italian Patent and Trademark Office (UIBM). (b), (c) and (d) Bank transfer
4 **Date considered as the effective payment date**	3(a) For payments using F24: the date of inpayment at an Italian post office or bank (date stamp) 3(b) and 3(c) For bank transfers from abroad: the date the payment is credited to one of the accounts cited 3(d) Date on which credited to the account cited

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania

Contracting state	Lithuania
1 **National provisions**	Art. 75 PL Fees Law
2 **Payee** **Bank details**	State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania Reference number: 5310 (1) Luminor Bank AS Lithuanian branch Bank Code: 40100 IBAN: LT74 4010 0510 0132 4763 BIC: AGBLLT2X (2) AB SEB bankas Bank Code: 70440 IBAN: LT05 7044 0600 0788 7175 BIC: CBVILT2X (3) Šiaulių bankas AB Bank Code: 71800 IBAN: LT32 7180 0000 0014 1038 BIC: CBSBLT26 (4) SWEDBANK AB Bank Code: 73000 IBAN: LT24 7300 0101 1239 4300 BIC: HABALT22 (5) UAB Medicinos bankas Bank Code: 72300 IBAN: LT42 7230 0000 0012 0025 BIC: MDBALT22 (6) AS "Citadele banka" Lithuanian branch Bank Code 72900 IBAN: LT78 7290 0000 0013 0151 BIC: INDULT2X
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date on which credited to one of the accounts indicated in section 2

Luxembourg

Contracting state	Luxembourg
1 **National provisions**	PL (Art. 89.2) Fees Reg.
2 **Payee** **Bank details**	Ministère de l'Économie Office de la Propriété Intellectuelle 2914 Luxembourg Post Luxembourg IBAN: LU91 1111 7125 0540 0000 BIC: CCPLLULL
3 **Methods of payment**	Bank transfer

Contracting state	Luxembourg
4 **Date considered as the effective payment date**	Date on which amount is credited to the account indicated in section 2

Latvia

Contracting state	Latvia
1 **National provisions**	PL PR Fees Reg.
2 **Payee** **Bank details**	LR Patentu valde Citadeles iela 7/70 1010 RIGA Reg. No. 90000042944 Treasury of the Republic of Latvia IBAN: LV43 TREL 9190 4620 1500 B BIC: TRELLV22
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date on which credited to the account indicated in section 2

Malta

Contracting state	Malta
1 **National provisions**	PA 2000 L.N. 99/2007
2 **Payee** **Bank details**	Industrial Property Registrations Directorate (IPRD) Bank of Valletta Triq il-Kanun Santa Venera SVR 9030 Malta Account No.: 40018101689 (bank charges to be borne by the payer) Account Name: "Commerce" Reference: "Patent No. ..." IBAN: MT58 VALL 2201 3000 0000 4001 8101 689 BIC: VALLMTMT
3 **Methods of payment**	(a) Bank cheque (b) Cash payment (c) Bank transfer

Contracting state	Malta
4 **Date considered as the effective payment date**	3(a) and 3(b) Date of receipt of payment at IPRD 3(c) Date on which credited to the bank account indicated in section 2

Monaco

Contracting state	Monaco
1 **National provisions**	PA SO No. 1.476 SO No. 10.427 SO (Fees)
2 **Payee** **Bank details**	TGF - Direction de l'Expansion Économique 9 rue du Gabian 98000 MONACO RMON SDC MONACO Place des Moulins 98000 MONACO Account No. 0000063074 G Clé RIB 72 Code banque 30002 Indicatif 03214 IBAN: MC06 3000 2032 1400 0006 3074 G72 BIC: CRLYMCM1XXX
3 **Methods of payment**	(a) Cash payment (b) Bank cheque or postal cheque (c) Bank transfer
4 **Date considered as the effective payment date**	3(a) Date of receipt of the payment at the MC Patent Office 3(b) Date of receipt at the MC Patent Office; the date marked by postal date stamp will be considered as proof 3(c) Date on which the amount is credited to the account Art. 4 SO (Fees)

Montenegro

Contracting state	Montenegro
1 **National provisions**	

Contracting state	Montenegro
2 **Payee** **Bank details**	Ministarstvo Finansija Stanka Dragojevica 2 81000 PODGORICA Party Identifier: 000-55 062 301 CRNOGORSKA KOMERCIJALNA BANKA AD PODGORICA IBAN: ME25510000000000286384 SWIFT: CKBCMEPG Name of the correspondent bank: RAIFFEISEN ZENTRSLBANK OESTERREICH AG VIENNA SWIFT: RZBAATWW
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	The date on which the amount is paid or transferred to the account in section 2 is considered to be the date of payment.

North Macedonia

Contracting state	North Macedonia
1 **National provisions**	Fees Law
2 **Payee** **Bank details**	State Office of Industrial Property (SOIP) National Bank of the Republic of North Macedonia P.O. Box 401 Kompleks banki b.b. 1000 SKOPJE *(a) Renewal fees for European patents:* money order or bank transfer to budget account No. 1 000 000 000 63095; suspense account No. 840 033 03135 revenue code: 722318 manner: 2 *(b) Publication fees:* money order or bank transfer to SOIP's account No. 1100200213-787-13; revenue code: 724149-20; manner: 1; SOIP's tax number: 4030994253825
3 **Methods of payment**	(a) Bank transfer (b) Postal money order
4 **Date considered as the effective payment date**	3(a) Date on which credited to the account indicated in section 2 3(b) Date of payment at MK post office

Netherlands

Contracting state	Netherlands

Contracting state	Netherlands
1 **National provisions**	PA PR
2 **Payee** **Bank details**	Octrooicentrum Nederland onderdeel van RVO ING Bank P.O. Box 1800 1000 BV AMSTERDAM IBAN: NL41 INGB 0705 0012 96 BIC: INGBNL2A
3 **Methods of payment**	(a) Cash payment (b) Transfer or payment to the bank account (c) Cheque made out in EUR (d) Debit from a deposit account with the NPO
4 **Date considered as the effective payment date**	3(a) and 3(c) Date of receipt of the payment or cheque at the NPO 3(b) Date on which credited to the bank account indicated in section 2 3(d) Date of receipt of debit order

Norway

Contracting state	Norway
1 **National provisions**	PL PR Fees Reg.
2 **Payee** **Bank details**	Patentstyret DNB ASA PB 1600 Sentrum NO 0021 OSLO BIC: DNBANOKKXXX *(a) Renewal fees for European patents:* Account No. 8276.01.00192 IBAN: NO82 8276 0100 192 *(b) Other fees:* Account No. 8276.03.00078 IBAN: NO46 8276 0300 078
3 **Methods of payment**	Bank transfer Any payment to NIPO must be sent in NOK (Norwegian currency). Renewal fees can be paid online. This service is free of charge and available on the NIPO's digital services website: *search.patentstyret.no* Payment details should be sent to the NIPO e-mail address: **regnskap@patentstyret.no**
4 **Date considered as the effective payment date**	Date on which the payment is credited to the bank account indicated in section 2

Poland

Contracting state	Poland
1 **National provisions**	Fees Reg.
2 **Payee** **Bank details**	Urząd Patentowy RP Narodowy Bank Polski Oddział Okręgowy WARSZAWA IBAN: PL93 1010 1010 0025 8322 3100 0000 SWIFT (BIC): NBPLPLPW
3 **Methods of payment**	(a) Cash payment (b) Postal money order (c) Bank transfer § 5 Fees Reg.
4 **Date considered as the effective payment date**	3(a) Date marked by the date stamp on the payment form handed in at the PPO 3(b) Date marked by the postal date stamp (at a Polish post office) on the postal money order 3(c) Date on which credited to the account indicated in section 2

Portugal

Contracting state	Portugal
1 **National provisions**	Art. 90, 365, 366(1), (2) PA Fees Res.
2 **Payee** **Bank details**	INPI

Contracting state	Portugal
3 **Methods of payment**	Fees must be paid in EUR. **National payments:** *Paper route:* (a) Cash payment (b) ATM (c) Cheque (d) Postal order *Online route:* Home banking (ATM) **International payments:** Credit card[1] (Visa or MasterCard) [1] **Credit card:** To facilitate debiting of the payment, applicants must provide their credit card number and bank details **Bank transfer:** This method of payment is permitted only in very exceptional circumstances. To be permitted to make a bank transfer, applicants must: - directly contact the INPI PT's Customer Support Service (**servico.publico@inpi.pt**) - inform the Customer Support Service that they have made a request online - inform the Customer Support Service that they need to make a bank transfer - duly complete and send to INPI PT, on paper, the special form required - send a copy of the bank transfer to INPI PT This information must be sent to the INPI PT's Customer Support Service (**servico.publico@inpi.pt**).
4 **Date considered as the effective payment date**	3(a) and 3(b) Date of receipt of payment at INPI 3(c) and 3(d) Date of post stamp

Romania

Contracting state	Romania
1 **National provisions**	Fees Law

Contracting state	Romania
2 **Payee** **Bank details**	State Office for Inventions and Trademarks (OSIM) *(a) Payments in EUR:* Banca Comerciala Romana Sala Palatului 33, Ion Campineanu Street Sector 1, code 010035 BUCUREŞTI IBAN: RO38 RNCB 0080 0056 3032 0005 BIC/SWIFT: RNCBROBU *(b) Payments in RON:* Trezoreria Sector 3 Strada Cireşului nr. 6 Sector 3 BUCUREŞTI IBAN: RO05 TREZ 7032 0F33 5000 XXXX Cod fiscal: 4266081
3 **Methods of payment**	(a) Bank transfer (b) Cash payment
4 **Date considered as the effective payment date**	3(a) Date on which credited to the bank account indicated in section 2 3(b) Date of receipt of the payment at the OSIM

Serbia

Contracting state	Serbia
1 **National provisions**	Art. 69 PL Fees Law
2 **Payee** **Bank details**	Republic administrative taxes *(a) State administrative fees*: Account No. 840-30880845-62, followed by reference No. 97 44018 *(b) Renewal fees:* Account No. 840-30686845-62, followed by reference No. 97 44018
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date when credited to the account indicated in section 2 and when proof of payment is duly provided to the competent authority. If the applicant or the right holder fails to pay the prescribed fee for the maintenance of rights and to submit proof of payment of this fee within the time limit, such rights shall lapse on the day following the due date. Art. 40(5) PL

Sweden

Contracting state	Sweden
1 **National provisions**	PA PD
2 **Payee** **Bank details**	Patent- och registreringsverket *(a) Payments made in Sweden:* Danske bank Sverige Norrmalmstorg 1 Box 7523 103 92 STOCKHOLM Bankgiro 5050-0248 *(b) Payments from abroad:* Danske bank Sverige Norrmalmstorg 1 Box 7523 103 92 STOCKHOLM IBAN: SE69 1200 0000 0128 1011 1758 BIC/SWIFT: DABASESX *or electronically:* via the **Web Shop** (only available in Swedish) on the website of the SE Patent Office
3 **Methods of payment**	(Cabled) transfer to a Swedish bank in favour of the Giro account indicated in section 2
4 **Date considered as the effective payment date**	Date on which credited to the account indicated in section 2

Slovenia

Contracting state	Slovenia
1 **National provisions**	Art. 9, 109, 110 IPA Fees Decr.
2 **Payee** **Bank details**	Administration of the Republic of Slovenia for public payments Banka Slovenije Slovenska 35 1505 LJUBLJANA Account No. 01100-1000307004 IBAN: SI56 0110 0100 0307 004 SWIFT: BSLJSI2X
3 **Methods of payment**	(a) Postal money order (b) Payment or transfer to account (c) Cash or non-cash payment at SIPO - cost of non-cash payment to be borne by payer Art. 3 Fees Decr.

Contracting state	Slovenia
4 **Date considered as the effective payment date**	The date on which the required amount is actually entered in the account indicated in section 2 or date of payment in cash at SIPO. Where the fee is paid to the SIPO account, the date of payment shall be considered to be the date of the payment order, provided that the amount of the payment is entered in the account within five working days. Failing that, the date of payment shall be considered to be the date on which the amount of the payment is actually entered in the account. Art. 4 Fees Decr.

Slovakia

Contracting state	Slovakia
1 **National provisions**	PA
2 **Payee** **Bank details**	Úrad priemyselného vlastníctva SR Švermova 43 974 04 BANSKÁ BYSTRICA 4 Štátna pokladnica Radlinského 32 810 05 BRATISLAVA 15 BIC: SPSRSKBA *(a) Renewal fees for European patents:* IBAN: SK53 8180 0000 0070 0011 9169 *(b) Other fees:* IBAN: SK49 8180 0000 0070 0006 0750 **Important:** Please state with each payment the following details: - the name of the respective account: (a) Účet európskych patentov Úrad priem. vlast. SR BB (for renewal fees), or (b) Depozitný účet Úrad priemysel. vlastníctva SR BB (for other fees) and, in each case, - the variable symbol described below which is needed to identify the European patent application or European patent concerned. The variable symbol consists of a 10-digit numerical code composed as follows: 9 y y y y y y y y y where: 9 = prefix – European patent application/European patent yyyyyyyyy = publication number of the European patent application (without A or B)
3 **Methods of payment**	(a) Postal money order (b) Bank transfer § 7(5) Fees Law § 4 Act No. 495/2008

Contracting state	Slovakia
4 **Date considered as the effective payment date**	Date on which it is credited to the account indicated in section 2; if the fee was debited from the bank account on the last day of the period for payment, the period is considered to have been respected.

San Marino

Contracting state	San Marino
1 **National provisions**	Fees Decr.
2 **Payee** **Bank details**	USBM – Ufficio di Stato Brevetti e Marchi Via 28 Luglio, n. 212 47893 BORGO MAGGIORE (R.S.M.) (1) Banca di San Marino IBAN: SM15 W085 4009 8010 0001 0121 418 SWIFT: MAOISMSM (2) BANCA AGRICOLA COMMERCIALE IBAN: SM58 O030 3409 8040 0004 0104 363 SWIFT: BASMSMSMXXX
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date on which credited to one of the bank accounts indicated in section 2

Turkey

Contracting state	Turkey
1 **National provisions**	DL No. 551 IPL Fees 2022

Contracting state	Turkey
2 **Payee** **Bank details**	Türk Patent ve Marka Kurumu *(a) Payments in TRY:* Ziraat Bankası/Ankara Kamu Kurumsal Şubesi Account No. 34272132-5280 IBAN: TR45 0001 0017 4534 2721 3252 80 BIC: TCZBTR2AANK *(b) Payments in EUR:* Ziraat Bankası/Ankara Kamu Kurumsal Şubesi Account No. 34272132-5335 IBAN: TR15 0001 0017 4534 2721 3253 35 BIC: TCZBTR2A *(c) Payments in USD:* Ziraat Bankası/Ankara Kamu Kurumsal Şubesi Account No. 34272132-5334 IBAN: TR42 0001 0017 4534 2721 3253 34 BIC: TCZBTR2A *(d) Payments in CHF:* Ziraat Bankası/Ankara Kamu Kurumsal Şubesi Account No. 34272132-5336 IBAN: TR85 0001 0017 4534 2721 3253 36 BIC: TCZBTR2A
3 **Methods of payment**	Applicants with neither residence nor principal place of business in Turkey must appoint an authorised professional representative pursuant Article 160 IPL. Renewal fees may be paid either: (a) online by credit card through the Turkish Patent and Trademark Office website (*https://epats.turkpatent.gov.tr/run/TP/EDEVLET/giris*) or (b) by bank transfer. Patentees paying by bank transfer **should receive a payment number** from Turkish Patent and Trademark Office website (*https://epats.turkpatent.gov.tr/run/TP/EDEVLET/giris*) and bank account in section 2(a) is closed to swift payments and electronic fund transfer.
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at the Turkish Patent and Trademark Office 3(b) Date on which credited to bank account indicated in section 2 (a)

United Kingdom

Contracting state	United Kingdom
1 **National provisions**	PA PR

Contracting state	United Kingdom
2 **Payee** **Bank details**	Intellectual Property Office Barclays Bank Plc 3rd Floor Windsor Court 3 Windsor Place CARDIFF CF10 3ZL Account No. 80531766 Sort Code: 20-18-23 IBAN: GB92 BARC 2018 2380 5317 66 SWIFT: BARCGB22
3 **Methods of payment**	(a) Bank transfer (b) Debit to a client deposit account held by the IPO (c) Credit/debit card (Visa, MasterCard/American Express, Maestro) (d) Cheque drawn in sterling on a UK clearing bank (e) Money order (f) Cash payment in person at the IPO The documents relating to the payment of fees should be supported by a Fees Sheet (Form FS/2) or equivalent form listing individual fees. A reference (e.g. patent or deposit account number) should be quoted to link payment with any forms sent separately.
4 **Date considered as the effective payment date**	3(a) Date on which credited to the account indicated in section 2 3(b) Date of receipt of documents at the IPO if sufficient funds are present in the deposit account – otherwise the date on which the deposit account is replenished 3(c), 3(d) and 3(e) Date of receipt at the IPO 3(f) Date of payment at the IPO

Republic of Moldova

Validation state	Republic of Moldova
1 **National provisions**	Art. 44^1(3), 44^2(4), (5), (10), 93 Law No. 50/2008 points 444-461 Gov. Dec. No. 528/2009 Gov. Dec. No. 774/1997
2 **Payee** **Bank details**	MF-Trezoreria de Stat, Agenția de Stat pentru Proprietatea Intelectuală Beneficiary Bank: National Bank of Moldova, Chisinau, Republic of Moldova IBAN: MD55TRPAAA142310A15851AA SWIFT: NBMDMD2X
3 **Methods of payment**	(a) Cash payment (b) Bank transfer (c) Bank cheque

Validation state	Republic of Moldova
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at AGEPI 3(b) Date on which credited to the account in section 2 3(c) Date of receipt of the cheque at AGEPI

Morocco

Validation state	Morocco
1 **National provisions**	Art. 50.2, 50.3, 50.4, 82 Law No. 17-97 Dec. No. 9/2017 Notice DG OMPIC
2 **Payee** **Bank details**	OMPIC
3 **Methods of payment**	(a) Cash payment (b) Bank cheque All payments must be made via a professional representative with a residence or place of business in Morocco.
4 **Date considered as the effective payment date**	3(a) Date of receipt of payment at OMPIC 3(b) Date of receipt of the cheque at OMPIC, provided cheque is honoured.

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	**Tunisia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **National provisions**	Spec. Fees Admin. Fees

Extension state	Bosnia and Herzegovina
2 **Payee** **Bank details**	**(a) Payments made within Bosnia and Herzegovina:** *Payee:* JRT Trezor BiH (1) UNICREDIT BANK d.d. Mostar Kardinala Stepinca bb 88 000 MOSTAR Budget account no. 3380002210018390 (2) UNICREDIT BANK a.d. Banja Luka Marije Bursać 7 78 000 BANJA LUKA Budget account no. 5517902220404858 (3) RAIFFEISEN BANK d.d. BOSNA I HERCEGOVINA Zmaja od Bosne bb 71 000 Sarajevo Budget account no. 1610000010751394 (4) Intesa Sanpaolo banka d.d. Sarajevo 71000 Sarajevo Budget account no. 1549212013183391 **(b) Payments made from abroad:** *Payee:* Ministarstvo Financija i trezora BiH Trg BiH 1 SARAJEVO Account Reference: 06411 *Name of the correspondent bank:* DEUTSCHE BANK AG FRANKFURT BIC/SWIFT: DEUTDEFF *Payee's bank details:* BIC/SWIFT: CBBSBA22 Account Number: 100935962100 EUR Centralna Banka Bosne i Hercegovine Maršala Tita 25 SARAJEVO *Beneficiary:* IBAN: BA39 0000 0300 0000 0145 *Name:*Ministarstarstvo finansija i trezora Bosne i Hercegovine Address:Trg BiH 1 City, Country:Sarajevo, Bosnia and Herzegovina Information (Reference):Paxment reference:06411
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date on which credited to one of the accounts indicated in section 2

Montenegro

Extension state	Montenegro
1 **National provisions**	

Extension state	Montenegro
2 **Payee** **Bank details**	Ministarstvo Finansija Stanka Dragojevica 2 81000 PODGORICA Party Identifier: 000-55 062 301 CRNOGORSKA KOMERCIJALNA BANKA AD PODGORICA IBAN: ME25510000000000286384 SWIFT: CKBCMEPG Name of the correspondent bank: RAIFFEISEN ZENTRSLBANK OESTERREICH AG VIENNA SWIFT: RZBAATWW
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	The date of payment is considered the date on which the amount is paid or transferred to the account cited in section 2.

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **National provisions**	Fees Decr.
2 **Payee** **Bank details**	Drejtoria e Pergjithshme e Pronësisë Industriale Banka Kombetare Tregtare BKT Shkolla Baletit TIRANE-SHQIPERI Account No. 515003225CLPBCLALLZQ IBAN: AL11 2051 1650 0032 25CL PBCL ALLZ SWIFT: NCBAALTXXXX
3 **Methods of payment**	(a) Bank transfer (b) Cash payment
4 **Date considered as the effective payment date**	3(a) Date on which credited to the bank account indicated in section 2 3(b) Date of receipt of payment at the GDIP

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **National provisions**	AFees RFees

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
2 **Payee** **Bank details**	Ministry of Finance of the Republic of Croatia Katanciceva 5 10000 ZAGREB State Budget of the Republic of Croatia Croatian National Bank Trg hrvatskih velikana 3 10000 ZAGREB IBAN: HR12 1001 0051 8630 0016 0 BIC/SWIFT: **NBHRHR2X**
3 **Methods of payment**	(a) Bank transfer (b) Postal money order **Important:** Please state with each payment the following details: "MODEL: HR63 PNB: 5657-6179-140007" Each payment should preferably be followed by a remittance notice indicating the European patent application or European patent concerned.
4 **Date considered as the effective payment date**	3(a) and 3(b) Date on which credited to the account indicated in section 2

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **National provisions**	Art. 75 PL Fees Law

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
2 **Payee** **Bank details**	State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania Reference number: 5310 (1) Luminor Bank AB (former AB DNB Bank) Bank Code: 40100 IBAN: LT74 4010 0510 0132 4763 BIC: AGBLLT2X (2) AB SEB bankas Bank Code: 70440 IBAN: LT05 7044 0600 0788 7175 BIC: CBVILT2X (3) Šiaulių bankas AB Bank Code: 71800 IBAN: LT32 7180 0000 0014 1038 BIC: CBSBLT26 (4) Danske Bank A/S (Lithuanian branch) Bank Code: 74000 IBAN: LT74 7400 0000 0872 3870 BIC: SMPOLT22 (5) Luminor Bank AB (former Lithuanian branch of Nordea Bank AB) Bank Code: 21400 IBAN: LT12 2140 0300 0268 0220 BIC: NDEALT2X (6) SWEDBANK AB Bank Code: 73000 IBAN: LT24 7300 0101 1239 4300 BIC: HABALT22 (7) UAB Medicinos bankas Bank Code: 72300 IBAN: LT42 7230 0000 0012 0025 BIC: MDBALT22 (8) AB "Citadelė" bankas Bank Code 72900 IBAN: LT78 7290 0000 0013 0151 BIC: INDULT2X
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date on which credited to one of the accounts indicated in section 2

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **National provisions**	PL PR Fees Reg.

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
2 **Payee** **Bank details**	LR Patentu valde Citadeles iela 7/70 1010 RIGA Reg. No. 90000050138 Treasury of the Republic of Latvia IBAN: LV43 TREL 9190 4620 1500 B BIC: TRELLV22
3 **Methods of payment**	Transfer order
4 **Date considered as the effective payment date**	Date on which credited to the account indicated in section 2

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **National provisions**	Fees Law
2 **Payee** **Bank details**	State Office of Industrial Property (SOIP) National Bank of the Republic of North Macedonia P.O. Box 401 Kompleks banki b.b. 1000 SKOPJE *(a) Renewal fees for European patents:* money order or bank transfer to budget account No. 1 000 000 000 63095; suspense account No. 840 033 03135; revenue code: 722318; manner: 2 *(b) Publication fees:* money order or bank transfer to SOIP's account No. 1100200213-787-13; revenue code: 724149-20; manner: 1; SOIP's tax number: 4030994253825
3 **Methods of payment**	(a) Bank transfer (b) Postal money order
4 **Date considered as the effective payment date**	3(a) Date on which credited to the account indicated in section 2 3(b) Date of payment at MK post office

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **National provisions**	PL Reg. Fees Ord.
2 **Payee** **Bank details**	State Office for Inventions and Trademarks (OSIM) *(a) Payments in EUR:* Banca Comerciala Romana Sala Palatului 33, Ion Campineanu Street Sector 1, code 010035 BUCUREŞTI BIC/SWIFT: RNCBROBU IBAN: RO38 RNCB 0080 0056 3032 0005 *(b) Payments in RON:* Trezoreria Sector 3 Strada Cireşului nr. 6 Sector 3 BUCUREŞTI IBAN: RO05 TREZ 7032 0F33 5000 XXXX Cod fiscal: 4266081
3 **Methods of payment**	(a) Bank transfer (b) Cash payment
4 **Date considered as the effective payment date**	3(a) Date on which credited to the bank account indicated in section 2 3(b) Date of receipt of the payment at the OSIM

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **National provisions**	Art. 9, 109, 110 IPA Fees Decr.
2 **Payee** **Bank details**	Administration of the Republic of Slovenia for public payments Banka Slovenije Slovenska 35 1505 LJUBLJANA Account No. 01100-1000307004 IBAN: SI56 0110 0100 0307 004 SWIFT: BSLJSI2X
3 **Methods of payment**	(a) Postal money order (b) Payment or transfer to account (c) Cash or non-cash payment at SIPO - cost of non-cash payment to be borne by payer

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
4 **Date considered as the effective payment date**	The date on which the required amount is actually entered in the account indicated in section 2 or date of payment in cash at SIPO. Where the fee is paid to the SIPO account, the date of payment shall be considered to be the date of the payment order, provided that the amount of the payment is entered in the account in five working days. Failing that, the date of payment shall be considered to be the date on which the amount of the payment is actually entered in the account. Art. 4 Fees Decr.

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **National provisions**	Art. 69 PL Fees Law
2 **Payee** **Bank details**	Republic administrative taxes *State administrative fees and renewal fees :* Account No. 840-30880845-62, followed by reference No. 97 44018
3 **Methods of payment**	Bank transfer
4 **Date considered as the effective payment date**	Date when credited to the account indicated in section 2 and when proof of payment is duly provided to the competent authority. If the applicant or the right holder fails to pay the prescribed fee for the maintenance of rights and to submit proof of payment of this fee within the time limit, such rights shall lapse on the day following the due date. Art. 40(5) PL

Last updated: 26.10.2022

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https://www.epo.org/law-practice/legal-texts/html/natlaw/en/ix/index.htm

Location

Home > Law & practice > Legal Texts > National Law relating to EPC

IX. Registering a transfer, licences and other rights in respect of a European patent in the national patent Register

1. Up to grant of the European patent, **transfers**, **licences** and **other rights** in respect of European patent applications are registered centrally in the European Patent Register in accordance with Rules 22 to 24 EPC.

2. After grant of the European patent, a transfer is registered in the European Patent Register only during the opposition period or during opposition proceedings, in accordance with Rule 85 in conjunction with Rule 22 EPC. Section 6 of the following table indicates whether and under what conditions the contracting states recognise the registration of such transfers in the European Patent Register for the purposes of the national procedure.

3. This table also sets out the national regulations and requirements governing the registration of transfers, licences (excluding compulsory licences) and other rights after grant of the European patent or final closure of opposition proceedings in the individual national patent registers of the designated contracting states or in those of the extension and validation states.

All details concerning the applicable provisions and the nature of the supporting documents to be filed are based on the information supplied to the EPO by the patent authorities of the contracting, extension and validation states.

Albania

Central Industrial Property Office

Central Industrial Property Office
Drejtoria e Përgjithshme e Pronësisë Industriale General Directorate of Industrial Property (GDIP) Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve TIRANA Tel. +355 4 22 34 412 Fax +355 4 22 34 412
www.dppm.gov.al **mailinf@dppm.gov.al**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request by the patent proprietor Original or duly certified copy of the official document recording the transfer of rights Art. 44 to 50 PL	as under 1.
2 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP. Art. 195(2) PL	
3 **Must a form be used?**	Yes	
4 **Special fee payable?**	ALL 5 000	
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect. Art. 32(2) PL	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	
7 **Special features**	Documents not drafted in Albanian must be accompanied by a translation.	

Austria

Central Industrial Property Office

Central Industrial Property Office
Österreichisches Patentamt Dresdner Str. 87 Postfach 95 1200 WIEN Tel. +43 1 53424-0 Fax +43 1 53424-535
www.patentamt.at **info@patentamt.at**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	(a) Written application or request by court for entry in the patent register; submission of a copy of the instrument concerned (e.g. deed of transfer, extract from commercial register, certificate of inheritance). If the original instrument is not public: certified signature of the previous proprietor of the right. (b) If the patent is transferred under a contract, a declaration by the parties or their representatives recording their mutual consent can be filed instead of the instrument. §§ 33, 43(5)-(7) PA	Application and documents as under 1(a). §§ 34, 35, 36, 45 PA
2 **Must a national professional representative be appointed?**	Yes; attorney at law, patent attorney or notary authorised to represent parties on a professional basis in Austria However, if the residence or place of business is in the EEA, a person authorised to accept service who is a resident of Austria may be appointed instead. (The requirement that the appointed person be resident in Austria can be waived in certain cases.) § 21(4) PA	
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 128 per application (including EUR 40 document fees)	EUR 128 per application (including EUR 40 document fees)
5 **Entries and data recorded in the register**	Transfer of rights § 43(1) to (4) PA	Liens and other rights in rem, licences, entries relating to disputes § 43(1)to (4) PA

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	
7 **Special features**	Entries in the register have legal effect. Priority is determined by the order in which applications for entry are presented at the Patent Office.	Entries in the register have legal effect. Priority is determined by the order in which applications for entry are presented at the Patent Office.

Belgium

Central Industrial Property Office
Office de la Propriété Intellectuelle auprès du Service public fédéral Économie, PME, Classes moyennes et Énergie City Atrium C Rue du Progrès 50 1210 BRUXELLES Tel. +32 2 2779011 Fax +32 2 2775262
https://economie.fgov.be/fr/themes/propriete-intellectuelle/institutions-et-acteurs/office-belge-de-la-propriete **opridie-tech@economie.fgov.be**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights	3. Adjoining rights, pledging

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights	3. Adjoining rights, pledging
1 **Which supporting documents must be filed?**	- notification to the OPRI accompanied by either a copy of the instrument of assignment or of the official document recording the transfer of rights, or an extract from such instrument or document which is sufficient to prove transfer, or confirmation of the assignment signed by the parties - proof that the fee has been paid - supply to the OPRI of parties' names and addresses, number of patent application and its date of filing or date of patent grant, and information showing whether assignment results in co-ownership Art. XI.50 ELC Art. 33 and 33a RD of 2.12.86	- notification to the OPRI of confirmation signed by the parties - proof that the fee has been paid - supply to the OPRI of parties' names and addresses, number of patent application and its date of filing or date of patent grant, and statement showing whether licence is exclusive or non-exclusive, as well as the start date and term of the licence and the territory in which it applies Art. XI.51 ELC (contractual licences) and Art. XI.42 ELC (compulsory licences) Art. 34 RD of 2.12.86	as under 1. Art. XI.52 ELC
2 **Must a national professional representative be appointed?**	see table III.B, section 1	see table III.B, section 1	see table III.B, section 1
3 **Must a form be used?**	Yes	Yes, for contractual licences	Yes
4 **Special fee payable?**	No	No	No

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights	3. Adjoining rights, pledging
5 **Entries and data recorded in the register**	Entry in the register has declaratory effect. However, entry in the register gives effect to the assignment as against third parties and the OPRI from the date notification is entered in the patent register. Art. XI.50(6) ELC Art. 34(3) RD of 2.12.86 Art. 8(1) (10) RD of 12.5.15	Entry in the register gives effect to the licence agreement as against third parties and the OPRI from the date confirmation is entered in the patent register. Art. XI.51(5) ELC	Entry in the register has declaratory effect. However, entry in the register gives effect to the assignment as against third parties and the OPRI from the date notification is entered in the patent register. Art. XI.52(2) ELC
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required together with a letter by the party concerned explaining the nature of the transfer.		
7 **Special features**	Documents not drafted in one of the national languages must be accompanied by a translation. (For the national languages see table II, section 4) Seizure: Art. XI.53 ELC. A copy of the seizure notice must be transmitted to the OPRI by the creditor concerned. The seizure is entered in the register.		Usufruct, mortgaging: Art. XI.53 ELC

Bulgaria

Central Industrial Property Office
Patentno vedomstvo na Republica Bulgaria (Bulgarian Patent Office) 52B, Dr. G. M. Dimitrov Blvd. 1040 SOFIA Tel. +359 2 9701321 Fax +359 2 8735258
www.bpo.bg

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request accompanied by a copy of the instrument of assignment or of the official document recording the transfer of rights (e.g. deed of transfer, certificate of inheritance, court decision); proof that the fee has been paid.	Written request accompanied by a copy of the licence agreement or an extract thereof, sufficient to prove that a licence has been granted, signed by all parties; proof that the fee has been paid.
2 **Must a national professional representative be appointed?**	Yes Applicants who are not established in the Republic of Bulgaria or in another Member State of the European Union, in a state - party to the European Economic Area Agreement or in the Swiss Confederation, are required to act before the Patent Office through a lawyer or an industrial property representative Art. 3(2) PL	Yes Applicants who are not established in the Republic of Bulgaria or in another Member State of the European Union, in a state - party to the European Economic Area Agreement or in the Swiss Confederation, are required to act before the Patent Office through a lawyer or an industrial property representative Art. 3(2) PL
3 **Must a form be used?**	No	No
4 **Special fee payable?**	BGN 60	BGN 60
5 **Entries and data recorded in the register**	Entry in the register has declaratory effect. Art. 4 PL	Entry in the register has declaratory effect. The licence has effect with respect to third parties as from the date of entry. Art. 31 PL
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	
7 **Special features**	Documents not drafted in Bulgarian must be accompanied by a translation.	Documents not drafted in Bulgarian must be accompanied by a translation.

Switzerland

Central Industrial Property Office
Swiss Federal Institute of Intellectual Property (IPI) Stauffacherstr. 65/59g 3003 BERN Tel. +41 31 3777777
www.ige.ch

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Statement from the previous patent proprietor or another confirmatory document. The IPI may request, if this seems indispensable, that the signature be authenticated or that another confirmatory document be submitted such as an extract from the commercial register. Art. 105(2) PO	Application and documents as under 1. Art. 105(2) PO
2 **Must a national professional representative be appointed?**	No	
3 **Must a form be used?**	No	
4 **Special fee payable?**	No	
5 **Entries and data recorded in the register**	Transfer of rights, licences, real rights Declaratory effect However, entry in the register has an influence on the legal position of third parties. Art. 33(3), 33(4), 36(3) PA Art. 105 PO	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	
7 **Special features**	For documents not drafted in one of the IPI's official languages a translation will only be requested if the documents proving the transfer of rights are not evident.	

Cyprus

Central Industrial Property Office
Department of Registrar of Companies and Intellectual Property Ministry of Energy, Commerce and Industry Corner Makarios III Ave. and Karpenisiou St., XENIOS Building 1427 NICOSIA Tel. +357 22 404301, 404302 Fax +357 22 304887

Central Industrial Property Office
https://www.intellectualproperty.gov.cy https://www.companies.gov.cy **markspat@drcor.meci.gov.cy** **deptcomp@drcor.meci.gov.cy**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Agreement assigning the ownership, signed by all parties, containing the EP number, date of filing, title of the invention, names, addresses and nationalities of the parties concerned. R. 5(2) PFR	as under 1.
2 **Must a national professional representative be appointed?**	Yes R. 58(1) PFR	Only for compulsory licences and government uses
3 **Must a form be used?**	Form P.3 R. 44 PFR	Form P.16
4 **Special fee payable?**	EUR 100	EUR 100
5 **Entries and data recorded in the register**	Entries in the register have legal effect. Sect. 49 PL R. 44(1)(a) and (b) PFR	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes Sect. 68 PL	
7 **Special features**	Documents not drafted in Greek must be accompanied by a translation.	

Czech Republic

Central Industrial Property Office
Industrial Property Office Antonína Čermáka 2a 160 68 PRAHA 6 Tel. +420 2 20383111 Fax +420 2 24324718
www.upv.gov.cz **posta@upv.gov.cz**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Copy of the relevant document	Two copies of the relevant document (licence agreement) indicating patent number, licensee and the scope of granted rights § 17 DP
2 **Must a national professional representative be appointed?**	Yes § 70 PA	
3 **Must a form be used?**	No	
4 **Special fee payable?**	CZK 600	CZK 600
5 **Entries and data recorded in the register**	Transfer of rights as well as licences Licence agreement only has effect vis-à-vis third parties from its entry in the patent register. § 14(2) PA Assignment of a patent only has effect vis-à-vis third parties from the entry of the contract in the patent register. § 15 PA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) and payment of the prescribed fee (see section 4) are required.	
7 **Special features**	Documents not drafted in Czech must be accompanied by a translation, if so requested by the Czech Industrial Property Office	

Denmark

Central Industrial Property Office
Patent- og Varemærkestyrelsen Helgeshøj Allé 81 2630 TAASTRUP Tel. +45 43 508000 Fax +45 43 508001
www.dkpto.org **pvs@dkpto.dk**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Deeds of transfer signed by the patent proprietor or relevant legal decision. A declaration of consent by the transferee is not required. § 44 PA	Licence agreement (extract) or declaration signed by licensor and licensee that determines the license, including information about the subject of the license (patent registration number), the scope of the license, information about the parties including their names and addresses, and names and addresses of the representatives, if any. § 44 PA
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	No	No, but see section 7
5 **Entries and data recorded in the register**	The transfer of a patent, the grant of a license, the pledging of a patent, the levying of execution on the patent or the commencement of insolvency proceedings against the proprietor of the patent shall on request be entered in the register. § 44 PA § 47(1)(3) PO Legal proceedings may be brought against a registered patent proprietor. § 44(4) PA	Restrictions on the grant of additional licences, if any, may be entered on request.
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognised by the DKPTO. Only where the DKPTO has not yet been informed of a transfer under R. 85 EPC is a copy of the EPO certificate (EPO Form 2544) required.	
7 **Special features**	Documents not drafted in Danish, English, Norwegian or Swedish must be accompanied by a translation.	

Germany

Central Industrial Property Office
Deutsches Patent- und Markenamt 80297 MÜNCHEN Tel. +49 89 2195-1000 Fax +49 89 2195-2221 Deutsches Patent- und Markenamt Dienststelle Jena 07738 JENA Tel. +49 89 2195-1000 Fax +49 3641 40-5690 Deutsches Patent- und Markenamt Informations- und Dienstleistungszentrum Berlin 10958 BERLIN Tel. +49 89 2195-1000 Fax +49 30 25 992-404
www.dpma.de **info@dpma.de**

	1. Transfer of rights	2. Licences and other rights

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger) **- sale:** evidence in the form of a request for transfer signed by the registered proprietor or his representative and by the successor in title or his representative or a request for transfer signed by the successor in title or his representative, to which is attached a declaration signed by the registered proprietor or his representative to the effect that he agrees to the registration of the successor in title (authorisation of transfer) or to which are attached other documents showing that the transaction has taken place (e.g. an agreement signed by the registered proprietor and the successor in title) § 28(3), (4), (5), (6) DPMAV **- consolidation** (merger of companies): extract from the register for the principal place of business of the new proprietor of the right **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) **- succession:** duplicate of certificate of inheritance, certificate of inheritance limited where appropriate to specific items in the case of foreigners; certified copy of will with a copy of the probate proceedings **- insolvency:** authorisation by official receiver of transfer (proof of representation in the form of a duplicate or certified copy of the certificate of appointment) § 15(1) in conjunction with § 30(3) PA	**- Exclusive licence:** Written request from the exclusive licensee with authorisation from the patent proprietor or written request from the patent proprietor with authorisation from the exclusive licensee § 15(2) in conjunction with § 30(4) PA **- Licence of right:** Written endorsement from the patent applicant or patent proprietor § 23(1) PA
2 **Must a national professional representative be appointed?**	Yes § 25 PA	Yes § 25 PA Yes § 25 PA
3 **Must a form be used?**	No, but DPMA forms should be used. § 28(4) DPMAV	No No
4 **Special fee payable?**	None	EUR 25 No. 313 400 Fees Schedule LPF None

	1. Transfer of rights	2. Licences and other rights
5 **Entries and data recorded in the register**	Entry in the register has declaratory effect. The registered proprietor is deemed to be the patent holder before the DPMA and the Federal Patents Court. § 30(3) PA	Licence grant § 30(4) PA Licence of right endorsement § 23(1) PA
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required.	
7 **Special features**	Further details are contained in the Richt-linien für die Umschreibung von Schutz-rechten und Schutzrechtsanmeldungen in der Patentrolle [...] (Guidelines for the transfer of different kinds of protection of property rights and applications for property rights in the register of patents...) of 15 November 1996, amended as of 1 January 2002 (DPMA: A 9139 - www.dpma.de/patent/formulare/index.html). In the case of foreign-language documents drawn up in English, French, Italian or Spanish, the DPMA can require a trans-lation of either the whole document or extracts from it. The translation be certified by a lawyer or patent attorney or prepared by an officially appointed translator. Where documents are drawn up in another language, a translation of the whole document or extracts from it is always required, either certified by a lawyer or patent attorney or prepared by an officially appointed translator. § 14(3), (4), (5) PO	Entry of licence grant in the register is deleted at request of patent proprietor or licensee (EUR 25 fee). A request from the former must include evidence of consent of the latter (or his successor in title). § 30(4) PA No. 313 500 Fees Schedule LPF Renewal fees due after receipt of the endorsement are halved. § 23(1) PA

Estonia

Central Industrial Property Office
Patendiamet Estonian Patent Office Toompuiestee 7 15041 TALLINN Tel. +372 627 7911 Fax +372 627 7912
www.epa.ee **patendiamet@epa.ee**

	1. Transfer of rights	2. Licences and other rights

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) **- sale**: request for transfer signed by the registered proprietor or request for transfer signed by the new proprietor, to which is attached a document showing that the transaction has taken place or a certified copy thereof **- merger**: request for transfer signed by new proprietor, to which is attached an extract from commercial register **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution): request for transfer signed by transferee, to which is attached a document legally establishing the transfer § 16(2) IA § 45 PA	Request for registration of rights (licence, mortage, etc.) signed by interested party, to which is attached an original or certified copy of the agreement or an extract from the relevant parts of the agreement (See also section 7) § 17 IA § 46 PA
2 **Must a national professional representative be appointed?**	Yes § 15 IA	
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 32, unless transfer of rights took place before filing of translation of the European patent specification § 108(2) FA	
5 **Entries and data recorded in the register**	Transfer of rights, registration of a licence or a mortgage §§ 45 to 47 PA § 17(7) IA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required. § 31(4) REP	
7 **Special features**	A document certifying payment of the fee must be enclosed. Request for transfer of rights, registration of a licence or a mortgage may also be signed by the authorised Estonian patent attorney if a power of attorney contains permission to that effect. § 41(2) PA	

Spain

Central Industrial Property Office
Oficina Española de Patentes y Marcas Paseo de la Castellana, 75 28046 MADRID Tel. +34 902 157530 +34 91 0780780 Fax +34 91 3495597
www.oepm.es **informacion@oepm.es**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	The applicant may attach to the request for transfer any of the following documents: (a) an authentic copy of the contract, or an ordinary copy with the signatures authenticated by a notary or other competent public authority; (b) an extract from the contract certified as true to the original by a notary or other competent public authority; (c) a transfer certificate or document signed by both the holder and the new owner (consisting in forms). If the change in ownership is the result of a merger or is imposed by law or by an administrative ruling or court decision, the request for transfer must be accompanied by certification from the public authority issuing the document, or a copy of the document proving the change, authenticated by a notary or other competent public authority. Art. 82 NPL Art. 77 RD 316	Patent applications and patents may be the subject of licences and usufruct. For registration, see under 1. They may also be used as security for personal loans. Such use must be notified to the OEPM. In addition, they may be subject to other rights in rem, option to purchase, seizure, and other legal business or enforcement measures. Same documents as for transfers, mutatis mutandis. Art. 82 and 83 NPL Art. 78, 79 and 80 RD 316
2 **Must a national professional representative be appointed?**	No, if proprietor resides in a country of the EU Art. 175 NPL	No, if proprietor resides in a country of the EU Art. 175 NPL
3 **Must a form be used?**	Yes Art. 77 RD 316	Yes Art. 78, 79 and 80 RD 316

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
4 **Special fee payable?**	EUR 13.50 for each entry (EUR 11.47 in electronic form) Note: the fees may be revised at the beginning of each year. Art. 82 RD 316	EUR 13.50 for each entry (EUR 11.47 in electronic form) Registering a change of the applicant's/patentee's name: EUR 16.71 for each entry (EUR 14.20 in electronic form) Note: the fees may be revised at the beginning of each year. Art. 82 RD 316
5 **Entries and data recorded in the register**	Establishment and transfer of rights if these acts take place in accordance with the provisions of NPL and RD 316: transfers, licences, etc. Any transfer, licence or other act, whether voluntary or compulsory, only has effect vis-à-vis third parties of good faith when it has been recorded in the patent register. Art. 79 NPL Art. 72 RD 316	Same entries and data as for transfers.
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognised by OEPM. Art. 156 NPL	Yes A licence recorded in the EPO European Patent Register is recognised by OEPM.
7 **Special features**	Documents not drafted in Spanish must be accompanied by a translation.	See Art. 82 and 83 NPL with regard to usufruct

Finland

Central Industrial Property Office
Patentti- ja rekisterihallitus (Finnish Patent and Registration Office) 00091 PRH Client Service: Sörnäisten rantatie 13 C HELSINKI Tel. +358 29 5095000 Fax +358 29 5095328
www.prh.fi **registry@prh.fi**

	1. Transfer of rights	2. Licences and other rights

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) **- sale:** copy of the dated deed of transfer signed by the proprietor **- merger:** copy or extract from the commercial register **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution): copy of relevant document § 44 PA § 42 PD	Copy or extract of the licence agreement § 44 PA § 42 PD
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 100 for each entry Registering a change of the applicant's/patentee's name, address or patent agent: no fee	EUR 100
5 **Entries and data recorded in the register**	Transfer of rights, licences, pledges Registration of transfers and licences has declaratory effect. § 44 PA § 42 PD Registration of pledge agreement has legal effect. § 54 PA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognised by the PRH. Only where the PRH has not yet been informed of a transfer under R. 85 EPC is a copy of the EPO certificate (EPO Form 2544) required.	
7 **Special features**	Documents not drafted in Finnish, Swedish or English must be accompanied by a translation, if so required by the PRH.	

France

Central Industrial Property Office

Central Industrial Property Office
Institut national de la propriété industrielle (INPI) 15 rue des Minimes CS50001 92677 COURBEVOIE CEDEX Tel. in France: 01 56 65 89 98 Tel. from abroad: +33 1 56 65 89 98
www.inpi.fr **contact@inpi.fr**

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger) **- sale:** copy of the contract (signed by both parties) for an instrument of private agreement, or (for an authentic instrument) a copy of that instrument (see section 7). Registration may relate only to an extract from the instrument, in which case, failing the signature of the parties on the extract, the applicant sends it to INPI, which returns it to him, at his request, after verification of its conformity. Proof of payment of the prescribed fees must be provided. Art. R. 613-55 Reg. DG Dec. No. 2017-146 **- merger:** copy of the merger agreement (for an instrument of private agreement) or (for an authentic instrument) a copy of that instrument, or an extract from the commercial and companies register showing the amendment. Art. R. 613-56 Reg. **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) **- death** (in the case of transfer on death or by unilateral action): a document evidencing the transfer of title. **- insolvency:** the transfer of the patent is only registered in the event of liquidation of the insolvent's estate on presentation of the document legally establishing the transfer. Art. R. 613-56 Reg.	For assignment or the grant of a right of exploitation, the constitution or assignment of a lien, see under 1. Art. R. 613-55 Reg. DG Dec. No. 2017-146

	1. Transfer of rights	2. Licences and other rights
2 **Must a national professional representative be appointed?**	No (provided the applicant has his residence or place of business in France or another EU or EEA member state; otherwise, appointment of a representative is compulsory)	
3 **Must a form be used?**	Yes, in 4 copies	
4 **Special fee payable?**	EUR 27 per right designated in the request for registration up to a maximum amount of EUR 270 where a request for registration concerns more than 10 rights Fees Ord. of 24.4.08 (as amended 6.3.20)	EUR 27 per right designated in the request for registration up to a maximum amount of EUR 270 where a request for registration concerns more than 10 rights Fees Ord. of 24.4.08 (as amended 6.3.20)
5 **Entries and data recorded in the register**	Transfers of rights, as well as licences, sub-licences, mortgages, seizure; transfers pursuant to final judgments (such as action for recovery of property). Entry in the register has declaratory effect. However, the act only has effect vis-à-vis third parties from the time of registration. Art. L. 613-9. PL	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes Entry in the European Patent Register of acts transmitting or amending the rights deriving from a European patent application or a European patent gives such acts effect with regard to third parties. Art. L. 614-11. PL	
7 **Special features**	Requests for entry in the national patent register are accepted only if they are submitted in electronic form using the dedicated online service offered on the INPI website (*eprocedures.inpi.fr*). A copy of the act recording the registration may be sent to the requester if an additional copy of that act was attached to the request. If the act is not drawn up in French, a full translation must be attached (a sworn translation is not compulsory).	

Greece

Central Industrial Property Office
Organismos Biomichanikis Idioktisias (OBI) (Hellenic Industrial Property Organisation (OBI)) 5, Gianni Stavroulaki St. 151 25 PARADISSOS AMAROUSSIOU Tel. +30 210 6183508, 6183548 Fax +30 210 6819231
www.obi.gr **info@obi.gr**

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) **- sale:** Contract of sale **- merger:** Agreement or decision of the competent body of a legal entity. Art. 12 Law No. 1733/87 **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) **- death of an owner:** Certificate of hereditary succession **- company in liquidation:** Court decision or decision of the competent body of a legal entity. (see also section 7) Art. 12 Law No. 1733/87	Licence agreement Art. 12 Law No. 1733/87
2 **Must a national professional representative be appointed?**	No, unless the applicant is not in a position to file necessary documents.	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 200 Dec. of 31.8.2016	EUR 200 Dec. of 31.8.2016
5 **Entries and data recorded in the register**	Mention of the legal nature of the transfer or licence Substantive rights only accrue by virtue of registration in the patent register	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A certified copy of the EPO certificate (EPO Form 2544) is required.	
7 **Special features**	All foreign documents mentioned should contain an apostille according to the Hague Convention of 5 October 1961 and should be officially translated into Greek.	

Croatia

Central Industrial Property Office
Državni zavod za intelektualno vlasništvo (State Intellectual Property Office of the Republic of Croatia) Ulica grada Vukovara 78 10000 ZAGREB Tel. +385 1 6106111, 6106100 Fax +385 1 6112017
www.dziv.hr **info@dziv.hr**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request Original or duly certified copy of the official document recording the transfer of rights or licence agreement and proof that the fee has been paid Art. 107-111 PA Art. 32 PO	as under 1.
2 **Must a national professional representative be appointed?**	Yes Art. 17 PA	
3 **Must a form be used?**	Yes Art. 32(3) PO	
4 **Special fee payable?**	HRK 200 per entry Art. 49.(1) RFees	
5 **Entries and data recorded in the register**	Any change concerning a patent or owner of a right may be entered in the register, such as transfer of rights, licence, change of name or address, etc. On request, a transfer of rights or licence may, but need not, be entered in the register. Art. 109 PA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
7 **Special features**	Supporting documents must be furnished as an original or as a certified copy. The entered changes will be published in the official gazette. Art. 109.7 PA Art. 32 PO	

Hungary

Central Industrial Property Office
Szellemi Tulajdon Nemzeti Hivatala (Hungarian Intellectual Property Office, HIPO) II. János Pál pápa tér 7 1081 BUDAPEST Postal address: P.O. Box 415 1438 BUDAPEST Tel. +36 1 312 44 00 Fax +36 1 474 5534
www.hipo.gov.hu **sztnh@hipo.gov.hu**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	The relevant public or private document Art. 55(2) PA	as under 1.
2 **Must a national professional representative be appointed?**	Unless an international treaty provides otherwise, foreign applicants whose permanent residence or seat is not in the territory of the EEA must appoint a professional representative who is entitled to act before the HIPO. This professional representative does not have to be a national professional representative but must be domiciled in the EEA. Art. 51(1), (4) PA	
3 **Must a form be used?**	No	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
4 **Special fee payable?**	HUF 16 500 Art. 53/C(2)(b) PA Art. 16 FeeDecr	
5 **Entries and data recorded in the register**	Transfer of rights (data concerning the new owner), licences (licensee's name, duration of the contract, exclusivity, limitation on certain claims if applicable), mortgage (name of the mortgagee), the fact that the right to a patent is or the rights conferred by a patent are part of a trust. Requests for recording rights or data in the register must be made in writing. An official or private document providing sufficient evidence must be attached to the request. The HIPO amends the register data concerning the inventor and the share in authorship on the basis of either a unanimous declaration of all inventors recorded in the register and all of the persons making the request or a final court decision attached to the request. Where requests on the same case are mutually exclusive, they are dealt with in order of date of receipt. The patent register authentically attests to the existence of the rights and facts recorded therein, in the absence of proof to the contrary. If their correctness or authenticity is disputed, the burden of proof is on the person doing so. With the exception of mortgage, entry in the register of transfer of rights, the fact that the right to a patent is or the rights conferred by a patent are part of a trust, and licences has declaratory effect. Any patent-related right has effect vis-à-vis a third party acquiring it in good faith and for a consideration only if it has been recorded in the patent register.	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
	Any person may have access to the patent register. The register is accessible electronically (online) via the HIPO website. Subject to payment of a fee, any person may ask for a certified copy of the data recorded in the register. Art. 54, 55, 25(2) PA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes Entry in the register is automatic on payment of a fee (HUF 16 500) and submission of a copy of the EPO certificate (EPO Form 2544). Art. 55(2) PA Art. 16 FeeDecr	
7 **Special features**		In the event of patent infringement, the holder of a contractual licence may invite the patentee to take appropriate action in order to stop the infringement. If the patentee fails to take action within 30 days of the invitation, the licensee recorded in the patent register may institute proceedings for patent infringement in his own name. Art. 36(2) PA

Ireland

Central Industrial Property Office
Intellectual Property Office of Ireland Government Buildings Hebron Road KILKENNY R95 H4XC Tel. +353 56 7720111 Fax +353 56 7720100
www.ipoi.gov.ie ipinfo@ipoi.gov.ie

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Certified copy of the relevant document Sect. 85 PA R. 58 PR	Evidence that the applicant is not precluded by contract from granting licences Document setting out the terms of the licence Sect. 68 PA R. 46 PR
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	Yes	Yes
4 **Special fee payable?**	EUR 50 For each additional patent where the devolution of title is the same as in the first patent: EUR 6	EUR 25
5 **Entries and data recorded in the register**	Transfer of rights	Licence of right
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	
7 **Special features**	Documents not drafted in English must be accompanied by a verified translation.	

Iceland

Central Industrial Property Office
Hugverkastofan Icelandic Intellectual Property Office (ISIPO) Engjateigur 3 105 REYKJAVIK Tel. +354 580-9400
www.isipo.is, ***www.hugverk.is*** **isipo@isipo.is**, **hugverk@hugverk.is**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Deeds of transfer signed by the patent proprietor or relevant legal decision. A declaration of consent by the transferee is not required. Art. 44 PA Chapter IX PR	License agreement Art. 44 PA Art. 75, 76 PR
2 **Must a national professional representative be appointed?**	Not unless the transfer concerns a patent application. Art. 12 PA (Art. 66 PA if granted)	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	Yes Art. 18(1) Fees Reg.	Yes Art. 18(1) Fees Reg.
5 **Entries and data recorded in the register**	Recording upon request of transfer of rights Art. 44 PA	Grant of a license may be recorded upon request. Art. 44 PA
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes, until a decision of the EPO to grant becomes final, e.g. following opposition or appeals proceedings. A copy of the EPO certificate (EPO Form 2544) is required. Art. 77 PR	
7 **Special features**	Documents are accepted in Icelandic, Danish, Norwegian, Swedish and English.	

Italy

Central Industrial Property Office
Ufficio Italiano Brevetti e Marchi (UIBM) Ministero dello Sviluppo Economico Via Molise 19 00187 ROMA Tel. +39 06 4705-5800 Fax +39 06 4705-5632, 4705-5635
www.uibm.gov.it **contactcenteruibm@mise.gov.it**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	- authenticated copy of the public document or the original - or authenticated copy of the authenticated private document (see also section 7) Art. 138, 196 PL	as under 1. Art. 138 PL
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 50	EUR 50
5 **Entries and data recorded in the register**	Date of submission of the application, identity of the successor in title or of his agent, nature of the rights to which the registration refers	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required. Art. 139(5) PL Art. 10 Min. Decr. No. 33	
7 **Special features**	The application for transfer can be filed on ordinary paper having a revenue stamp (EUR 16) every 4 pages.	

Liechtenstein

Contracting state	Liechtenstein
see Switzerland	

Lithuania

Central Industrial Property Office
The State Patent Bureau of the Republic of Lithuania Kalvarijų g. 3 09310 VILNIUS Tel. +370 5 2780290 Fax +370 5 2750723
https://vpb.lrv.lt **info@vpb.gov.lt**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Contract assigning a patent application or patent Art. 42 PL	Licence agreement Art. 45 PL
2 **Must a national professional representative be appointed?**	Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. Art. 14(3) PL	Yes, as under 1. Art. 14(3) PL
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 115 Fees Law	EUR 28 Fees Law
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect.	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	
7 **Special features**	Assignments are published in the official bulletin. Documents not drafted in Lithuanian must be accompanied by a translation	

Luxembourg

Central Industrial Property Office
Ministère de l'Économie Office de la propriété intellectuelle 19-21, boulevard Royal 2914 LUXEMBOURG Tel. +352 247-84113 Fax +352 247-94113
www.gouvernement.lu/pi **dpi@eco.etat.lu**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	- original or certified copy of the substantiating document, or - private agreement between the parties, or joint declaration by the parties confirming the assignment or agreement, or - more rarely, acknowledgement or confirmation of the transfer by the transferor and separate declaration of acceptance or confirmation by the transferee Art. 53 PL Art. 23 Decr.	as under 1.
2 **Must a national professional representative be appointed?**	No Patentees with residence/ place of business within the EU must appoint a national professional representative only if they want to exercise the rights derived from the patent. Art. 83(4) PL	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 7 per patent	EUR 7 per patent mortgaged
5 **Entries and data recorded in the register**	Identity of assignee and date of his declaration Entry in the register has legal effect, except in the case of death. Identity of the mortgagee; mortgage term Licence: exclusive or non-exclusive; sub-licence Art. 23 Decr.	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required.	
7 **Special features**	Publication in the Official Journal of the Grand Duchy of Luxembourg Documents are also accepted in English and German. Art. 2 Decr.	

Latvia

Central Industrial Property Office
Patent Office of the Republic of Latvia Citadeles iela 7(70) 1010 RIGA Tel. +371 6 7099600 Fax +371 6 7099650
www.lrpv.gov.lv valde@lrpv.gov.lv

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request to have the transaction recorded, deed of transfer Art. 50, 51 PL	Written request to have the transaction recorded, licence agreement Art. 52 PL
2 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117(2) IPL	Yes, as under 1.
3 **Must a form be used?**	No, but recommended	No, but recommended
4 **Special fee payable?**	EUR 40 per patent Art. 51(2) PL s.2.16 Fees Reg.	EUR 40 per patent Art. 52(4) PL s.2.16 Fees Reg.
5 **Entries and data recorded in the register**	Entries in the register have legal effect Art. 51(3) PL	Declaratory effect However, entry in the register has legal effect vis-à-vis third parties. Art. 52(4) PL
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	Yes
7 **Special features**	For supporting documents not drafted in Latvian, a translation will only be requested if their meaning is not clear to the LV Patent Office.	

Malta

Central Industrial Property Office

Central Industrial Property Office
Industrial Property Registrations Directorate Commerce Department Ministry for the Economy and Industry (Malta) Lascaris Bastions Dahlet Gnien is-Sultan VALLETTA, VLT 1933 Tel. +356 2569 0100, 2122 6688
www.commerce.gov.mt **ipoffice@gov.mt**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Agreement assigning the ownership, signed by all parties, containing the patent number, date of filing, title of the invention, names, addresses and nationalities of the parties concerned. Art. 31 PA 2000	A copy of the agreement or an extract of the agreement which show the rights licensed and their extent. R. 36(2) L.N. 117/2002
2 **Must a national professional representative be appointed?**	No Art. 60(1), (2) PA 2000	No Art. 60(1), (2) PA 2000
3 **Must a form be used?**	Yes	Yes
4 **Special fee payable?**	EUR 58.23 Art. 31(2) PA 2000	EUR 58.23 Art. 35(3) PA 2000
5 **Entries and data recorded in the register**	Entries in the register have legal effect. Art. 34(3) PA 2000	Entries in the register have legal effect. Art. 34(3) PA 2000
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	No
7 **Special features**	Documents not drafted in Maltese or English must be accompanied by a translation.	Documents not drafted in Maltese or English must be accompanied by a translation.

Monaco

Central Industrial Property Office
Direction de l'Expansion Économique Division de la Propriété Intellectuelle 9 Rue du Gabian 98000 MONACO Tel. +377 98989801 Fax +377 92057520

Central Industrial Property Office
https://mcipo.gouv.mc mcipo@gouv.mc

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger) **- sale:** Production of a certified copy of the instrument of transfer. This copy must be registered with the Principality's Direction des Services Fiscaux. **- merger:** Production of an extract from the commercial register showing the change. **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) **- death and bankruptcy:** copy of any document evidencing the transfer. Art. 18 PL Art. 37-2 and 37-3 SO No. 1.476	Filing of a certified copy of the licence or lien Art. 18 PL Art. 37-2 SO No. 1.476
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	Yes	Yes
4 **Special fee payable?**	EUR 30 per entry	EUR 30 per entry
5 **Entries and data recorded in the register**	Transfers of rights, as well as licences, seizure and charges The transfer or amendment of rights only has effect vis-à-vis third parties once it has been entered in the special patent register and in so far as this transfer or amendment has been entered in the European Patent Register. Art. 11 SO No. 10.427	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognised.	
7 **Special features**	Assignments are published in the Journal de Monaco. Documents not drafted in French must be accompanied by a translation.	

Montenegro

Central Industrial Property Office
Ministarstvo ekonomskog razvoja i turizma Direktorat za unutrašnje tržište i konkurenciju Rimski trg 46 81000 PODGORICA Tel. +382 20 234 591
www.gov.me/mek www.ziscg.me **dragana.ranitovic@mek.gov.me**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Proof of legal basis for change to be entered in the register (contract or public document), and regular power of attorney if the entry procedure is initiated through a representative Art. 37(1) point 1 Rules Representative's details (name and address for natural persons/name and seat for legal persons), if the procedure for entry of change is initiated by a representative Art. 36(1) point 6 Rules	as under 1. Art. 121, 122 and 123 PL Art. 36 Rules
2 **Must a national professional representative be appointed?**	Yes (Register of Representatives at www.advokatskakomora.me)	Yes
3 **Must a form be used?**	Yes	Yes
4 **Special fee payable?**	Yes Tariff No. 113 LAdminFees	as under 1.
5 **Entries and data recorded in the register**	(a) Data about requester (first name, surname and address for natural persons, company and seat for legal persons) Art. 36(1) Rules (b) Indication of nature of change Art. 36(1) point 5 Rules	as under 1.
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	Yes
7 **Special features**	/	/

North Macedonia

Central Industrial Property Office
State Office of Industrial Property (SOIP) Boulevard October 11, No. 25 1000 SKOPJE Tel. +389 2 3103601 Fax +389 2 3137149
www.ippo.gov.mk **info@ippo.gov.mk**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request by one of the contracting parties Original or duly certified copy of the official document recording the transfer of rights or licence agreement	as under 1.
2 **Must a national professional representative be appointed?**	Yes	
3 **Must a form be used?**	No, but recommended	
4 **Special fee payable?**	MKD 500	
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect.	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	
7 **Special features**	Documents must be accompanied by a translation in Macedonian.	

Netherlands

Central Industrial Property Office
Octrooicentrum Nederland (Netherlands Patent Office) P.O. Box 10366 2501 HJ DEN HAAG Tel. +31 88 042 66 60
www.rvo.nl/octrooien **octrooicentrum@rvo.nl**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Either the original or a certified copy of the document containing the deed of transfer of title by the proprietor and declaration of acceptance by the assignee Art. 64, 65 PA	Original or a certified copy of the licence agreement, or an accepted testamentary disposition Art. 56 PA
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 27 Art. 64(1) PA Art. 8(2) PR	EUR 27 Art. 56(2) PA Art. 8(2) PR
5 **Entries and data recorded in the register**	Any special stipulations made in respect of the transfer Transfer confers substantive rights. Transfer by assignment shall take effect vis-à-vis third parties only after its entry in the register. Art. 64, 65 PA	Licence (how created), sub-licence A licence established by an agreement or testamentary dis-position shall take effect vis-à-vis third parties only after its entry in the register. Art. 56(2) PA
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) is required.	
7 **Special features**	Documents are accepted in Dutch, English, French and German.	

Norway

Central Industrial Property Office
Norwegian Industrial Property Office (NIPO) Patentstyret Postboks 4863 Nydalen 0422 OSLO Tel. +47 22 38 73 00 Fax +47 22 38 73 01
www.patentstyret.no **post@patentstyret.no**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	There is no requirement to submit supporting documents.	Supporting documents showing the transfer or lien must be submitted. § 44 PL §2a Fees reg
2 **Must a national professional representative be appointed?**	No	No
3 **Must a form be used?**	No, but use of the form available on NIPO's website is recommended for changes of ownership/mergers.	No, but use of the form available on NIPO's website is recommended for notification of licences and liens.
4 **Special fee payable?**	No	**Licence:** No **Lien:** NOK 500 An additional NOK 100 for each patent or patent application the lien is to include in addition to the first. § 42a Fees Reg.
5 **Entries and data recorded in the register**	Yes Registration may provide legal protection under certain conditions. See § 44a PL for further information. §§ 44 and 44a PL § 45 PR	Yes **Licences and liens:** Registration may provide legal protection under certain conditions. See § 44a PL for further information. §§ 44 and 44a PL § 45 PR
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognized by NIPO. Only where NIPO has not yet been informed of a transfer under R. 85 EPC is a copy of the EPO certificate (EPO Form 2544) required.	
7 **Special features**	Documents not drafted in Danish, English, Swedish or Norwegian must be accompanied by a translation.	§ 105 PR

Poland

Central Industrial Property Office

Central Industrial Property Office
Urząd Patentowy RP (Patent Office of the Republic of Poland) Al. Niepodległości 188/192 P.O. Box 203 00-950 WARSZAWA Tel. +48 22 5790555 Fax +48 22 5790001
www.uprp.pl

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request by an interested party; submission of the relevant document Art. 67, 76(6) and 229(1) IPL	as under 1. Art. 67, 76(6) and 229(1) IPL
2 **Must a national professional representative be appointed?**	Yes, except for right holders having their place of residence or registered office within the territory of the European Union, an EFTA member state - a party to the Agreement on the European Economic Area, or the Swiss Confederation. Art. 236(3) IPL	
3 **Must a form be used?**	No	
4 **Special fee payable?**	PLN 70 Annex 1 item I 21 Fees Reg.	
5 **Entries and data recorded in the register**	Transfers of rights, licences, other rights *in rem,* entries relating to disputes, seizures, data concerning invalidation or termination of a patent. The transfer of a patent shall take effect vis-à-vis third parties only after its entry in the Patent register. Art. 67(3) and 76(6) IPL Reg. Registers, chap. 2	The holder of an exclusive licence recorded in the register may, to the same extent as the patent holder, enforce his claims in the event of infringement, unless the licence contract stipulates otherwise. Art. 67(3) and 76(6) IPL Reg. Registers, chap. 2
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No (documents proving transfer must be supplied to the Patent Office of the Republic of Poland)	
7 **Special features**	Documents not drafted in Polish must be accompanied by a translation.	

Portugal

Central Industrial Property Office
Instituto Nacional da Propriedade Industrial (INPI) Campo das Cebolas 1149-035 LISBOA Tel. +351 21 8818100 Fax: +351 21 8869859
https://inpi.justica.gov.pt **servico.publico@inpi.pt**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written document providing evidence of the transfer Art. 30(1), (2), (4), 30 PA	Licence contract Art. 29, 31 PA
2 **Must a national professional representative be appointed?**	No Art. 10(1) PA	No Art. 10(1) PA
3 **Must a form be used?**	Yes, INPI Form PatMut3	Yes, INPI Form PatMut3
4 **Special fee payable?**	Transfer fee: EUR 107.73 if filed online, EUR 134.67 if filed on paper Fees Res.	Licence fee: EUR 91.56 if filed online, EUR 107.73 if filed on paper Compulsory licence fee: EUR 10.78 if filed online, EUR 21.55 if filed on paper Fees Res.
5 **Entries and data recorded in the register**	Transfers of rights as well as contractual licences Entry in the register has legal effect and takes effect vis-à-vis third parties. Art. 29(2), (4), 85(3) PA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy certified by the EPO (EPO Form 2544) must be produced. Art. 85(3) PA	
7 **Special features**	Assignments are published in the Industrial Property Bulletin. Documents not drafted in Portuguese must be accompanied by a translation. Art. 29(6), 375 PA	

Romania

Central Industrial Property Office
State Office for Inventions and Trademarks (OSIM) 5, Ion Ghica Street 030044 BUCUREŞTI 3 Tel. +40 21 3060-800 Fax +40 21 3123819
www.osim.ro **office@osim.ro**

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) **- sale:** request for transfer signed by the old or the new proprietor, either the original or certified copy or extract of the assignment document signed by all parties to the transaction and proof that the fee has been paid **- merger:** request for transfer signed by new proprietor, to which is attached an extract from commercial register **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) request for transfer signed by transferee, to which is attached a document legally establishing the transfer Art. 45 PL R. 85(2), (3), (5) Reg.	Request for registration of licence or other right signed by interested party, to which is attached an original or certified copy of the agreement or an extract from the relevant parts of the agreement and proof that the fee has been paid. Art. 45 PL R. 85(2), (3), (5) Reg.
2 **Must a national professional representative be appointed?**	Yes	Yes
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 100 or RON 495, unless transfer of right took place before publication of the mention of grant by the EPO Annex 1.25 Fees Ord.	EUR 100 or RON 495, unless transfer of right took place before publication of the mention of grant by the EPO Annex 1.25 Fees Ord.
5 **Entries and data recorded in the register**	Transfer of rights and licences Entry in the register has declaratory effect. Art. 45 PL R. 67(11) Reg.	

	1. Transfer of rights	2. Licences and other rights
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) and proof of payment of the prescribed fees are required.	
7 **Special features**	Documents are accepted in Romanian, English, French or German or they may be submitted with a translation into one of these languages, unless special circum-stances require a translation into Romanian.	

Serbia

Central Industrial Property Office
Intellectual Property Office Kneginje Ljubice 5 11000 BEOGRAD Tel. +381 11 20 25 800 Fax +381 11 311 23 77
www.zis.gov.rs **zis@zis.gov.rs**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request accompanied by original or duly certified copy of the official document recording the transfer of rights; proof that the fee has been paid Art. 44, 45 and 48 PL Art. 4 and 5 Rules	as under 1. Art. 46 to 48 PL Art. 6 to 9 Rules
2 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons not resident or having no seat in the Republic of Serbia must be represented by a representative listed in the competent authority's "Register of Representatives" or by a domestic attorney. Art. 5(1) PL	Yes, as under 1. Art. 5(1) PL
3 **Must a form be used?**	No, see section 7	
4 **Special fee payable?**	Yes Tar. No. 125(1) Fees Law	Yes Tar. No. 125(1) Fees Law

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
5 **Entries and data recorded in the register**	Entry in the register of transfers of rights has declaratory effect vis-à-vis third parties. Art. 44(3) PL	Registration of licence contractors has declaratory effect vis-à-vis third parties. The pledgee acquires possessory lien upon entry in the register. Art. 46(5), 47(7) PL
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	Yes
7 **Special features**	The written request must include in particular: - the registration number of the patent or petty patent or patent or petty patent application; - data on the right holder or applicant; and - a statement setting out that registration is sought for a transfer of the patent or petty patent or of the rights arising from the application or specifying the other rights to be registered. Art. 48 PL	

Sweden

Central Industrial Property Office
Patent- och registreringsverket (Swedish Intellectual Property Office (PRV)) Box 5055 102 42 STOCKHOLM Tel. +46 8 7822800 Fax +46 8 6660286
www.prv.se **prv@prv.se**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights	3. Adjoining rights, pledging

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights	3. Adjoining rights, pledging
1 **Which supporting documents must be filed?**	Certified copy or extract of the deed of merger. Otherwise, only at the invitation of SE Patent Office, a dated deed of transfer (original or certified copy) signed by the proprietor. Transfer by operation of law: certified copy of relevant document. § 44 PA § 44 PD	Certified copy or extract of the licence agreement. § 44 PA § 44 PD	Certified copy or extract of the pledge agreement. § 94 PA § 44 PD
2 **Must a national professional representative be appointed?**	No	No	No
3 **Must a form be used?**	No	No	No
4 **Special fee payable?**	SEK 500	SEK 500	SEK 500
5 **Entries and data recorded in the register**	Transfer of rights, licences, pledges Registration of transfers and licences has a declaratory effect. § 44 PA § 44 PD		Registration of pledge agreement has legal effect. § 95 PA
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A certified copy of the EPO certificate (EPO Form 2544) is required.		
7 **Special features**	Documents are generally accepted in English, French or German.		

Slovenia

Central Industrial Property Office

Central Industrial Property Office
Slovenian Intellectual Property Office (SIPO) Kotnikova 6 p.p.206 1000 LJUBLJANA Tel. +386 1 6203100 Fax +386 1 6203111
www.uil-sipo.si **sipo@uil-sipo.si**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	No documentation is needed if a request for change in the register is filed by a person who has been entered in the register as the owner of a right. If the request is filed by another person, that person has to submit a statement that the owner consents to the requested change being entered in the register or, at his choice, any other document providing a legal basis for the requested change to be entered in the register. Art. 108 IPA	as under 1. Art. 108 IPA
2 **Must a national professional representative be appointed?**	Yes Art. 129 IPA	
3 **Must a form be used?**	No, but recommended	
4 **Special fee payable?**	EUR 40 Art. 1(6.1) Fees Decr.	EUR 40 Art. 1(6.1) Fees Decr.
5 **Entries and data recorded in the register**	Any change concerning a patent or owner of a right may be entered in the register, such as transfer of rights, licence, change of name or address, etc. On request, transfer of rights or licence may, but need not, be entered in the register. Art. 107(1) IPA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
7 **Special features**	Supporting documents, when needed, are accepted in Slovenian, English, French and German. In case of doubt, SIPO may ask for a translation. Art. 108 IPA Art. 11, 12 Reg.Rules	

Slovakia

Central Industrial Property Office
Úrad priemyselného vlastníctva Slovenskej republiky Švermova 43 974 04 BANSKÁ BYSTRICA 4 Tel. +421 48 4300-131
www.indprop.gov.sk, www.upv.sk **podatelna@indprop.gov.sk**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written application, submission of the instrument concerned (e.g. deed of transfer) § 19(2) RPA	Written application and documents as under 1. §§ 20, 21 RPA
2 **Must a national professional representative be appointed?**	Yes, for natural or legal persons not having their residence or principal place of business in the Slovak Republic The above mandatory representation does not apply to parties who are nationals of a contracting state to the EEA Agreement or have their registered office or a place of business in the territory of such a state; such parties must provide the Slovak Industrial Property Office with an address for correspondence in the territory of the Slovak Republic. Representation by an appointed agent or a patent attorney authorised to practise before the Slovak Industrial Property Office § 79 (2) PA	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
3 **Must a form be used?**	No	
4 **Special fee payable?**	EUR 30 per patent § 2 + Schedule of Fees, item 216(b), point 4, Fees Law	EUR 20 per patent for a licence or a legal mortgage § 2 + Schedule of Fees, item 216(b), points 6-10, Fees Law
5 **Entries and data recorded in the register**	Assignment and transfer of patent, other rights in rem, licences, entries relating to disputes and other entries § 26 RPA	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	
7 **Special features**	Documents not submitted in the Slovak language must be accompanied by translations if so requested by the Slovak Industrial Property Office. §§ 19(3), 20(3), 21(3) RPA	

San Marino

Central Industrial Property Office
Ufficio di Stato Brevetti e Marchi (USBM) Repubblica di San Marino Via 28 Luglio, 212 47893 BORGO MAGGIORE B4 Rep. San Marino Tel. +378 0549 88 38 59 Fax +378 0549 88 38 56
www.usbm.sm **info.brevettiemarchi@pa.sm**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written application for entry in the patent register; submission of original or duly certified copy of the instrument concerned (deed of transfer, certificate of inheritance, distraint order). If it is not a public instrument, certified signature of the proprietor of the right.	as under 1.

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
2 **Must a national professional representative be appointed?**	Yes	
3 **Must a form be used?**	No	
4 **Special fee payable?**	EUR 150	EUR 150
5 **Entries and data recorded in the register**	Transfer of rights, licences Registration of transfers and licences has declaratory effect vis-à-vis third parties	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	No	No
7 **Special features**	One original or one duly certified copy of the instrument concerned must be filed; stamp duty and a registration fee are payable. All foreign documents mentioned should contain an "Apostille" according to the Hague Convention of 5 October 1961 and should be translated into Italian. The translation must be certified by a sworn translator.	

Turkey

Central Industrial Property Office
Turkish Patent and Trademark Office Türk Patent ve Marka Kurumu (TÜRKPATENT) Hipodrom Cad. No: 13 06560 YENIMAHALLE - ANKARA Tel. +90 312 3031000 Fax +90 312 3031173
www.turkpatent.gov.tr **contact@turkpatent.gov.tr**

	1. Transfer of rights	2. Licences and other rights

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) - written request - extract from the commercial register (for merger, transfer of title) - deed of assignment bearing certified signatures of both the assignee and the assignor (for assignment, sale) - proof that the fee has been paid - power of attorney (if necessary) R. 37, 44 IR **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) - written request - succession: certificate of hereditary succession - proof that the fee has been paid - power of attorney (if necessary) R. 38 IR R. 125, 126, 127, 128 129 IPLR	- written request - licence agreement signed both by the proprietor and the licensee; the signatures must be certified. - proof that the fee has been paid - power of attorney (if necessary) R. 35 IR Art. 125 IPL R. 116 IPLR
2 **Must a national professional representative be appointed?**	Yes	Yes
3 **Must a form be used?**	No	No
4 **Special fee payable?**	(i) merger: TRY 930* assignment: TRY 905* (ii) succession: TRY 905* Fees 2022	TRY 360* Fees 2022
5 **Entries and data recorded in the register**	Entry in the register has legal effect and takes effect vis-à-vis third parties. Art. 92 DL No. 551 Art. 106 IPL Art. 111 IPLR	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes	
7 **Special features**	All documents not drafted in Turkish must be accompanied by a translation.	

* All fees are revised annually on 1 January.

United Kingdom

Central Industrial Property Office
Intellectual Property Office (IPO) Concept House Cardiff Road NEWPORT South Wales NP10 8QQ Tel. +44 1633 814000 *or* Intellectual Property Office (IPO) London Branch Office 3rd Floor 10 Victoria Street LONDON SW1H 0NB
www.gov.uk/government/organisations/intellectual-property-office **information@ipo.gov.uk**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	To tell us you have sold your patent you need to fill in Patents Form 21. Form 21 is not a replacement for the assignment or other agreement, merely the form that you should use to ask us to record it. For assignments signed on or after 22 December 1999 the form need be signed only by or on behalf of the assignor. For earlier assignments all parties or their representatives should sign. If this is not possible, we will accept other documents as evidence that the assignment has taken place and that any necessary stamp duty has been paid. In most cases a properly completed and signed Form 21 is all that is required, but the comptroller may ask for additional evidence if necessary. Sect. 32, 33 PA R. 47 PR	Licences and other transactions such as mortgages or granting of security may also be registered on Form 21. As with assignments, a properly completed and signed form is usually all that is needed for registration, but more evidence may be required in some cases.
2 **Must a national professional representative be appointed?**	No, but an address for service in the United Kingdom, Gibraltar or Channel Islands should be given for all proceedings. R. 103 PR	
3 **Must a form be used?**	Yes, Form 21, one form only irrespective of the number of patents transferred	Yes, Form 21

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
4 **Special fee payable?**	GBP 50	GBP 50
5 **Entries and data recorded in the register**	All additional rights, e.g. mortgages, agreements, licences, sub-licences Registration in the register generally has merely declaratory effect. However, certain rights only accrue by virtue of registration (e.g. under Sect. 33 and 68 PA)	
6 **Is a transfer registered by the EPO under Rule 85 EPC recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) may be used to support an application for registration made on UK Form 21. If the EPO Form 2544 has been issued at the EPO in French or German, an English translation of the form will also be required to support an application for registration made on UK Form 21.	
7 **Special features**	Transactions relating to EP (UK) patents are liable to the payment of stamp duty in the UK if the transaction was done before 28 March 2000. Stamp duty may still be payable on transactions after 28 March 2000 if items other than intellectual property are involved. For further information, contact the Assignment section, Tel. +44 1633 81 36 07.	

Republic of Moldova

Central Industrial Property Office
State Agency on Intellectual Property (AGEPI) 24/1, Andrei Doga Str. CHIȘINĂU, MD-2024 Consultations: Tel. +373 22 400500 Receipt of requests: Tel. +373 22 400505 Fax +373 22 440119
agepi.gov.md/en **office@agepi.gov.md**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Registration of a contract is requested using a standard application form approved by AGEPI and enclosing the following documents: (1) power of attorney signed by the parties, if the application is filed by representative(s) / authorised representative(s) or agents; (2) the assignment or licensing contract or an extract from it either in the original, signed by both parties, or a copy of the contract or extract authenticated by a notary; (3) the court decision, where the transfer of rights was ordered by a court; (4) the legislation governing the transfer of rights, in case the transfer of the rights is carried out on the basis of the execution of some normative provisions; (5) copy of the decision to transfer rights made at the general meeting of members, where rights were transferred by a legal entity to a natural person; (6) translation of attached documents into Romanian, if they are submitted in another language. (7) proof of payment of the contract registration fee. Point 9 Gov. Dec. No. 612/2011	as under 1.
2 **Must a national professional representative be appointed?**	Yes Art. 86(2) Law No. 50/2008 Gov. Dec. No. 612/2011	
3 **Must a form be used?**	Yes Gov. Dec. No. 612/2011	
4 **Special fee payable?**	EUR 200 Gov. Dec. No. 774/1997	
5 **Entries and data recorded in the register**	Yes Art. 26 Law No. 50/2008	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No Patents validated in the Republic of Moldova are governed solely by national law. To be enforceable against third parties, any subsequent transfer must be entered in the national patent register. Art. 26 Law No. 50/2008	
7 **Special features**	Transfer documents for validated patents or applications must be submitted in Romanian	

Morocco

Central Industrial Property Office
Office marocain de la propriété industrielle et commerciale (Moroccan Industrial and Commercial Property Office, OMPIC) Headquarters: Route de Nouasser, R.S. 114, Km 9,5 Sidi Maarouf CASABLANCA Postal address: PO Box 8072 Casablanca Oasis CASABLANCA Tel. +212 5 22586400 Fax +212 5 22335480
www.ompic.ma **validation@ompic.ma**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Deed amending ownership of the application or patent or entitlement to exercise the rights attached to it, e.g. assignment, licence, encumbrance or waiver thereof, seizure, validation and lifting of seizure Depending on the case in point, the registration request must be accompanied by - an authenticated original of the private deed recording the change in ownership of the application or patent or in entitlement to exercise the rights attaching to it, or of a certified copy of said deed - a copy of said deed if the applicant wants the original or certified copy returned to him, or of an extract if he wants registration to be limited thereto - a transfer deed in the case of transfer following death - a certified copy of the transfer deed in case of merger, spin-off or takeover. Art. 58 Law No. 17-97 Art. 23 Decr.	as under 1.
2 **Must a national professional representative be appointed?**	Yes Applicants who do not have a residence or place of business in Morocco must appoint a professional representative who does	
3 **Must a form be used?**	Yes Art. 2 Decr.	
4 **Special fee payable?**	MAD 480 per deed (maximum: MAD 12 000) for recording a change of name, address or legal form. MAD 960 per deed (maximum: MAD 24 000) for recording the transfer or deletion of rights. A reduction is available for certain proprietor categories and/or for those using the online procedure. Dec. No. 9/2017	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
5 **Entries and data recorded in the register**	To be enforceable against third parties, any deed transferring, amending or otherwise affecting rights relating to an application or patent must be recorded in the national patent register held by OMPIC. Entries in the register have declaratory effect, but are enforceable against third parties only as from their date of registration. Art. 58 Law No. 17-97	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No Patents validated in Morocco are governed solely by national law. To be enforceable against third parties, any subsequent transfer must be entered in the national patent register. Art. 50.1, 58 Law No. 17-97	
7 **Special features**	Transfer documents for validated patents or applications must be supplied in Arabic or French.	

Cambodia

Validation state	Cambodia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	Tunisia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Central Industrial Property Office

Central Industrial Property Office
Institute for Intellectual Property of Bosnia and Herzegovina *Head office:* Kneza Domagoja bb 88000 MOSTAR Tel. +387 36 334382 Fax +387 36 318420 *www.ipr.gov.ba* **mostar@ipr.gov.ba** *Branch office:* Bulevar Mese Selimovica 95 71000 SARAJEVO Tel. +387 33 521848 Fax +387 33 652757 **info@ipr.gov.ba** **sarajevo@ipr.gov.ba** *Branch office:* Akademika Jovana Surutke 13/III 78000 BANJA LUKA Tel. +387 51 226840 Fax +387 51 226841 **banjaluka@ipr.gov.ba**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request Original or duly certified copy of the official document recording the transfer of rights or licence agreement and proof that the fee has been paid Art. 70 PL Art. 33 Pat. Reg.	as under 1.
2 **Must a national professional representative be appointed?**	Yes Art. 5 PL	
3 **Must a form be used?**	Yes Art. 33 Pat. Reg.	
4 **Special fee payable?**	Spec. Fees: BAM 70 Admin. Fees: BAM 30	Spec. Fees: BAM 100 Admin. Fees: BAM 60
5 **Entries and data recorded in the register**	Any change concerning a patent or owner of a right may be entered in the register, such as transfer of rights, licence, change of name or address, etc. Art. 70 PL Art. 33 Pat. Reg.	

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	n/a	
7 **Special features**	Documents not drafted in one of the official languages of Bosnia and Herzegovina must be accompanied by a translation. Assignments are published in the official gazette. Art. 33 Pat. Reg.	

Montenegro

Central Industrial Property Office
Ministarstvo ekonomije Direktorat za unutrašnje tržište i konkurenciju Rimski trg 46 81000 PODGORICA Tel. +382 20 234 591
www.mek.gov.me **intelektualna.svojina@mek.gov.me**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Proof of legal basis for change to be entered in the register (contract or public document), and regular power of attorney if the entry procedure is initiated through a representative Art. 37(1) point 1 Rules Representative's details (name and address for natural persons/name and seat for legal persons), if the procedure for entry of change is initiated by a representative Art. 36(1) point 6 Rules	as under 1. Art. 121, 122 and 123 PL Art. 36 Rules
2 **Must a national professional representative be appointed?**	Yes (Register of Representatives at www.advokatskakomora.me)	Yes
3 **Must a form be used?**	Yes	Yes

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
4 **Special fee payable?**	Yes Tariff No. 113 LAdminFees	as under 1.
5 **Entries and data recorded in the register**	(a) Data about requester (first name, surname and address for natural persons, company and seat for legal persons) Art. 36(1) Rules (b) Indication of nature of change Art. 36(1) point 5 Rules	as under 1.
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	Yes	Yes
7 **Special features**	-	

Albania

Central Industrial Property Office
Drejtoria e Përgjithshme e Pronësisë Industriale General Directorate of Industrial Property (GDIP) Bulevardi "Zhan D'Ark" Prona Nr. 33 Shtëpia e Ushtarakëve TIRANA Tel. +355 4 22 34 412 Fax +355 4 22 34 412
www.dppm.gov.al **mailinf@dppm.gov.al**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request by the patent proprietor Original or duly certified copy of the official document recording the transfer of rights Art. 44 to 50 PL	as under 1.

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
2 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Albania must appoint a representative authorised to act before the GDIP. Art. 195(2) PL	
3 **Must a form be used?**	Yes	
4 **Special fee payable?**	ALL 5 000	
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect. Art. 32(2) PL	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No	
7 **Special features**	Documents not drafted in Albanian must be accompanied by a translation.	

Croatia

Central Industrial Property Office
Državni zavod za intelektualno vlasništvo State Intellectual Property Office of the Republic of Croatia Ulica grada Vukovara 78 10000 ZAGREB Tel. +385 1 6106111, 6106100 Fax +385 1 6112017
www.dziv.hr **info@dziv.hr**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request Original or duly certified copy of the official document recording the transfer of rights or licence agreement and proof that the fee has been paid Art. 107-111 PA Art. 32 PO	as under 1.
2 **Must a national professional representative be appointed?**	Yes Art. 17 PA	
3 **Must a form be used?**	Yes Art. 32(3) PO	
4 **Special fee payable?**	HRK 200 per entry Art. 48.(1) RFees	
5 **Entries and data recorded in the register**	Any change concerning a patent or owner of a right may be entered in the register, such as transfer of rights, licence, change of name or address, etc. On request, transfer of rights or licence may, but need not, be entered in the register. Art. 109 PA	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No	
7 **Special features**	Supporting documents must be furnished as an original or as a certified copy. The entered changes will be published in the official gazette. Art. 109.7 PA Art. 32 PO	

Lithuania

Central Industrial Property Office

Central Industrial Property Office
The State Patent Bureau of the Republic of Lithuania Kalvarijų g. 3 09310 VILNIUS Tel. +370 5 2780290 Fax +370 5 2750723
https://vpb.lrv.lt/ info@vpb.gov.lt

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Contract assigning a patent application or patent Art. 42 PL	Licence agreement Art. 45 PL
2 **Must a national professional representative be appointed?**	Yes Legal or natural persons who have no residence, permanent place of business, registered branch or representative office in Lithuania, in the EEA or in an EPC contracting state must appoint a patent attorney who has been entered on the List of Patent Attorneys of Lithuania. Art. 14 PL	Yes, as under 1. Art. 14 PL
3 **Must a form be used?**	No	
4 **Special fee payable?**	EUR 115 Fees Law	EUR 28 Fees Law
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect.	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No	
7 **Special features**	Assignments are published in the official bulletin. Documents not drafted in Lithuanian must be accompanied by a translation.	

Latvia

Central Industrial Property Office

Central Industrial Property Office
Patent Office of the Republic of Latvia Citadeles iela 7(70) 1010 RIGA Tel. +371 6 7099600 Fax +371 6 7099650
www.lrpv.gov.lv valde@lrpv.gov.lv

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Deeds of transfer signed by the patent proprietor Art. 51(2) PL R. 59-66 PR	Licence agreement A licence contract takes effect after it has been registered with the LV Patent Office. Art. 52 PL
2 **Must a national professional representative be appointed?**	Yes Applicants with neither residence nor principal place of business in Latvia must appoint a registered professional representative. Power of attorney is not required. Art. 116(3), 117(2) IPL	Yes, as under 1.
3 **Must a form be used?**	No, the use of the form is optional.	
4 **Special fee payable?**	EUR 40 per patent	EUR 40 per patent
5 **Entries and data recorded in the register**	Entries in the register have legal effect.	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	Yes A transfer recorded in the EPO European Patent Register is recognised.	
7 **Special features**	Documents are accepted in Latvian, English, French, German or Russian.	

North Macedonia

Central Industrial Property Office
State Office of Industrial Property (SOIP) Boulevard October 11, No. 25 1000 SKOPJE Tel. +389 2 3103601 Fax +389 2 3137149

Central Industrial Property Office
www.ippo.gov.mk **info@ippo.gov.mk**

	1. Transfer of rights by transaction (e.g. sale, merger) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request by one of the contracting parties Original or duly certified copy of the official document recording the transfer of rights or licence agreement Art. 217 PL	as under 1. Art. 218, 219, 220 PL
2 **Must a national professional representative be appointed?**	Yes	
3 **Must a form be used?**	No	
4 **Special fee payable?**	MKD 500	
5 **Entries and data recorded in the register**	Transfer of rights and licences Entries in the register have legal effect.	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No	
7 **Special features**	Documents must be accompanied by a translation in Macedonian. Assignments are published in the official gazette.	

Romania

Central Industrial Property Office
State Office for Inventions and Trademarks (OSIM) 5, Ion Ghica Street 030044 BUCUREŞTI 3 Tel. +40 21 3060-800 Fax +40 21 3123819
www.osim.ro **office@osim.ro**

	1. Transfer of rights	2. Licences and other rights

	1. Transfer of rights	2. Licences and other rights
1 **Which supporting documents must be filed?**	**(i) by transaction** (e.g. sale, merger, transfer of title) **- sale**: request for transfer signed by the old or the new proprietor, either the original or certified copy or extract of the assignment document signed by all parties to the transaction and proof that the fee has been paid **- merger:** request for transfer signed by new proprietor, to which is attached an extract from commercial register **(ii) by operation of law** (e.g. succession, insolvency, compulsory execution) request for transfer signed by transferee, to which is attached a document legally establishing the transfer Art. 45 PL	Request for registration of licence or other right signed by interested party, to which is attached an original or certified copy of the agreement or an extract from the relevant parts of the agreement and proof that the fee has been paid. Art. 45 PL
2 **Must a national professional representative be appointed?**	Yes	Yes
3 **Must a form be used?**	No	No
4 **Special fee payable?**	EUR 100 or RON 495, unless transfer of right took place before publication of the mention of grant by the EPO Annex 1.25 Fees Ord.	EUR 100 or RON 495, unless transfer of right took place before publication of the mention of grant by the EPO. Annex 1.25 Fees Ord.
5 **Entries and data recorded in the register**	Transfer of rights and licences Entry in the register has declaratory effect. Art. 45 PL R. 67(11) Reg.	
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	Yes A copy of the EPO certificate (EPO Form 2544) and proof of payment of the prescribed fees is required.	
7 **Special features**	Documents are accepted in Romanian, English, French or German or they may be submitted with a translation into one of these languages, unless special circumstances require a translation into Romanian.	

Slovenia

Central Industrial Property Office
Slovenian Intellectual Property Office (SIPO) Kotnikova 6 p.p.206 1000 LJUBLJANA Tel. +386 1 6203100 Fax +386 1 6203111
www.uil-sipo.si sipo@uil-sipo.si

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	No documentation is needed if a request for change in the register is filed by a person who has been entered in the register as the owner of a right; if the request is filed by another person, that person has to submit a statement that the owner consents to the requested change being entered in the register or, at his choice, any other document providing a legal basis for the requested change to be entered in the register. Art. 108 IPA	as under 1. Art. 108 IPA
2 **Must a national professional representative be appointed?**	Yes Art. 129 IPA	
3 **Must a form be used?**	No, but recommended	
4 **Special fee payable?**	EUR 40 Art. 1(6.1) Fees Decr.	
5 **Entries and data recorded in the register**	Any change concerning a patent or owner of a right may be entered in the register, such as transfer of rights, licence, change of name or address, etc. On request, transfer of rights or licence may, but need not, be entered in the register. Art. 107(1) IPA	

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	No	
7 **Special features**	Supporting documents, when needed, are accepted in Slovenian, English, French and German. In case of doubt, SIPO may ask for a translation. Art. 108 IPA Art. 11, 12 Reg.Rules	

Serbia

Central Industrial Property Office
Intellectual Property Office Kneginje Ljubice 5 11000 BEOGRAD Tel. +381 11 2025800 Fax +381 11 3112377
www.zis.gov.rs **zis@zis.gov.rs**

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
1 **Which supporting documents must be filed?**	Written request accompanied by original or duly certified copy of the official document recording the transfer of rights; proof that the fee has been paid Art. 44, 45 and 48 PL Art. 4 and 5 Rules	as under 1. Art. 46 to 48 PL Art. 6 to 9 Rules
2 **Must a national professional representative be appointed?**	Yes, foreign natural and legal persons not resident or having no seat in the Republic of Serbia must be represented by a representative listed in the competent authority's "Register of Representatives" or by a domestic attorney. Art. 5(1) PL	Yes, as under 1. Art. 5(1) PL
3 **Must a form be used?**	No, see section 7	

	1. Transfer of rights by transaction (e.g. sale, merger, transfer of title) or by operation of law (e.g. succession, insolvency, compulsory execution)	2. Licences and other rights
4 **Special fee payable?**	Yes Tar. No. 125(1) Fees Law	Yes Tar. No. 125(1) Fees Law
5 **Entries and data recorded in the register**	Entry in the register of transfers of rights has declaratory effect vis-à-vis third parties. Art. 44(3) PL	Registration of licence contractors has declaratory effect vis-à-vis third parties. The pledgee acquires possessory lien upon entry in the register. Art. 46(5), 47(7) PL
6 **Is a transfer registered by the EPO during the opposition period or opposition proceedings recognised?**	Yes	Yes
7 **Special features**	The written request must include in particular: - the registration number of the patent or petty patent or patent or petty patent application; - data on the right holder or applicant; and - a statement setting out that registration is sought for a transfer of the patent or petty patent or of the rights arising from the application or specifying the other rights to be registered. Art. 48 PL	

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Location

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X. Miscellaneous

The following table sets out information on

(a) the enactment of national provisions on the question of double protection under Article 139(3) EPC

(b) the territorial field of application of the EPC, pursuant to Article 168(1) EPC

(a) Simultaneous protection

Under Article 139(3) EPC, any contracting state may prescribe whether and on what terms an invention disclosed in both a European patent application or patent and a national application or patent having the same date of filing or, where priority is claimed, the same date of priority, may be protected simultaneously by both applications or patents.

The provisions enacted for the purposes of Article 139(3) EPC or, for the extension and validation states, in connection with any related national law are shown in section 1 of the table.

(b) Territorial field of application

Under Article 168(1) any contracting state may declare in its instrument of ratification or accession, or may inform the Government of the Federal Republic of Germany by written notification any time thereafter, that the Convention shall be applicable to one or more of the territories for the external relations of which it is responsible. European patents granted for that contracting state also have effect in the territories for which such a declaration has taken effect.

The current situation with regard to the territorial field of application of the EPC allowed by its various contracting states or to that of the extension and validation states' related national legislation is shown in section 2 of the table.

(c) Authorities having jurisdiction under Article 1(2) Protocol on Recognition

The following contracting states have notified the EPO of authorities which have a jurisdiction conferred to decide claims under Article 1(2) Protocol on Recognition:

Austria: Austrian Patent Office (Austrian "Patentblatt" 1993, 154);

United Kingdom: The Comptroller General of Patents Designs and Trade Marks (Sections 12 and 82 Patents Act 1977).

Albania

Contracting state	Albania
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No In the case of an invention disclosed in both a national patent and a European patent designating the Republic of Albania – both patents having the same date of filing or, when priority is claimed, the same date of priority, and belonging to the same person or his successor in title – the national patent ceases to have effect, to the extent that it protects the same invention, from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 87/e PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Albania

Austria

Contracting state	Austria
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection by national patents/utility models is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Austria

Belgium

Contracting state	Belgium
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 5(1) Law of 21.4.07 Art. 7(1) Law of 8.7.77 Art. XI.86 ELC
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of Belgium

Bulgaria

Contracting state	Bulgaria
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No In the case of an invention disclosed in both a national patent and a European patent designating the Republic of Bulgaria – both patents having the same date of filing or, when priority is claimed, the same date of priority, and belonging to the same person or his successor in title – the national patent will cease to have effect. Art. 72g(1) PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Bulgaria

Switzerland

Contracting state	Switzerland / Liechtenstein
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect. Art. 125 PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Swiss Confederation and of the Principality of Liechtenstein Treaty CH/LI of 22.12.78

Cyprus

Contracting state	Cyprus

Contracting state	Cyprus
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Sect. 71(1), (2) PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Cyprus

Czech Republic

Contracting state	Czech Republic
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that the national patent protects the same invention with the same right to priority for the same patentee or his successor in title, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Simultaneous protection by utility model is allowed. § 35e PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Czech Republic

Denmark

Contracting state	Denmark
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection is not excluded. Applies equally to utility models (a separate request is to be made).
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of Denmark with the exception of Greenland and the Faroe Islands

Germany

Contracting state	Germany

Contracting state	Germany
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Simultaneous protection for utility models is allowed. Art. II § 8(1) LIPC
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Federal Republic of Germany

Estonia

Contracting state	Estonia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Simultaneous protection for utility models is allowed. § 12(1) and (3) IA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Estonia

Spain

Contracting state	Spain
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. 160 NPL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of Spain

Finland

Contracting state	Finland
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection by national patents/utility models is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Finland

France

Contracting state	France
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect once the European patent is definitively granted. Art. L. 614-13 PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the French Republic including the overseas territories (in particular, French Polynesia and New Caledonia) Art. L. 811-1 PL

Greece

Contracting state	Greece
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent/utility model ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 22(1) Pres. Decr. No. 77/88
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Hellenic Republic Law No. 1607/86

Croatia

Contracting state	Croatia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Simultaneous protection for utility models is allowed. Art. 127 PA

Contracting state	Croatia
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Croatia

Hungary

Contracting state	Hungary
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	Simultaneous protection by national patents/utility models is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of Hungary

Ireland

Contracting state	Ireland
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	To the extent that it protects the same invention, the Controller may revoke the national patent after the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Sect. 60 PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of Ireland

Iceland

Contracting state	Iceland
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	Simultaneous protection is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Iceland

Italy

Contracting state	Italy
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent/utility model ceases to have effect. Art. 59 PL

Contracting state	Italy
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Italian Republic

Liechtenstein

Contracting state	**Liechtenstein**
see Switzerland	

Lithuania

Contracting state	Lithuania
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No Art. 83 PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Lithuania

Luxembourg

Contracting state	Luxembourg
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. 94 PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Grand Duchy of Luxembourg

Latvia

Contracting state	Latvia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 75 PL

Contracting state	Latvia
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Latvia

Malta

Contracting state	Malta
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 11 L.N. 99/2007
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Malta

Monaco

Contracting state	Monaco
1 **Simultaneous protection allowed? Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. 9 SO 10.427
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Principality of Monaco

Montenegro

Contracting state	Montenegro

Contracting state	Montenegro
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	If a European patent designating Montenegro and a national patent are granted to the same person or their legal successor with the same filing date or, if the right of priority is requested, the same priority date, the national patent ceases to have effect to the extent that it covers the same invention as the European patent designating Montenegro from the day when the deadline for filing notice of opposition to the European patent expired without any opposition having been filed, or from the day when a final decision was made in opposition proceedings to maintain the European patent. Art. 150h PL
2 **Territorial field of application pursuant to Art. 168 EPC**	The provisions of the Patent Law relating to European patent applications apply to applications submitted on or after the entry into force of the European Patent Convention and European patents granted on the basis of them. Art. 150p PL

North Macedonia

Contracting state	North Macedonia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No Art. 126 PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of North Macedonia

Netherlands

Contracting state	Netherlands
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. 77 PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of the Netherlands in Europe, as of 4 April 2007 applicable also to Curaçao, Sint Maarten and the Dutch Caribbean (Bonaire, Sint Eustatius and Saba) Art. 49(1), 53(4), 55, 57(2), 73(1), 74 PA

Norway

Contracting state	Norway
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection by national patents is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of Norway

Poland

Contracting state	Poland
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection by national patents/utility models is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Poland

Portugal

Contracting state	Portugal
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Yes
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of Portugal

Romania

Contracting state	Romania
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention with the same right to priority for the same patentee or his successor in title, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 10 AccEPCLaw
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of Romania

Serbia

Contracting state	Serbia

Contracting state	Serbia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No In the case of an invention disclosed in both a national patent and a European patent designating the Republic of Serbia - both patents having the same date of filing or, when priority is claimed, the same date of priority, and belonging to the same person or his successor in title - the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 152 PL
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Serbia

Sweden

Contracting state	Sweden
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	Simultaneous protection by national patents is not excluded.
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Kingdom of Sweden

Slovenia

Contracting state	Slovenia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 31 IPA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Slovenia

Slovakia

Contracting state	Slovakia

Contracting state	Slovakia
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. § 64 PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Slovak Republic

San Marino

Contracting state	San Marino
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which: (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 10(1) Decree Law No. 76/2009
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of San Marino

Turkey

Contracting state	Turkey
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	No; to the extent that it protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. R. 21 RegEPC
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the Republic of Turkey

United Kingdom

Contracting state	United Kingdom

Contracting state	United Kingdom
1 **Simultaneous protection allowed?** **Art. 139(3) and 140 EPC**	To the extent that it protects the same invention, the comptroller may revoke the national patent after the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Sect. 73 PA
2 **Territorial field of application pursuant to Art. 168 EPC**	Territory of the United Kingdom of Great Britain and Northern Ireland and of the Isle of Man* Sect. 131, 132 PA

* For information on the registrability of European patents (UK) in overseas states or territories, see the information in OJ EPO 2009, 546 and OJ EPO 2018, A97.

Republic of Moldova

Validation state	Republic of Moldova
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	The co-existence of a national patent and a validated European patent is not excluded.
2 **Territorial field of application**	Territory of the Republic of Moldova

Morocco

Validation state	Morocco
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	The coexistence of a national patent and a validated patent is not excluded.
2 **Territorial field of application**	Territory of the Kingdom of Morocco

Cambodia

Validation state	**Cambodia**
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Tunisia

Validation state	**Tunisia**

Validation state	Tunisia
Information not available at time of going to press. Please consult the relevant information to be published in the EPO Official Journal.	

Bosnia and Herzegovina

Extension state	Bosnia and Herzegovina
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 8 Ext. Agr. Annex
2 **Territorial field of application**	Territory of Bosnia and Herzegovina

Montenegro

Extension state	Montenegro
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 148 PL
2 **Territorial field of application**	Territory of Montenegro

Albania

Former extension state	Albania (The extension system continues to apply to European and international patent applications filed before 1 May 2010.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 85 PL
2 **Territorial field of application**	Territory of the Republic of Albania

Croatia

Former extension state	Croatia (The extension system continues to apply to European and international patent applications filed before 1 January 2008.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 127 PA
2 **Territorial field of application**	Territory of the Republic of Croatia

Lithuania

Former extension state	Lithuania (The extension system continues to apply to European and international patent applications filed before 1 December 2004.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No Art. 74 PL
2 **Territorial field of application**	Territory of the Republic of Lithuania

Latvia

Former extension state	Latvia (The extension system continues to apply to European and international patent applications filed before 1 July 2005.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 75 PL
2 **Territorial field of application**	Territory of the Republic of Latvia

North Macedonia

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)

Former extension state	North Macedonia (The extension system continues to apply to European and international patent applications filed before 1 January 2009.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 8 Ext. Reg.
2 **Territorial field of application**	Territory of the Republic of North Macedonia

Romania

Former extension state	Romania (The extension system continues to apply to European and international patent applications filed before 1 March 2003.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. VIII GO
2 **Territorial field of application**	Territory of Romania

Slovenia

Former extension state	Slovenia (The extension system continues to apply to European and international patent applications filed before 1 December 2002.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 8 Ext. Decr.
2 **Territorial field of application**	Territory of the Republic of Slovenia

Serbia

Former extension state	Serbia (The extension system continues to apply to European and international patent applications filed before 1 October 2010.)
1 **Simultaneous protection (by national patents and extended or validated European patents) allowed?**	No; to the extent that the extended European patent protects the same invention, the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 127 PL Ext.
2 **Territorial field of application**	Territory of the Republic of Serbia

Last updated: 26.10.2022

EPC forms

(selection)

(status 31.10.2022 for EQE 2023)

DELTAPATENTS

- Request for Grant form (form 1001)
- Notes to the RfG form
- Designation of the inventor
- Authorisation
- General authorisation
- PACE request to the European Patent Office
- Declaration for SMEs, natural persons, non-proft organisations, universities and public research organisations for the purpose of fee reductions under Rule 6 EPC
- Declaration for SMEs, natural persons, non-profit organisations, universities and public research organisations for the purpose of the reduction of the fee for appeal under Article 2(1), item 11 of the Rules relating to Fees and Rule 6(4) and (5) EPC
- Request for retrieval of a certified copy of a priority document via DAS
- Request for the issue of a sample of deposited biological material
- Notes concerning the forms for the issue of a sample of deposited biological material
- Request for deposited biological material to be made available by issuing a sample to an expert
- Notes concerning the request for deposited biological material to be made available by issuing a sample to an expert
- Example Decision to grant (form 2006A), incl. date of handover to internal post
- Opposition form (form 2300)
- Notes to the opposition form
- OJ 2016, A42 - Streamlined opposition per 01.07.2016
- OJ 2016, A43 - Notice to OJ 2016, A42
- Request for limitation or revocation (form 2380)
- Notice of appeal (form 3002)
- Request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC)
- Notes on the request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC)
- Request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications pursuant to Rule 23 or Rule 24 EPC
- Notes on the request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications
- Notes for users of third party observations

Status: 31 October 2022 (for EQE 2023)

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Forms

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https://www.epo.org/applying/forms.html

Location

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European (EPC) forms

Most frequently used forms:

- 1001: Request for grant of a European patent
- 1200: Entry into the European phase
- 2300: Notice of opposition to a European patent
- 1018: Withdrawal of one or more European patent applications

All EPC forms

Form number and title		PDF
1001	Request for grant of a European patent **v. 10.22**	download
	Notes on the request for grant of a European patent **v. 10.22**	download
1002	Designation of inventor **v. 02.21**	download
1003	Authorisation	download
1004	General authorisation	download
1005	PACE request to the European Patent Office	download
1009	Request for participation in the Patent Prosecution Highway (PPH) pilot program **v. 5.16**	download
	Notes on participation in the Patent Prosecution Highway (PPH) Pilot Programme **v. 5.16**	download

Form number and title		PDF
1011	Declaration for SMEs, natural persons, non-profit organisations, universities and public research organisations for the purpose of fee reductions under Rule 6 EPC	download
1011bis	Declaration for SMEs, natural persons, non-profit organisations, universities and public research organisations for the purpose of the reduction of the fee for appeal under Article 2(1), item 11 of the Rules relating to Fees and Rule 6(4) and (5) EPC	download
1012	Enquiry as to the processing of the file	download
1013	Request for retrieval of a certified copy of a previous application (priority document) via the WIPO Digital Access Service (DAS)	download
1018	Withdrawal of one or more European patent applications **v. 10.19**	download
	Notes on the withdrawal of one or more European patent applications **v. 10.19**	download
1020	Payment form only for applications filed with national patent offices **v. 10.22**	download
1032	Confirmation of an international application filed by fax **v. 3.11**	download
1034	Important deadlines when filing a European patent application **v. 1.21**	download
1037	Acknowledgement of receipt by the EPO of subsequently filed items relating to patent applications/patents	download
1038	Letter accompanying subsequently filed items	download
1140-1141	Request for the issue of a sample of deposited biological material **v. 10.22**	download
	Notes concerning the forms for the issue of a sample of deposited biological material **v. 10.17**	download
1142	Request for deposited biological material to be made available by issuing a sample to an expert **v. 10.22**	download
	Declaration by the nominated expert under Rule 32 EPC **v. 10.22**	download
1142a	Notes concerning the request for deposited biological material to be made available by issuing a sample to an expert **v. 10.17**	download
1200	Entry into the European phase (EPO as designated or elected Office) **v. 10.22**	download
	Notes on Form 1200, for entry into the European phase **v. 10.22**	download
2300	Notice of opposition to a European Patent **v. 12.17**	download
	Notes to the notice of opposition **v. 12.17**	download
2380	Request for limitation or revocation of a European patent **v. 10.19**	download
3002	Notice of appeal **v. 1.19**	download
5050	Request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC) **v. 11.19**	download

Form number and title		PDF
	Notes on the request for registration in the European Patent Register of the transfer of one or more European patent applications/patents (Rules 22 and 85 EPC) **v. 11.19**	download
5051	Request to update the European Patent Register: changes to the particulars of applicants/proprietors in one or more European patent applications/patents (Rule 143(1)(f) EPC) **v. 11.19**	download
	Notes on the request to update the European Patent Register: changes to the particulars of applicants/proprietors in one or more European patent applications/patents (Rule 143(1)(f) EPC) **v. 11.19**	download
5055	Declaration of the transfer of one or more European patent applications/patents **v.5.20**	download
	Notes on the declaration of the transfer of one or more European patent applications/patents **v. 5.20**	download
5060	Request to update the European Patent Register: appointment or change of representative in one or more European patent applications/patents (Rule 143(1)(h) EPC) **v. 11.19**	download
	Notes on the request to update the European Patent Register: appointment or change of representative in one or more European patent applications/patents (Rule 143(1)(h) EPC) **v11.19**	download
5061	Request to update the European Patent Register: changes to the particulars of a representative in one or more European patent applications/patents (Rule 143(1)(h) EPC) **v. 11.19**	download
	Notes on the request to update the European Patent Register: changes to the particulars of a representative in one or more European patent applications/patents (Rule 143(1)(h) EPC) **v. 11.19**	download
Annex to form 5050/5051/5055/5060/5061 **v. 11.19**		download
5070	Request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications pursuant to Rule 23 or Rule 24 EPC **v. 12.21**	download
	Notes on the request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications **v. 12.21**	download
5071	Request for cancellation of the registration in the European Patent Register of a licence or other right in respect of one or more European patent applications pursuant to Rule 23(2) EPC **v. 12.21**	download
	Notes on the request for cancellation of the registration in the European Patent Register of a licence or other right in respect of one or more European patent applications **v. 12.21**	download
Annex to form 5070/5071 **v. 12.21**		download

International (PCT) forms

You can download forms for applications under the Patent Cooperation Treaty (PCT) from the website of the World Intellectual Property Organization (WIPO).

WIPO website

Third party observations

You can use our online form to submit your third-party observations. It has been designed to help you formulate them in a structured and concise way.

Access the form

Printable notes

Request for examination in an admissible non-EPO language

You may be able to file your request for examination in an admissible non-EPO language. You may also be entitled to pay a reduced examination fee.

Find out more

Request for (certified) copies of documents on file or for information from the files

Use our web form to file a request for (certified) copies of documents on file (Rule 145(2) EPC) or for information from the files (Rule 146 EPC).

You cannot use this form to request certified copies of a priority document (Rule 54 EPC) or of a European patent certificate (Rule 74 EPC). In these cases, you will need to file a request using one of the accepted means of filing (Rule 2(1) EPC).

Go to the webform

Last updated: 5.10.2022

Europäisches Patentamt
European Patent Office
Office européen des brevets

Antrag auf Erteilung eines europäischen Patents
Request for grant of a European patent
Requête en délivrance d'un brevet européen

☐ Nachreichung von Form 1001 zu einer früher eingereichten Anmeldung nach Regel 40 (1) vom
Form 1001 filed further to a previous application under Rule 40(1) on
Dépôt du formulaire 1001 pour une demande déposée antérieurement au titre de la règle 40(1) en date du

☐ Bestätigung einer bereits durch Fax eingereichten Anmeldung vom
Confirmation of an application already filed by fax on
Confirmation d'une demande déjà déposée par téléfax le
bei
with
auprès de

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration

1 Anmeldenummer / Application No. / N° de la demande	MKEY	
2 Tag des Eingangs (Regel 35 (2)) / Date of receipt (Rule 35(2)) / Date de réception (règle 35(2))	DREC	
3 Tag des Eingangs beim EPA (Regel 35 (4)) / Date of receipt at EPO (Rule 35(4)) / Date de réception à l'OEB (règle 35(4))	RENA	
4 Anmeldetag / Date of filing / Date de dépôt		

5 Es wird die Erteilung eines europäischen Patents und gemäß Artikel 94 die Prüfung der Anmeldung beantragt. /
Grant of a European patent, and examination of the application under Article 94, are hereby requested. /
Il est demandé la délivrance d'un brevet européen et, conformément à l'article 94, l'examen de la demande.

☒ EXAM 4

Prüfungsantrag in einer zugelassenen Nichtamtssprache /
Request for examination in an admissible non-EPO language /
Requête en examen dans une langue non officielle autorisée

5.1 Der Anmelder verzichtet auf die Aufforderung nach Regel 70 (2), zu erklären, ob die Anmeldung aufrechterhalten wird. /
The applicant waives his right to be asked whether he wishes to proceed further with the application (Rule 70(2)). /
Le demandeur renonce à être invité, conformément à la règle 70(2), à déclarer s'il souhaite maintenir sa demande.

☐ MEPA

6 Zeichen des Anmelders oder Vertreters /
Applicant's or representative's reference /
Référence du demandeur ou du mandataire

AREF

Anmelder / Applicant / Demandeur

APPR

7 Name /
Nom

8 Anschrift /
Address /
Adresse

9 Zustellanschrift /
Address for correspondence /
Adresse pour la correspondance

TRAN | FILL

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

10 Staat des Wohnsitzes oder Sitzes /
State of residence or of principal place of business /
Etat du domicile ou du siège

11 Staatsangehörigkeit /
Nationality /
Nationalité

12 Telefon /
Telephone /
Téléphone

13 Fax /
Téléfax

14 Weitere(r) Anmelder auf Zusatzblatt / Additional applicant(s) on additional sheet /
Autre(s) demandeur(s) sur feuille supplémentaire

14.1 Der/Jeder Anmelder erklärt hiermit, eine Einheit oder eine natürliche Person nach Regel 6 (4) EPÜ zu sein. / The/Each applicant hereby declares that he is an entity or a natural person under Rule 6(4) EPC. /
Le/Chaque demandeur déclare par la présente être une entité ou une personne physique au sens de la règle 6(4) CBE

Vertreter / Representative / Mandataire

FREP

15 Name / Nom
(**Nur einen** Vertreter oder den Namen des Zusammenschlusses angeben, der in das Europäische Patentregister einzutragen ist und an den zugestellt wird) /
(Name **only one** representative or association of representatives, to be listed in the Register of European Patents and to whom communications are to be notified) /
(N'indiquer qu'**un seul** mandataire ou le nom du groupement de mandataires qui sera inscrit au Registre européen des brevets et auquel les significations seront faites)

et al

16 Geschäftsanschrift /
Address of place of business /
Adresse professionnelle

17 Telefon /
Telephone /
Téléphone

18 Fax /
Téléfax

19 Weitere(r) Vertreter auf Zusatzblatt /
Additional representative(s) on additional sheet /
Autre(s) mandataire(s) sur feuille supplémentaire

Vollmacht / Authorisation / Pouvoir

GENA

20 ist beigefügt / is enclosed / joint

21.1 Allgemeine Vollmacht ist registriert unter Nummer /
General authorisation has been registered under No. /
Un pouvoir général a été enregistré sous le numéro

21.2 Eine allgemeine Vollmacht wurde eingereicht, aber noch nicht registriert. /
A general authorisation has been filed but not yet registered. /
Un pouvoir général a été déposé mais n'est pas encore enregistré

Erfinder / Inventor / Inventeur

INVT 20

22 Der (die) Anmelder ist (sind) alleinige(r) Erfinder. /
The applicant(s) is (are) the sole inventor(s). /
Le(s) demandeur(s) est (sont) le(s) seul(s) inventeur(s).

23 Erfindernennung in beigefügtem Schriftstück /
Designation of inventor attached /
Voir la désignation de l'inventeur ci-jointe

TIDE TIEN TIFR

24 **Bezeichnung der Erfindung / Title of invention / Titre de l'invention**

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

25 Prioritätserklärung (Regel 52) und Recherchenergebnisse nach Regel 141(1) / Declaration of priority (Rule 52) and search results under Rule 141(1) / Déclaration de priorité (règle 52) et résultats de la recherche conformément à la règle 141 (1)

PRIO

Eine Prioritätserklärung wird für die folgenden Anmeldungen abgegeben: /
A declaration of priority is hereby made for the following applications: /
Une déclaration de priorité est produite pour les demandes suivantes :

Die Recherchenergebnisse nach Regel 141 (1) sind beigefügt. /
Search results under Rule 141(1) are attached /
Les résultats de la recherche selon la règle 141(1) sont joints

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration			
01			
02			
03			
04			

	Staat / State / Etat	*Anmeldetag / Date of filing / Date de dépôt*	*Aktenzeichen / File No. / N° de dépôt*	
01				☐
02				☐
03				☐
04				☐

Auf einem Zusatzblatt ist angegeben, dass weitere Prioritäten beansprucht werden und die entsprechenden Recherchenergebnisse nach Regel 141 (1) beigefügt sind. / Additional declaration(s) of priority and indication(s) of the attachment of corresponding search results (Rule 141(1)) on additional sheet. / Il est indiqué sur une feuille supplémentaire que d'autres priorités sont revendiquées et que les résultats correspondants de la recherche selon la règle 141(1) sont joints. ☐

25.1 Das EPA wird ersucht, über den digitalen Zugangsservice (DAS) der WIPO unter Verwendung des angegebenen Zugangscodes eine beglaubigte Abschrift der folgenden früheren Anmeldung(en) (Prioritätsbeleg(e)) abzurufen: /
The EPO is requested to obtain a certified copy of the following previous application(s) (priority document(s)) via the WIPO Digital Access Service (DAS) using the indicated access code(s). /
Il est demandé à l'OEB de se procurer une copie certifiée conforme de la (des) demande(s) antérieure(s) suivante(s) (document(s) de priorité) au moyen du Service d'accès numérique de l'OMPI (DAS), à l'aide du (des) code(s) d'accès ci-après :

Zugangscode / Access code / Code d'accès :

01	
02	
03	
04	

Weitere Aktenzeichen früherer Anmeldungen und entsprechende Zugangscodes auf Zusatzblatt. / Additional file no. of previous applications and related access codes on additional sheet. / Autres n° de dépôt de demandes antérieures et codes d'accès correspondants sur feuille supplémentaire. ☐

25.2 Die Wiedereinsetzung in die Prioritätsfrist gemäß Artikel 122 EPÜ wird für die folgende(n) Priorität(en) beantragt: / Re-establishment of rights under Article 122 EPC in respect of the priority period is requested for the following priority/priorities: / La restitutio in integrum quant au délai de priorité est demandée en vertu de l'article 122 CBE pour la (les) priorité(s) suivante(s)

☐ *01* ☐ *02* ☐ *03* ☐ *04* ☐ *andere / other / autres*

25.3 Diese Anmeldung ist eine vollständige Übersetzung der früheren Anmeldung. /
This application is a complete translation of the previous application. /
La présente demande est une traduction intégrale de la demande antérieure.

☐ *01* ☐ *02* ☐ *03* ☐ *04* ☐ *andere / other / autres*

25.4 Es ist nicht beabsichtigt, eine (weitere) Prioritätserklärung einzureichen. /
It is not intended to file a (further) declaration of priority. /
Il n'est pas envisagé de produire une (autre) déclaration de priorité. ☐

26 Bezugnahme auf eine früher eingereichte Anmeldung / Reference to a previously filed application / Renvoi à une demande déposée antérieurement

EAPP

26.1 Es wird auf eine früher eingereichte Anmeldung Bezug genommen. Die Bezugnahme **ersetzt** die **Beschreibung und etwaige Zeichnungen** (Regel 40 (1) c), (2)). Die Anmeldung, auf die Bezug genommen wird, ist: /
Reference is made to a previously filed application. That reference **replaces** the **description and any drawings** (Rule 40(1)(c), (2)). The application to which reference is made is the following: /
Il est fait référence à une demande déposée antérieurement. Ce renvoi **remplace** la **description et, le cas échéant, les dessins** (règle 40(1)c), (2)). La demande à laquelle il est fait référence est la suivante : ☐

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration		

Staat / State / Etat	*Anmeldetag / Date of filing / Date de dépôt*	*Aktenzeichen / File No. / N° de dépôt*

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

26.2 Die Bezugnahme auf die früher eingereichte Anmeldung **ersetzt auch** die **Patentansprüche** (Regel 57c)). / The reference to the previously filed application **also replaces** the **claims** (Rule 57(c)). / Le renvoi à la demande déposée antérieurement **remplace également** les **revendications** (règle 57c)). ☐

26.3 Eine **beglaubigte Abschrift** der früher eingereichten Anmeldung (Regel 40 (3)) / A **certified copy** of the previously filed application (Rule 40(3)) / Une **copie certifiée** conforme de la demande déposée antérieurement (règle 40(3)) ☐ ist beigefügt. / is attached. / est jointe. ☐ wird nachgereicht. / will be supplied later. / sera produite ultérieurement.

26.4 Eine **Übersetzung** der früher eingereichten Anmeldung (Regel 40 (3)) / A **translation** of the previously filed application (Rule 40(3)) / Une **traduction** de la demande déposée antérieurement (règle 40(3)) ☐ ist beigefügt. / is attached. / est jointe. ☐ wird nachgereicht. / will be supplied later. / sera produite ultérieurement.

27 Teilanmeldung / Divisional application / Demande divisionnaire

PANR

Die Anmeldung ist eine Teilanmeldung, die aus der folgenden früheren Anmeldung hervorgeht: / The application is a divisional application based on the following earlier application: / La présente demande constitue une demande divisionnaire relative à la demande antérieure suivante :

Nummer der früheren Anmeldung / Number of earlier application / Numéro de la demande antérieure

DFIL

27.1 Diese Teilanmeldung ist eine Teilanmeldung folgender Generation: / This divisional application is of the following generation: / La présente demande divisionnaire est de la génération suivante :

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ oder weiterer / or subsequent / ou ultérieure

28 Anmeldung nach Artikel 61 (1) b) / Article 61 (1) (b) application / Demande selon l'article 61 (1) b)

☐ EANR

Es handelt sich um eine Anmeldung nach Artikel 61 (1) b). / The application is an Article 61(1)(b) application. / La présente demande constitue une demande selon l'article 61(1)b).

Nummer der früheren Anmeldung / Number of earlier application / Numéro de la demande initiale

29 Patentansprüche / Claims / Revendications

CLMS

Zahl der Patentansprüche / Number of claims / Nombre de revendications

29.1 ☐ wie beigefügt / as attached / telles que jointes en annexe

29.2 ☐ wie in der früher eingereichten Anmeldung (siehe Feld 26.2) / as in the previously filed application (see Section 26.2) / telles que figurant dans la demande déposée antérieurement (voir rubrique 26.2)

29.3 ☐ Die Patentansprüche werden nachgereicht. / The claims will be filed later. / Les revendications seront produites ultérieurement.

30 Abbildungen / Figures / Figures

DRAW 2

Zur Veröffentlichung mit der Zusammenfassung wird vorgeschlagen Abbildung Nr. / It is proposed that the abstract be published together with figure No. / Il est proposé de publier avec l'abrégé la figure n°

31 Benennung von Vertragsstaaten / Designation of contracting states / Désignation d'Etats contractants

DEST

Alle Vertragsstaaten die dem EPÜ **bei Einreichung** der europäischen Patentanmeldung angehören, gelten als benannt (Artikel 79 (1)). / All the contracting states party to the EPC **at the time of filing** of the European patent application are deemed to be designated (Article 79(1)). / Tous les Etats contractants qui sont parties à la CBE **lors du dépôt** de la demande de brevet européen sont réputés désignés (Article 79(1)).

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

32 Verschiedene Anmelder für verschiedene Vertragsstaaten / Different applicants for different contracting states / Différents demandeurs pour différents Etats contractants

APPR 02

Name(n) des (der) Anmelder(s) und benannte Vertragsstaaten: /
Name(s) of applicant(s) and designated contracting states: /
Nom(s) du (des) demandeur(s) et des Etats contractants désignés :

33 Erstreckung / Validierung
Extension / Validation
Extension / Validation

Diese Anmeldung gilt als Antrag, die europäische Patentanmeldung und das darauf erteilte europäische Patent auf alle Nichtvertragsstaaten des EPÜ zu erstrecken, mit denen am Tag der Einreichung der Anmeldung Erstreckungs- oder Validierungsabkommen in Kraft sind. Der Antrag gilt jedoch als zurückgenommen, wenn die Erstreckungs- bzw. die Validierungsgebühr nicht fristgerecht entrichtet wird. /

This application is deemed to be a request to extend the effects of the European patent application and the European patent granted in respect of it to all non-contracting states to the EPC with which extension or validation agreements are in force on the date on which the application is filed. However, the request is deemed withdrawn if the extension fee or validation fee, whichever is applicable, is not paid within the prescribed time limit. /

La présente demande est réputée constituer une requête en extension des effets de la demande de brevet européen et du brevet européen délivré sur la base de cette demande à tous les Etats non parties à la CBE avec lesquels des accords d'extension ou de validation sont en vigueur à la date du dépôt de la demande. Cette requête est toutefois réputée retirée si la taxe d'extension ou, le cas échéant, la taxe de validation n'est pas acquittée en temps utile.

33.1 Es ist beabsichtigt, die Erstreckungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. /
It is intended to pay the extension fee(s) for the states marked opposite with a cross /
Il est envisagé de payer la (les) taxe(s) d'extension pour les Etats dont le nom est coché ci-contre.

Hinweis: Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Erstreckungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.

Note: Under the automatic debiting procedure, extension fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

Veuillez noter que dans le cadre de la procédure de prélèvement automatique des taxes d'extension, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.

EXPT

☐ **BA** Bosnien und Herzegowina / Bosnia and Herzegovina / Bosnie-Herzégovine

☐ ☐

☐ ☐

(Platz für Staaten, mit denen Erstreckungsabkommen am Anmeldetag der früheren Anmeldung in Kraft waren (Artikel 76 (1)) / (Space for states with which extension agreements existed on the date of filing of the earlier application (Article 76(1)) / (Espace prévu pour des Etats avec lesquels des accords d'extension existaient à la date de dépôt de la demande antérieure (article 76(1))

33.2 Es ist beabsichtigt, die Validierungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. /
It is intended to pay the validation fee(s) for the states marked opposite with a cross. /
Il est envisagé de payer la (les) taxe(s) de validation pour les Etats dont le nom est coché ci-contre.

Hinweis: Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Validierungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.

Note: Under the automatic debiting procedure, validation fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

Veuillez noter que dans le cadre de la procédure de prélèvement automatique des taxes de validation, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.

(*) Beachten Sie bitte, dass derzeit Arzneimittel in Kambodscha bis 2033 vom Patentschutz ausgenommen sind: siehe ABl EPA 2018, A16 /
Note that pharmaceutical products are currently excluded from patent protection in Cambodia until 2033: see OJ EPO 2018, A16 /
Veuillez noter que les produits pharmaceutiques sont actuellement exclus de la protection par brevet au Cambodge jusqu'en 2033, cf. JO OEB 2018, A16

VAPT

☐ **KH** Kambodscha / Cambodia / Cambodge (*)

☐ **MA** Marokko / Morocco / Maroc

☐ **MD** Republik Moldau / Republic of Moldova / République de Moldavie

☐ **TN** Tunesien / Tunisia / Tunisie

☐ ☐

(Platz für Staaten, mit denen Validierungsabkommen nach Drucklegung dieses Formblatts in Kraft treten) / (Space for states with which validation agreements enter into force after this form has been printed) / (Espace prévu pour des Etats avec lesquels des accords de validation entreront en vigueur après l'impression du présent formulaire)

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

34 Biologisches Material / Biological material / Matière biologique ☐ BIOM 1

34.1 Die Erfindung verwendet und/oder bezieht sich auf biologisches Material, das nach Regel 31 hinterlegt worden ist. /
The invention uses and/or relates to biological material deposited under Rule 31. /
L'invention utilise et/ou concerne de la matière biologique déposée conformément à la règle 31.

a Bezugszeichen / Identification reference / Référence d'identification

Hinterlegungsstelle (Name und Adresse) /
Depositary institution (Name and address) /
Autorité de dépôt (Nom et adresse)

Eingangsnummer / Accession number / Numéro d'ordre

b Die nach Regel 31 (1) c) erforderlichen Angaben, d. h. die Hinterlegungsstelle und die Eingangsnummer (falls die Eingangsnummer am Anmeldetag noch nicht bekannt ist, die Hinterlegungsstelle und das (die) Bezugszeichen (Nummer, Symbole usw.)), sind in den technischen Anmeldungsunterlagen enthalten auf /
The information required under Rule 31(1)(c), i.e. depositary institution and accession number or, if the accession number is not yet known on the date of filing, the depositary institution and the depositor's identification reference(s) (number, symbols, etc.), is given in the technical documents on /
Les indications visées à la règle 31(1)c), à savoir l'autorité de dépôt et le numéro d'ordre, ou, si le numéro d'ordre n'est pas encore connu à la date de dépôt, l'autorité de dépôt et la (les) référence(s) d'identification (numéro ou symboles etc.)), figurent dans les pièces techniques de la demande à la / aux

Seite(n) / page(s)	*Zeile(n) / line(s) / ligne(s)*

☐ Die Angaben werden später mitgeteilt /
The information will be submitted later /
Les indications visées seront communiquées ultérieurement

34.2 Die Empfangsbescheinigung(en) der Hinterlegungsstelle /
The receipt(s) of deposit issued by the depositary institution /
Le(s) récépissé(s) de dépôt délivré(s) par l'autorité de dépôt

☐ ist (sind) beigefügt. /
is (are) enclosed. /
est (sont) joint(s).

☐ wird (werden) nachgereicht. /
will be filed later. / sera (seront) produit(s) ultérieurement.

35 Falls das biologische Material nicht vom Anmelder, sondern von einem Dritten hinterlegt wurde /
If the biological material was deposited by a person other than the applicant /
Lorsque la matière biologique a été déposée par une personne autre que le demandeur

Name und Anschrift des Hinterlegers / Name and address of depositor / Nom et adresse du déposant

35.1 Ermächtigung nach Regel 31 (1) d) /
Authorisation under Rule 31(1)(d) /
L'autorisation prévue à la règle 31(1)d)

☐ ist beigefügt /
is attached /
est jointe

☐ wird nachgereicht /
will be supplied later /
sera produite ultérieurement

36 Verzicht auf die Verpflichtung des Antragstellers nach Regel 33 (2) in gesondertem Schriftstück / Waiver of the right to an undertaking from the requester pursuant to Rule 33(2) attached / Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 33(2) ☐

37 Gemäß Regel 32 (1) erklärt der Anmelder hiermit, dass der Zugang zu dem in den Feldern 34 und 35 genannten biologischen Material nur durch Herausgabe einer Probe an einen Sachverständigen hergestellt wird. /
The applicant hereby declares under Rule 32(1) that the biological material referred to in Sections 34 and 35 is to be made available only by the issue of a sample to an expert. /
Conformément à la règle 32(1), le demandeur déclare par la présente que l'accessibilité à la matière biologique mentionnée aux rubriques 34 et 35 ne peut être réalisée que par la remise d'un échantillon à un expert. ☐ BIOM 3

38 Nucleotid- und Aminosäuresequenzen / Nucleotide and amino acid sequences / Séquences de nucléotides et d'acides aminés SEQL 1

38.1 Die Beschreibung enthält ein Sequenzprotokoll nach Regel 30 (1). /
The description contains a sequence listing in accordance with Rule 30(1). /
La description contient un listage de séquences conformément à la règle 30(1). ☐

38.2 Das Sequenzprotokoll wird im XML-Format entsprechend WIPO-Standard ST.26 eingereicht. / The sequence listing is filed in XML format, in compliance with WIPO Standard ST.26. / Le listage de séquences est déposé au format XML, conformément à la norme ST.26 de l'OMPI. ☐

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

38.3 Es wird beantragt, eine Kopie des für die in Punkt 27 benannte frühere Anmeldung eingereichten WIPO-Standard ST.26 entsprechenden Sequenzprotokolls in elektronischer Form nur für die Zwecke der Recherche (d. h. nicht als Teil der Beschreibung) in die Akte der europäischen Patentanmeldung aufzunehmen. Hiermit wird erklärt, dass das Sequenzprotokoll nicht über den Inhalt der Teilanmeldung in der ursprünglich eingereichten Fassung hinausgeht. /
The Office is requested to add to the dossier on the European patent application, in electronic form and for search purposes only (i.e. not as part of the description), a copy of the WIPO Standard ST.26 compliant sequence listing filed for the earlier application mentioned in Section 27.
It is hereby declared that the sequence listing does not extend beyond the content of the divisional application as originally filed. /
Il est demandé qu'une copie du listage de séquences conforme à la norme ST.26 de l'OMPI, déposé sous forme électronique pour la demande antérieure mentionnée à la rubrique 27, soit versée au dossier de la demande de brevet européen, aux seules fins de la recherche (le listage de séquences ne faisant dès lors pas partie de la description). Il est certifié par la présente que le listage de séquences ne s'étend pas au-delà du contenu de la demande divisionnaire telle qu'elle a été déposée.

☒

Sonstige Angaben / Further indications / Indications supplémentaires

39 Zusätzliche Abschriften der im europäischen Recherchenbericht angeführten Schriftstücke werden beantragt. /
Additional copies of the documents cited in the European search report are requested. /
Prière de fournir des copies supplémentaires des documents cités dans le rapport de recherche européenne.

*Anzahl der **zusätzlichen** Sätze von Abschriften /*
*Number of **additional** sets of copies /*
*Nombre de jeux **supplémentaires** de copies*

ASOC

40 Die Rückerstattung der Recherchengebühr gemäß Artikel 9 (2) Gebührenordnung wird beantragt. / Refund of the search fee under Article 9(2) of the Rules relating to Fees is requested. / Le remboursement de la taxe de recherche est demandé en vertu de l'article 9(2) du règlement relatif aux taxes.

☐

Anmeldungs- oder Veröffentlichungsnummer des früheren Recherchenberichts /
Application number or publication number of earlier search report /
Numéro de la demande ou numéro de publication de la demande ayant fait l'objet du rapport de recherche antérieure

41 gestrichen / deleted / supprimé

42 **Zahlungen / Payment / Paiement**

Bezüglich der Gebührenentrichtung, insbesondere über das laufende Konto, wird auf Abschnitt 42 des Merkblatts zum Antrag auf Erteilung eines europäischen Patents (Formblatt EPA/EPO/OEB 1001) verwiesen. /
With regard to the payment of fees, in particular via deposit account, reference is made to Section 42 of the Notes on the request for grant of a European patent (EPA/EPO/OEB Form 1001). /
En ce qui concerne le paiement des taxes, en particulier via un compte courant, il est fait référence à la rubrique 42 de la notice concernant la requête en délivrance d'un brevet européen (formulaire EPA/EPO/OEB 1001).

43 gestrichen / deleted / supprimé

44 Die vorgeschriebene Liste über die diesem Antrag beigefügten Unterlagen ergibt sich aus der vorbereiteten Empfangsbescheinigung (Seite 9 dieses Antrags). / The prescribed list of documents enclosed with this request is shown on the prepared receipt (page 9 of this request). /
La liste prescrite des documents joints à la présente requête figure sur le récépissé préétabli (page 9 de la présente requête).

☒

45 Für Angestellte nach Artikel 133 (3) Satz 1 mit allgemeiner Vollmacht /
For employees under Article 133(3), first sentence, having a general authorisation /
Pour les employés mentionnés à l'article 133(3), première phrase, munis d'un pouvoir général

Nummer / Number / Numéro

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

46 **Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s)**
Name des (der) Unterzeichneten bitte in Druckschrift wiederholen und bei juristischen Personen die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft angeben. /
Signature(s) of applicant(s) or representative(s)
Under signature please print name and, in the case of legal persons, position within the company. /
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s)
Prière d'indiquer en caractères d'imprimerie le ou les noms des signataires ainsi que, s'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) / Signature(s)

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

Europäisches Patentamt
European Patent Office
Office européen des brevets

Empfangsbescheinigung
Receipt for documents
Récépissé de documents

Liste der diesem Antrag beigefügten Unterlagen – Hiermit wird der Empfang der unten bezeichneten Dokumente bescheinigt. Wird im Falle der Einreichung der europäischen Patentanmeldung bei einer nationalen Behörde diese Empfangsbescheinigung vom Europäischen Patentamt übersandt, so ist sie als Mitteilung gemäß Regel 35 (4) anzusehen (siehe Feld RENA).

Checklist of enclosed documents – Receipt of the documents indicated below is hereby acknowledged. If this receipt is issued by the European Patent Office and the European patent application was filed with a national authority, it serves as a communication under Rule 35(4) (see Section RENA).

Liste des documents annexés à la présente requête – Nous attestons le dépôt des documents désignés ci-dessous. Si, en cas de dépôt de la demande de brevet européen auprès d'un service national, l'Office européen des brevets délivre le présent récépissé de documents, ce récépissé est réputé être la notification visée à la règle 35(4) (cf. rubrique RENA).

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration

Amtsstempel / Official stamp / Cachet officiel

Tag des Eingangs (Regel 35 (2)) / Date of receipt (Rule 35(2)) / Date de réception (règle 35(2)) DREC	
Anmeldenummer für den Schriftverkehr mit dem EPA; *Aktenzeichen für Prioritätserklärungen* / Application No. to be used in correspondence with the EPO; *file No. to be used for priority declarations* / N° de la demande à utiliser dans la correspondance avec l'OEB ; *n° de dépôt à utiliser pour la déclaration de priorité*	
Tag des Eingangs beim EPA (Regel 35 (4)) / Date of receipt at EPO (Rule 35(4)) / Date de réception à l'OEB (règle 35(4)) RENA	

47 A. Anmeldungsunterlagen und Prioritätsbeleg(e) / Application and priority documents / Pièces de la demande et document(s) de priorité

Blattzahl / Number of sheets* / Nombre de feuilles**

1. Beschreibung (ohne Sequenzprotokollteil) / Description (excluding sequence listing part) / Description (sauf partie réservée au listage des séquences) ☐
2. Patentansprüche / Claims / Revendications ☐
3. Zeichnung(en) / Drawing(s) / Dessin(s) ☐
4. Sequenzprotokollteil der Beschreibung / Sequence listing part of description / Partie de la description réservée au listage des séquences ☐
5. Zusammenfassung / Abstract / Abrégé ☐
6. Früher eingereichte Anmeldung / Previously filed application / Demande déposée antérieurement ☐
7. Übersetzung der Anmeldungsunterlagen / Translation of the application documents / Traduction des pièces de la demande ☐
8. Übersetzung der früher eingereichten Anmeldung / Translation of the previously filed application / Traduction de la demande déposée antérieurement ☐
9. Prioritätsbeleg(e) / Priority document(s) / Document(s) de priorité ☐ *Anzahl / Number / Nombre**
10. Übersetzung des (der) Prioritätsbelegs(belege) / Translation of priority document(s) / Traduction du (des) document(s) de priorité ☐

Gesamtzahl der Abbildungen / Total number of figures* / Nombre total de figures**

* Die Richtigkeit der Blattzahl und der Gesamtzahl der Abbildungen wurde bei Eingang nicht geprüft. /
* No check was made on receipt that the number of sheets and the total number of figures indicated were correct. /
* L'exactitude du nombre de feuilles et du nombre total de figures n'a pas été contrôlée lors du dépôt.

AREF

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

48 B. Der Anmeldung in der eingereichten Fassung liegen folgende Unterlagen bei: / This application as filed is accompanied by the items below: / Les pièces ci-après sont annexées à la présente demande :

1. Vollmacht / Authorisation / Pouvoir ☐
2. Allgemeine Vollmacht / General authorisation / Pouvoir général ☐
3. Erfindernennung / Designation of inventor / Désignation de l'inventeur ☐
4. Recherchenergebnisse nach Regel 141 (1) / Search results under Rule 141(1) / Résultats de la recherche conformément à la règle 141(1) ☐
5. Elektronischer Datenträger für Sequenzprotokoll / Electronic data carrier for sequence listing / Support électronique de données pour listage des séquences ☐
6. Zusatzblatt / Additional sheet / Feuille supplémentaire ☐
7. Sonstige Unterlagen (bitte hier spezifizieren) / Other documents (please specify here) / Autres documents (veuillez préciser) ☐

49 C. Exemplare dieser Empfangsbescheinigung (bitte zutreffende Zahl ankreuzen) **/ Copies of this receipt for documents** (please mark appropriate number with a cross) **/ Exemplaires du présent récépissé de documents** (veuillez cocher le chiffre correspondant)

☐ 3 Einreichung direkt beim EPA / Direct filing with the EPO / Dépôt direct auprès de l'OEB

☐ 4 Einreichung bei einer nationalen Behörde / Filing with a national authority / Dépôt auprès d'un service national

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes on the request for grant of a European patent (EPA/EPO/OEB Form 1001)

I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 1001. To file international applications under the Patent Cooperation Treaty (PCT), Form PCT/RO/101 should be used. For international applications entering the European phase (Euro-PCT) applicants are advised to use EPA/EPO/OEB Form 1200.

The basis for the request for grant of a European patent is the European Patent Convention (EPC) and its Implementing Regulations.

Unless otherwise indicated, the articles and rules referred to are those of the EPC.

European Patent Guide

"European Patent Guide - How to get a European patent" ("the applicants' guide") is available free of charge and provides useful information on filing applications and the procedure before the European Patent Office (EPO). The applicants' guide is frequently referred to in Part II below.

Forms for applicants

Forms (e.g. designation of inventor, authorisation, PACE request) are available on the EPO website (**epo.org**).

Request for grant – EPA/EPO/OEB Form 1001

Use of EPA/EPO/OEB Form 1001 is prescribed by Rule 41. The request must be typed or printed (Rule 49(8)) to ensure that it is machine-readable, and crosses must be placed in the appropriate boxes. Only the right-hand column is to be completed. Areas enclosed in thick black lines are for official use only.

If there is not enough space for the required information, a signed additional sheet should be filed indicating the relevant section number and heading for each part of the form continued in this way, e.g. "14 – Additional applicant(s)", "19 – Additional representative(s)", "25.1 – Additional declaration(s) of priority" or "32 – Different applicants for different contracting states".

Applicants should indicate their internal reference in Section 6 and in the corresponding box at the bottom of each page.

Page 9 of the request for grant form is the receipt for documents, which constitutes the prescribed list of documents under Rule 41(2)(i) (see Section 44).

Filing of European patent applications

(a) Online

European patent applications may be filed in electronic form (OJ EPO 2021, A20), i.e. via EPO Online Filing, via the EPO case management system (CMS, also referred to as new online filing), via Online Filing 2.0 or via the EPO Web-Form Filing service. For more details go to epo.org or direct to epo.org/online-services. The online filing fee is less than the fee for filing in person, by post or by fax.

(b) By fax

European patent applications may also be filed by fax. Confirmation on paper is required only if the EPO specifically requests it (see Special edition No. 3, OJ EPO 2007, A.3).

(c) By post or in person

Only the originals of pages 1 to 8 of Form 1001 need be filed; copies are not required. The same applies to the description, claims, drawings and abstract. Special rules apply to sequence listings (see Section 38).

II. Filling in the form

The numbering below corresponds to the sections of the request for grant form.

5 Request for examination

See "Request for examination" in the applicants' guide.

This box is always pre-crossed.

Request for examination in an admissible non-EPO language

Persons having their residence or principal place of business in an EPC contracting state with an official language other than English, French or German, and nationals of that state who are resident abroad, may file the request for examination in an admissible non-EPO language (Art. 14(4)).

For applicants who do so – and since Section 5 contains the required translation into the language of the proceedings – the **examination fee** is

reduced by 30% provided they are an SME, a natural person, a non-profit organisation, a university or a public research organisation (Rule 6(4), Article 14(1) RFees; see also point 14.1 below). If a request for examination is filed in an admissible non-EPO language, it is advisable to file it at the same time as the request for grant (see also Guidelines for Examination in the EPO, A-X, 9.2). Such requests may, however, be filed at any time until the examination fee is paid (Article 94(1), Rule 70).

Request-for-examination wordings in admissible non-EPO languages are listed on the EPO website.

5.1 Proceeding further with the patent application

Under Rule 70(2), applicants who file a request for examination and pay the examination fee **before** receiving the search report are asked to confirm that they wish to proceed further with the application **after** they have received the search report. In Section 5.1 the right to be asked for such confirmation can be waived. See also "Request for examination" in the applicants' guide.

7 Applicant (name)

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name.

9 Applicant (address for correspondence)

An address for correspondence may be given only by applicants who are not obliged to appoint a professional representative authorised to act before the EPO (Article 133 EPC) and have not appointed one. It must be the applicant's own address, and in an EPC contracting state (see OJ EPO 2014, A99).

14 Applicant (additional applicant(s))

Multiple applicants may jointly appoint a single professional representative.

If no common representative is named in Section 15, the applicant first named in the request (Sections 7 and 8) is deemed to be the common representative. However, if one of the applicants is obliged to appoint a professional representative, that representative is deemed to be the common representative unless the first-named applicant has appointed a representative (Rule 151(1)). Only, however, if the request for grant has been duly **signed** by all the applicants or their representative(s) is the common representative entitled to act for them all (see also Section 46).

If all the applicants have their residence or principal place of business in an EPC contracting state, they may jointly name an applicant other than the first-named as their common representative. This should be done on a signed additional sheet.

14.1 Declaration under Rule 6(6)

Under Rule 6(6), applicants wishing to benefit from the fee reduction must declare that they are an entity or natural person covered by Rule 6(4). They must file this declaration at the latest by the time of payment of the fee in question, either by crossing the relevant box in Section 14.1 of Form 1001 or separately (for this purpose, non-mandatory Form 1011 is available from the EPO). If there are multiple applicants, for the reduction to apply, each one must be an entity or natural person within the meaning of Rule 6(4). In such cases, it is however sufficient for only one of the multiple applicants to be entitled to file documents in an admissible non-EPO language (Article 14(4), Rule 6(3)). For more details see the notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (see OJ EPO 2014, A23).

15 Representative (name)

Sections 15 to 19 must be completed if a professional representative or a legal practitioner entitled to act as such (Article 134(1) and (8)) is appointed. These sections should not be completed if the applicant, having his residence or principal place of business in an EPC contracting state, is acting through an employee (Article 133(3), first sentence) nor if a joint applicant is appointed as common representative (see Section 14).

Only **one** representative may be named in Section 15, and that representative will then be sent all notifications (Rule 130) and named in the European Patent Register. If an association registered with the EPO is appointed as representative (Rule 152(11); see OJ EPO 2013, 535), the association's registered name and registration number must be indicated.

16 Representative (address of place of business)

This address may contain the name of the company or firm in which the representative is employed.

19 Representative (additional representative(s))

If more than one representative is appointed, those not named in Section 15 must be indicated on a signed additional sheet.

20−21

Authorisation/General authorisation

Under Rule 152(1) to (3) in conjunction with the decision of the President of the EPO dated 12 July 2007, professional representatives who identify themselves as such are required to file a signed authorisation only in particular circumstances (see Special edition No. 3, OJ EPO 2007, L.1).

However, a legal practitioner entitled to act as a professional representative under Article 134(8) or an employee acting for an applicant under Article 133(3), first sentence, who is not a professional representative must file a signed authorisation. If an authorisation is required, the use of EPA/EPO/OEB Form 1003 is recommended for individual authorisations and EPO Form 1004 for general authorisations.

If a general authorisation has been filed only shortly before Form 1001 is submitted, it may not yet have been registered by the Legal Division, such that applicants cannot yet enter the general authorisation number in **Section 21.1**. In such cases, **Section 21.2** should be crossed. The Receiving Section will record the general authorisation number as soon as it is available.

23 Inventor

If the applicant is not the inventor or is not the sole inventor, the designation of the inventor must be submitted in a separate document. It must contain a statement indicating the origin of the right to the European patent (Article 81, Rule 19(1)). For this purpose applicants are recommended to use EPA/EPO/OEB Form 1002.

24 Title of invention

This must be a clear and concise technical designation of the invention. All fanciful names are excluded. As matter published in the European Patent Bulletin and entries in the European Patent Register must, under Article 14(7) and (8), appear in all three EPO official languages, in Section 24 the title of the invention should preferably be indicated in the other two official languages.

25 Declaration of priority and search results under Rule 141(1)

The declaration of priority must indicate the date of the previous filing, the state party to the Paris Convention or member of the World Trade Organization in or for which it was made and the file number (Rule 52(1)). The declaration of priority should preferably be made on filing the European patent application, but it may still be made within sixteen months of the earliest priority date claimed (Rule 52(2)). The priority document must be filed within sixteen months of the earliest priority date claimed (Rule 53(1)), unless it is available to the EPO and can be included in the file (Rule 53(2)).

For details on filing the priority document, see "Claiming priority" in the applicants' guide.

For each application whose priority is claimed, a copy of any search results from the authority with which the application was filed must be supplied (Rule 141(1)) (see OJ EPO 2010, 410, OJ EPO 2011, 64, and OJ EPO 2013, 217).

The side box(es) in Section 25 must be crossed only if copies of the documents are indeed supplied when filing the form. If, however, a copy of the search results is included in the file by the EPO (Rule 141(2)), no action by the applicant is required (see OJ EPO 2016, A19).

25.1 WIPO Digital Access Service (DAS)

If an application whose priority is claimed was filed with a DAS participating office, the applicant can request the EPO as Office of Second Filing (OSF) to obtain a certified copy of the priority document from the Office of First Filing (OFF) via DAS by indicating the DAS access code (OJ EPO 2018, A78 and A79). The applicant is not charged for this service.

25.2 If the 12-month priority period (Article 87(1)(b)) has elapsed, the filing of a request for re-establishment of rights can be indicated in Section 25.2. Applicants are reminded of the requirements under Article 122 and Rule 136(1) which must be observed in order for such requests to be valid. In particular, the fee for re-establishment of rights must be paid, and the substantiated request must be filed within two months of expiry of the priority period under Article 87(1)(b) (Rule 136(1)).

25.3 This section is for use by applicants wishing to submit a declaration under Rule 53(3).

26 Reference to a previously filed application

See "Filing by reference" in the applicants' guide

26.1 Instead of the filing of application documents, a European patent application can be filed by means of a reference to a previously filed application (Rule 40(1)(c)). This reference replaces the description and any drawings. In box 26.1 the particulars of the previously filed application must be indicated (Rule 40(2)).

26.2 If this box is crossed, the reference to the previously filed application also replaces the claims (Rule 57(c)).

26.3−26.4

If a certified copy or translation (Rule 40(3)) is attached or will be supplied later, this must be duly indicated (see OJ EPO 2009, 486).

27 Divisional application

Applicants may file a European divisional application relating to any pending earlier European patent application (the parent application).

27.1 An additional fee forming part of the filing fee is payable for European divisional applications filed in respect of any earlier application which is itself a divisional application, i.e. for divisional applications of second or subsequent generations (Rule 38(4), Article 2(1), item 1b, RFees).

For details, see the notice from the EPO dated 8 January 2014 concerning European divisional applications – amendment of Rules 36, 38 and 135 EPC and Article 2(1) RFees (OJ EPO 2014, A22).

28 Article 61(1)(b) application

Section 28 covers the special case where it has been adjudged by a final decision that a person other than the applicant is entitled to the grant of a European patent and therefore may file a new European patent application in respect of the same invention.

29 Claims

Any European patent application comprising more than fifteen claims incurs a claims fee in respect of the sixteenth and each subsequent claim (Rule 45(1), (2), Article 2(1), item 15, RFees).

30 Figure proposed for publication with the abstract

Rule 47(4) stipulates that if the European patent application contains drawings, the applicant must indicate the figure or, exceptionally, the figures of the drawings which he suggests should be published with the abstract. Each essential feature mentioned in the abstract and illustrated by a drawing must be followed by a reference sign placed in parentheses.

31 Designation of contracting states and associated declarations

All the contracting states party to the EPC at the time of filing of the European patent application are deemed to be designated (Article 79(1)). In a divisional application, all the contracting states designated in the earlier application at the time of filing of the divisional application are deemed to be designated (Article 76(2)).

For European patent applications filed on or after 1 April 2009 payment of the flat-rate designation fee covers the designation of all contracting states (Article 79, Rule 39(1), Article 2(1), item 3, RFees), unless individual designations are expressly withdrawn. A designation may be withdrawn at any time up to the grant of the European patent (Article 79(3)). See also "Fees" in the applicants' guide.

The EPO website gives an up-to-date list of the contracting states.

33 Extension and validation of European patents

The application is deemed to be a request to extend or validate the European patent application and the European patent granted in respect of it to or in all states not party to the EPC with which extension or validation agreements are in force on the date of its filing. The request for extension or validation for a state is deemed withdrawn if the extension/validation fee is not paid to the EPO within the time limits laid down in the EPC for the payment of the designation fee (Rule 39(2)). For further details refer to the Guidelines for Examination in the EPO, A-III, 12, the notice from the EPO concerning the re-introduction of a grace period for the payment of extension fees (OJ EPO 2009, 603) and the notice from the EPO concerning the time limits for paying validation fees (OJ EPO 2015, A19).

33.1 Extension of European patent applications and the resulting European patents may be requested for states for which an extension agreement with the EPO has become effective (as at October 2022: Bosnia and Herzegovina).

33.2 Validation of European patent applications and the resulting European patents may be requested for states for which a validation agreement with the EPO has become effective (as at October 2022: Morocco, the Republic of Moldova, Tunisia and Cambodia). The EPO publishes the necessary information about such agreements on its website and in its Official Journal in good time before their entry into force. With regard to Cambodia, please note that pharmaceutical products are currently excluded from patent protection until 2033 (OJ EPO 2018, A16).

34−37
Biological material

These sections relate solely to biological material deposited under Rule 31. See the notice from the EPO dated 7 July 2010 concerning inventions which involve the use of or concern biological material (OJ EPO 2010, 498) and "Biotechnology applications" in the applicants' guide.

34 Under Rule 31, biological material which is not available to the public and which cannot be described in the European patent application in such a manner as to enable the skilled person to carry out the invention must be deposited with a recognised depositary institution on the terms laid down in the Budapest Treaty no later than the date of filing of the application (Rule 31(1)(a)). Recognised depositary institutions are the international depositary authorities under the Budapest Treaty and institutions with which the EPO has concluded a bilateral agreement. The deposit must also have been effected in accordance with the provisions of the Budapest Treaty or the bilateral agreement. If originally effected in accordance with other provisions, the deposit must have been converted into a deposit under the Budapest Treaty or the bilateral agreement no later than the date of filing of the European patent application. The relevant information on the characteristics of the biological material must be given in the application as filed (Rule 31(1)(b)).

34.1

a In order to comply with the requirements under Rule 31(1)(c), applicants should indicate the name and address of the depositary institution and the accession number, if already known. In addition, the identification reference of the biological material can be specified.

b Applicants must indicate where in the description the information required under Rule 31(1)(c) (depositary institution and the deposit accession number) or the depositor's identification reference can be found.

Alternatively, the information required under Rule 31(1)(c) can be submitted within the period specified in Rule 31(2).

34.2 Applicants are strongly advised to submit the receipt for the deposit issued by the depositary institution, preferably when filing their European patent application but no later than the date of expiry of the period under Rule 31(2), as this enables the EPO to check compliance with Rule 31(1) and hence Article 83.

35−35.1

Authorisation by the depositor under Rule 31(1)(d)

Where the biological material has been deposited by a person other than the applicant, the name and address of the depositor should be stated in the application in accordance with Rule 31(1)(d), and a statement of authorisation signed by the depositor must be submitted. These items, including the statement of authorisation, may also be furnished within the period laid down in Rule 31(2). The statement of authorisation may be worded as follows:

"The undersigned, ... [name and full address of the depositor], has deposited with ... [name of recognised depositary institution] under accession number ... biological material on the same terms as those laid down in the Budapest Treaty [or, where applicable, the bilateral agreement between the EPO and the depositary institution concerned]. The undersigned depositor hereby authorises ... [name of applicant] to refer to the aforementioned deposited biological material in European patent application No. ... [where this is not available, applicant's/representative's reference number] and gives his unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rule 33 EPC as from the date of filing of the aforementioned European patent application."

36 Waiver under Rule 33(2)

The issue of a sample of the biological material to a third party ("requester") is subject to the requester's undertaking vis-à-vis the applicant not to make the biological material issued to him or any biological material derived therefrom available to any third party and to use that material for experimental purposes only (Rule 33(2)). The applicant may expressly waive this undertaking by filing a separate, signed statement. This waiver must specify the biological material concerned (depositary institution and accession number or depositor's reference number as shown in the application documents). It may also be declared at any time after the application has been filed.

37 Expert solution

By crossing this box, the applicant declares that a sample of the biological material available to the public (Rule 33) may only be issued to an expert nominated by the requester (Rule 32(1)). The declaration must be made before completion of the technical preparations for publication of the European patent application.

38 Nucleotide and amino acid sequences

If nucleotide or amino acid sequences are disclosed in the European patent application, the description must contain a sequence listing in XML format complying with WIPO Standard ST.26 and presented as a separate part of the description in accordance with that standard (see OJ EPO 2021, A96 and A97).

38.3 The box in Section 38.3 is pre-crossed enabling the EPO to add a copy of the standard-compliant sequence listing filed for the earlier (parent) application to the dossier of the divisional

application in XML format and for search purposes only (i.e. not as part of the description) (see OJ EPO 2021, A97, point 18). The sequence listing of the earlier application is not automatically added to the dossier of the divisional application if

- the applicant files an ST.26-compliant sequence listing as part of the divisional application's description or if
- the sequence listing available in the earlier application does not comply with WIPO Standard ST.26.

39 Additional copies of the documents cited in the European search report

Please see the "Schedule of fees and expenses" published in the EPO's Official Journal and on the EPO website for the fee payable per set of copies.

42 Payment

Fees due in respect of a patent application can be paid in a number of different ways, i.e. by debiting a deposit account, by credit card or by bank transfer. For more information, including information on how to claim refunds, see "Fee payments and refunds" on the EPO website.

Debiting a deposit account/automatic debiting

The procedure for paying by debiting a deposit account or by automatic debiting is set out in detail in the Arrangements for deposit accounts (ADA), the Arrangements for the automatic debiting procedure (AAD, Annex A.1 to the ADA) and the Information from the EPO concerning the automatic debiting procedure (Annex A.2 to the ADA) published in the supplementary publication to the EPO's Official Journal.

Careful attention should be paid to the conditions applicable to the filing of debit orders.

Payment by credit card

Payments by credit card must be made via the EPO's credit card fee payment service available on the EPO website, using a credit card accepted by the EPO (as at October 2022: American Express, Master Card and VISA). The procedure is set out in detail in the notice from the European Patent Office concerning the payment of fees by credit card published in the EPO's Official Journal.

Bank transfers

The procedure for paying by bank transfer is set out in detail in the notice from the European Patent Office concerning fee payments via bank transfer published in the EPO's Official Journal.

Payments by bank transfer should be made to the following account with the Commerzbank in Germany:

Account No. 3 338 800 00 / Sort code 700 800 00

IBAN DE20 7008 0000 0333 8800 00

BIC DRESDEFF700

Commerzbank AG
Leopoldstrasse 230
80807 Munich
Germany

For fee information, see "Guidance for the payment of fees, costs and prices", which is published regularly in the EPO's Official Journal.

For the fee amounts, see the publication "Schedule of fees and expenses" or the "Interactive schedule of fees" available on the EPO website under "European (EPC) fees".

44 List of enclosed documents

Section 44 refers applicants to the prepared receipt for documents on page 9 (Sections 47 to 49) of the request for grant form, on which the enclosed documents must be specified (Rule 41(2)(i)).

Filing this duly completed receipt constitutes compliance with the requirement under Rule 41(2)(i) for the applicant to file a separate list of the documents enclosed with the request.

46 Signature

If the applicant is a legal person other than an individual and the request for grant is not signed by the representative, it must be signed:

(a) either by a person entitled to sign by law or the applicant's articles of association or similar, with an indication of that person's position, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Article 133(1)), in which case no authorisation need be filed,

(b) or by an employee under Article 133(3), first sentence (Rule 152(1)-(3)), if the legal person's principal place of business is in a contracting state, in which case an authorisation must be filed (see also the instructions for filling in Sections 20 and 21).

47 Application documents

The description, claims, drawings and abstract must be filed in one copy. The number of sheets and the total number of figures must also be

indicated.
Applicants are requested to observe Rules 46 to 49 relating to the form of the documents.

48−49

Receipt for documents

Having completed the receipt for documents, the applicant should file the **original receipt plus two copies** or, if filing with the competent national authority of an EPC contracting state, **the original plus three copies**. The address to which the acknowledgment of receipt is to be returned must be indicated in the space provided.

The extra copies of page 9 are also required for fax filings, as a copy is kept by each receiving office and another copy is stamped and returned to the applicant.

A receipt for documents issued by the EPO in respect of a European patent application filed with a national authority is regarded as a communication under Rule 35(4) (see RENA box). Once a communication under Rule 35(4) has been received, all further documents relating to the application are to be filed direct with the EPO.

Europäisches Patentamt
European Patent Office
Office européen des brevets

Erfindernennung
Designation of inventor
Désignation de l'inventeur

(falls Anmelder nicht oder nicht allein der Erfinder ist) /
(where the applicant is not the inventor or is not the sole inventor) /
(si le demandeur n'est pas l'inventeur ou l'unique inventeur)

Zeichen des Anmelders / Applicant's reference /
Référence du demandeur

Anmeldenummer oder, falls noch nicht bekannt, Bezeichnung der Erfindung: /
Application No. or, if not yet known, title of the invention: /
N° de la demande ou, s'il n'est pas encore connu, titre de l'invention :

In Sachen der oben bezeichneten europäischen Patentanmeldung nennt (nennen) der (die) Unterzeichnete(n)[1] / In respect of the above European patent application I (we), the undersigned[1] / En ce qui concerne la demande de brevet européen susmentionnée, le(s) soussigné(s)[1]

als Erfinder[2]: / do hereby designate as inventor(s)[2]: / désigne(nt) en tant qu'inventeur(s)[2] :

☐ Weitere Erfinder sind auf einem gesonderten Blatt angegeben. / Additional inventors are indicated on a supplementary sheet. /
D'autres inventeurs sont mentionnés sur une feuille supplémentaire.

Der (Die) Anmelder hat (haben) das Recht auf das europäische Patent erlangt[3] / The applicant(s) has (have) acquired the right to the European patent[3] /
Le(s) demandeur(s) a (ont) acquis le droit au brevet européen[3]

☐ gemäß Vertrag vom /
by an agreement dated /
en vertu du contrat passé le

☐ als Arbeitgeber /
as employer(s) /
en qualité d'employeur(s)

☐ durch Erbfolge /
as successor(s) in title /
par succession

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s): /
Signature(s) of applicant(s) or representative(s): /
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

Fußnoten zur Vorderseite

1 Name(n) des (der) Unterzeichneten nach Maßgabe der Regel 41 (2) c) und d) EPÜ:

Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben.
Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben.

2 Name(n), Vorname(n), Wohnsitzstaat und Wohnort des Erfinders (der Erfinder) gemäß Regel 19 (1) EPÜ.
Der Wohnort entspricht der Stadt oder Gemeinde in der der Erfinder seinen Wohnsitz hat und schließt die Postleitzahl ein (sofern vorhanden).

3 Ist der Anmelder nicht oder nicht allein der Erfinder, so hat die Erfindernennung eine Erklärung darüber zu enthalten, wie der Anmelder das Recht auf das europäische Patent erlangt hat (Artikel 81, Regel 19 (1) EPÜ).

Bei rechtsgeschäftlicher Übertragung genügt die Angabe „gemäß Vertrag vom ...“.

Bei Arbeitnehmererfindungen genügt der Hinweis, dass der oder die Erfinder Arbeitnehmer des Anmelders/der Anmelder ist bzw. sind.

Bei Erbfolge genügt die Angabe, dass der oder die Anmelder Erbe(n) des Erfinders/der Erfinder ist bzw. sind.

Footnotes to text overleaf

1 Name(s) of the undersigned in accordance with Rule 41(2)(c) and (d) EPC:

Names of natural persons shall be indicated by the person's family name, followed by his given names.
Names of legal persons, and of bodies equivalent to legal persons under the relevant law, shall be indicated by their official designations.

2 Family name(s), given name(s) and country and place(s) of residence of the inventor(s) in accordance with Rule 19(1) EPC.
The place of residence is the city or other municipality where the inventor permanently resides, and includes the postal code (where available).

3 If the applicant is not the inventor or is not the sole inventor, the designation shall contain a statement indicating the origin of the right to the European patent (Article 81, Rule 19(1) EPC).

In the case of assignment the words "by agreement dated ..." suffice.

In the case of inventions by employees a mention that the inventor(s) is/are employee(s) of the applicant(s) is sufficient.

In the case of succession a mention that the applicant(s) is/are heir(s) of the inventor(s) is sufficient.

Renvois concernant le texte figurant au recto

1 Nom(s) du (des) soussigné(s), conformément à la règle 41(2)c) et d) CBE :

Les personnnes physiques doivent être désignées par leurs noms suivis de leurs prénoms.
Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit dont elles relèvent doivent figurer sous leur désignation officielle.

2 Nom(s), prénom(s) de l'(des) inventeur(s) ainsi que le pays et le lieu de son (leur) domicile, conformément à la règle 19(1) CBE.
Le lieu de domicile correspond à la ville ou autre entité administrative où l'inventeur réside de façon permanente et inclut le code postal (lorsqu'il est disponible).

3 Si le demandeur n'est pas l'inventeur, ou l'unique inventeur, la désignation de l'inventeur doit comporter une déclaration indiquant l'origine de l'acquisition du droit au brevet européen (article 81 et règle 19(1) CBE).

En cas de transfert contractuel, il suffit de mentionner « en vertu du contrat passé le ... ».

Pour les inventions de salariés, il suffit d'indiquer que le ou les inventeurs sont des employés du ou des demandeurs.

En cas de transfert successoral, il suffit d'indiquer que le ou les demandeurs sont les héritiers du ou des inventeurs.

Europäisches Patentamt
European Patent Office
Office européen des brevets

Vollmacht[1]
Authorisation[1]
Pouvoir[1]

Bitte vor dem Ausfüllen des Formblatts Rückseite beachten. /
Please read the notes overleaf before completing the form. /
Veuillez lire les remarques au verso avant de remplir le formulaire.

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

Anmelde- / Patentnummer / Application / Patent No. /
N° de la demande (du brevet)

Ich (Wir)[2] /
I (We)[2] /
Je (Nous)[2]

bevollmächtige(n) hiermit[3] /
do hereby authorise[3] /
autorise (autorisons) par la présente[3]

☐ sowie weitere auf einem gesonderten Blatt angegebene Vertreter / and additional representatives indicated on a separate sheet / ainsi que d'autres mandataires mentionnés sur une feuille supplémentaire

mich (uns) zu vertreten als / to represent me (us) as / à me (nous) représenter en tant que

☐ Anmelder oder Patentinhaber, / applicant(s) or patent proprietor(s), / demandeur(s) ou titulaire(s) du brevet,

☐ Einsprechenden (Einsprechende), / opponent(s), / opposant(s),

und in den durch das Europäische Patentübereinkommen geschaffenen Verfahren betreffend die folgende(n) europäische(n) Patentanmeldung(en) oder das (die) folgende(n) europäische(n) Patent(e)[4] für mich (uns) zu handeln und Zahlungen für mich (uns) in Empfang zu nehmen: /
to act for me (us) in all proceedings established by the European Patent Convention concerning the following European patent application(s) or patent(s)[4] and to receive payments on my (our) behalf: /
à agir en mon (notre) nom dans toute procédure instituée par la Convention sur le brevet européen et concernant la (les) demande(s) de brevet ou le (les) brevet(s) européen(s)[4] suivant(s) et à recevoir des paiements en mon (notre) nom :

☐ Fortsetzung auf einem gesonderten Blatt. / Additional applications or patents are indicated on a supplementary sheet. / Suite sur une feuille supplémentaire.

☐ Diese Vollmacht gilt auch für Verfahren nach dem Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens. /
This authorisation also applies to any proceedings established by the Patent Cooperation Treaty. /
Ce pouvoir s'applique également à toute procédure instituée par le Traité de coopération en matière de brevets.

☐ Diese Vollmacht gilt auch für etwaige europäische Teilanmeldungen. / This authorisation also covers any European divisional applications. /
Ce pouvoir vaut également pour toute demande divisionnaire européenne.

☐ Es kann eine Untervollmacht erteilt werden. / A sub-authorisation may be given. / Ce pouvoir peut être délégué.

☐ Ich (Wir) widerrufe(n) hiermit frühere Vollmachten in Bezug auf die oben genannte(n) Anmeldung(en) oder das (die) oben genannte(n) Patent(e)[5]. /
I (We) hereby revoke all previous authorisations in respect of the above application(s) or patent(s)[5]. /
Je révoque (Nous révoquons) par la présente tout pouvoir antérieur, donné pour la (les) demande(s) ou le (les) brevet(s) mentionné(e)(s) ci-dessus[5].

Ort / Place / Lieu

Datum / Date

Unterschrift(en)[6] / Signature(s)[6]

Das Formblatt muss vom (von den) Vollmachtgeber(n) eigenhändig unterzeichnet sein (bei juristischen Personen vom Unterschriftsberechtigten). Nach der Unterschrift bitte den (die) Namen des (der) Unterzeichneten in Druckschrift wiederholen und bei juristischen Personen die Stellung des Unterschriftsberechtigten innerhalb der Gesellschaft angeben. /
The form must bear the personal signature(s) of the authoriser(s) (in the case of legal persons, that of the officer empowered to sign). After the signature, please print the name(s) of the signatory(ies) adding, in the case of legal persons, his (their) position within the company. /
Le formulaire doit être signé de la propre main du (des) mandant(s) (dans le cas de personnes morales, de la personne ayant qualité pour signer).
Veuillez ajouter en caractères d'imprimerie, après la signature, le (les) nom(s) du (des) signataire(s) en mentionnant, dans le cas de personnes morales, ses (leurs) fonctions au sein de la société.

bitte wenden / P.T.O. / T.S.V.P.

EPA/EPO/OEB 1003 11.11

I. Fußnoten zur Vorderseite

1 a) Die Verwendung dieses Formblatts wird empfohlen für die Bevollmächtigung von Vertretern vor dem Europäischen Patentamt – zugelassene Vertreter, Rechtsanwälte im Sinne des Artikels 134 (8) und Zusammenschlüsse von Vertretern nach Regel 152 (11) – sowie für die Bevollmächtigung von Angestellten im Sinne des Artikels 133 (3) Satz 1; zu Satz 2 sind bisher keine Ausführungsbestimmungen ergangen.
Zugelassene Vertreter, die sich als solche zu erkennen geben, müssen nach Regel 152 (1) in Verbindung mit dem Beschluss der Präsidentin des EPA vom 12. Juli 2007 nur in bestimmten Fällen eine unterzeichnete Vollmacht einreichen (Sonderausgabe Nr. 3, ABl. EPA 2007, L.1.). Hingegen müssen nach Artikel 134 (8) vertretungsberechtigte Rechtsanwälte sowie Angestellte, die für einen Anmelder gemäß Artikel 133 (3) Satz 1 handeln und keine zugelassenen Vertreter sind, eine unterzeichnete Vollmacht einreichen.
b) Zutreffendes ist anzukreuzen.

2 Name(n) und Anschrift(en) sowie Staat des Sitzes oder Wohnsitzes des Vollmachtgebers (der Vollmachtgeber) nach Maßgabe der nachstehenden Regel 41 (2) c): „Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben. Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben. Anschriften sind gemäß den üblichen Anforderungen für eine schnelle Postzustellung an die angegebene Anschrift anzugeben und müssen in jedem Fall alle maßgeblichen Verwaltungseinheiten, gegebenenfalls bis zur Hausnummer einschließlich, enthalten.“

3 Name(n) und Geschäftsanschrift des Vertreters (der Vertreter) nach Maßgabe der in Ziff. 2 wiedergegebenen Regel 41 (2) c).

4 Nummer der Anmeldung(en) (falls bekannt) oder des Patents (der Patente) und Bezeichnung(en) der Erfindung(en).

5 Der Widerruf erfasst nicht eine gegebenenfalls erteilte allgemeine Vollmacht.

6 Übliche Unterschrift des (der) Vollmachtgeber(s). Wird die Vollmacht für eine juristische Person unterzeichnet, so dürfen nur solche Personen unterzeichnen, die nach Gesetz und/oder Satzung der juristischen Person dazu berechtigt sind (Artikel 58, Regel 152 (1)). Es ist ein Hinweis auf die Unterschriftsberechtigung des Unterzeichneten zu geben (z. B. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; president, director, company secretary; président, directeur, fondé de pouvoir).
Unterzeichnet ein sonstiger Angestellter einer juristischen Person aufgrund einer speziellen Vollmacht der juristischen Person, so ist dies anzugeben; von der speziellen Vollmacht ist eine Kopie, die nicht beglaubigt zu sein braucht, beizufügen. Eine Vollmacht mit der Unterschrift einer nicht zeichnungsberechtigten Person wird als nicht unterzeichnete Vollmacht behandelt.

II. Hinweise

a) Erstreckt sich die Vollmacht auf mehrere Anmeldungen oder Patente, so ist sie in der entsprechenden Stückzahl einzureichen (vgl. Regel 152 (2)).
b) Alle Entscheidungen, Ladungen, Bescheide und Mitteilungen werden an den Vertreter übersandt (vgl. Regel 130). Im Fall der Bevollmächtigung von Angestellten im Sinne des Artikels 133 (3) werden die genannten Schriftstücke dem Anmelder übersandt.
c) Regel 152 (9) bestimmt: „Sofern die Vollmacht nichts anderes bestimmt, erlischt sie gegenüber dem Europäischen Patentamt nicht mit dem Tod des Vollmachtgebers.“
d) Im Übrigen vgl. die Mitteilung zu Fragen der Vertretung vor dem EPA im Amtsblatt EPA 4/1978, 281 ff.

I. Footnotes to text overleaf

1 (a) The use of this form is recommended for authorising representatives before the European Patent Office – professional representatives, legal practitioners under Article 134(8) and associations of representatives pursuant to Rule 152(11) – and for authorising employees under Article 133(3), first sentence; as regards the second sentence, no implementing regulation has yet been issued.
Professional representatives who identify themselves as such are required under Rule 152(1), in conjunction with the decision of the President of the EPO dated 12 July 2007, to file a signed authorisation only in particular cases (Special edition No. 3, OJ EPO 2007, L.1.). However, a legal practitioner entitled to act as a professional representative in accordance with Article 134(8), or an employee acting for an applicant in accordance with Article 133(3), first sentence, but who is not a professional representative, must file a signed authorisation.
(b) Where applicable place a cross in the box.

2 Name(s) and address(es) of the party (parties) giving the authorisation and the State in which his (their) residence or principal place of business is located, in accordance with Rule 41(2) (c): „Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any.“

3 Name(s) and address of place of business of the representative(s) in accordance with Rule 41(2)(c) (cf. note 2 above).

4 Application No(s). or patent No(s). (if known) and title(s) of the invention(s).

5 The revocation does not extend to any general authorisation which may have been given.

6 Usual signature(s) of person(s) giving the authorisation. Where the authorisation is signed on behalf of a legal person, only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so (Article 58, Rule 152(1)). An indication is to be given of the signatory's entitlement to sign (e.g. president, director, company secretary; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir). If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied. An authorisation bearing the signature of a person not entitled so to sign will be treated as an unsigned authorisation.

II. Notices

(a) Authorisations covering more than one application or patent are to be filed in the corresponding number of copies (cf. Rule 152(2)).
(b) All decisions, summonses and communications will be sent to the representative (cf. Rule 130). In cases where employees are authorised under Article 133(3), these documents will be sent to the applicant.
(c) Rule 152(9) states: "Unless it expressly provides otherwise, an authorisation shall not terminate vis-à-vis the European Patent Office upon the death of the person who gave it."
(d) See also Communication on matters concerning representation before the EPO in the Official Journal EPO 4/1978, 281 ff.

I. Renvois concernant le texte figurant au recto

1 a) Il est recommandé d'utiliser ce formulaire pour mandater des représentants devant l'Office européen des brevets – mandataires agréés, avocats au sens de l'article 134(8) et groupements de mandataires conformément à la règle 152(11) – ainsi que pour mandater des employés au sens de l'article 133(3), première phrase; il n'a pas encore été arrêté de dispositions d'application relatives à la deuxième phrase. En vertu de la règle 152(1) en liaison avec la décision de la Présidente de l'OEB en date du 12 juillet 2007, les mandataires agréés qui se font connaître comme tels ne sont tenus de déposer un pouvoir signé que dans certains cas (Edition spéciale n° 3, JO OEB 2007, L.1.). En revanche, les avocats habilités à agir en qualité de mandataires en vertu de l'article 134(8), ainsi que les employés qui agissent pour le compte d'un demandeur conformément à l'article 133(3), 1ère phrase, et qui ne sont pas des mandataires agréés, doivent déposer un pouvoir signé.
b) Faire une croix dans la case si nécessaire.

2 Nom(s) et adresse(s), Etat du siège ou du domicile du (des) mandant(s), dans les conditions prévues à la règle 41(2) c) et reproduites ci-après : «Les personnes physiques doivent être désignées par leur nom suivi de leurs prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit dont elles relèvent doivent figurer sous leur désignation officielle. Les adresses doivent être indiquées selon les exigences usuelles en vue d'une distribution postale rapide à l'adresse indiquée et comporter en tout état de cause toutes les indications administratives pertinentes, y compris, le cas échéant, le numéro de la maison.»

3 Nom(s) et adresse professionelle du (des) mandataire(s), dans les conditions prévues à la règle 41(2) c) et mentionnées au point 2.

4 Numéro de la (des) demande(s) (s'il est connu) ou du (des) brevet(s) et titre(s) de l'invention (des inventions).

5 La révocation ne s'étend pas à un pouvoir général éventuellement donné.

6 Signature(s) habituelle(s) du (des) mandant(s). Lorsque le pouvoir est signé au nom d'une personne morale, seules sont habilitées à signer les personnes auxquelles cette qualité est reconnue en vertu de la loi et/ou du statut de la personne morale concernée (article 58, règle 152(1)). Il convient d'indiquer la qualité du signataire (par exemple: président, directeur, fondé de pouvoir; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; president, director, company secretary).
Il y a lieu de signaler les cas où un autre employé d'une personne morale signe en vertu d'un pouvoir spécial conféré par la personne morale et de fournir alors une copie, qui peut ne pas être certifiée conforme, de ce pouvoir spécial. Un pouvoir portant la signature d'une personne non habilitée à signer sera considéré comme non signé.

II. Notes

a) Si le pouvoir est donné pour plusieurs demandes ou plusieurs brevets, il doit être fourni un nombre correspondant d'exemplaires (cf. règle 152(2)).
b) Toutes les décisions, citations, notifications seront adressées au mandataire (voir règle 130). Dans le cas où des employés au sens de l'article 133(3) sont mandatés, les pièces mentionnées sont envoyées au demandeur.
c) La règle 152(9) stipule: «Sauf s'il en dispose autrement, le pouvoir ne prend pas fin, à l'égard de l'Office européen des brevets, au décès du mandant.»
d) Pour le reste, se reporter à la Communication concernant les questions relatives à la représentation près l'OEB, parue au Journal officiel de l'OEB, 4/1978, 281 s.

EPA/EPO/OEB 1003 11.11

Europäisches Patentamt
European Patent Office
Office européen des brevets

General authorisation

Please forward the **original** direct to the EPO, Legal Division (Dir. 5.2.3) in Munich.
Please read the attached notes before completing the form.

1 General authorisation No. (for official use only)

2 **I (We)**
Full name and address of authorisor(s)

3 **do hereby authorise**

Full name and address of authorisee: professional representative, legal practitioner, employee, association of representatives – **please specify**

4 **to represent me (us) in all proceedings established by the European Patent Convention and to act for me (us) in all patent transactions.**

☐ This authorisation includes the power to receive payments on my (our) behalf.

☐ This authorisation shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

5 ☐ Sub-authorisation may be given.

☐ Additional representatives indicated on supplementary sheet.

6 ☐ Please return a copy, supplemented by the general authorisation number, to the authorisor.

Name (printed)

Position within the company (where relevant)

Place, Date

Signature*

7 * The form must bear the personal signature(s) of the authorisor(s). In the case of legal persons, the signature must be that of the person empowered to sign on behalf of the company. If possible, please sign in blue.

Notes

to the General authorisation Form (EPO 1004)

1 The use of this form is recommended when authorising representatives before the European Patent Office (EPO): **professional representatives** and **legal practitioners** under Article 134(8) EPC; **employees** under Article 133(3), first sentence, EPC and **associations of representatives** under Rule 152(11) EPC. As to Article 133(3), second sentence, EPC no implementing regulation has been issued up to the present time. If the authorisee is an employee who is not a professional representative or a legal practitioner, the authorisor must make a declaration in the general authorisation or in a covering letter that the authorisee is his employee.

2 The name and address of the party giving the authorisation (hereafter **"authorisor"**) and the state in which their residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) below, in the address box:
"Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any."

Where the authorisation is being given by more than one party, the relevant information regarding the additional authorisors must be indicated to the right of the address box.

Where there are several authorisors, a general authorisation can also be used when only one or more of them are to be represented. If one of several authorisors cancels a general authorisation, it remains valid for the other authorisors under the old registration number. This applies equally to general authorisations already registered.

3 The name(s) and address of the place of business of the **authorisee(s)** must be given in accordance with Rule 41(2)(c) (see note 2 above). Please specify whether it is a professional representative, a legal practitioner, an employee or an association of representatives. As regards the authorisation of an association of representatives, within the meaning of Rule 152(11) EPC, the name and the number of the association must be given.
If there is more than one authorisee, please insert in the address box the name and address of the place of business of the authorisee to whom the EPO is to send a copy of the form bearing the general authorisation number.

A communication regarding the registration of the general authorisation is **not** inserted in the files relating to the application for which the authorisee is or is to be appointed as representative. Therefore, it is not permissible to revoke earlier specific authorisations in a general authorisation. When a general authorisation is intended to supersede an earlier one, the earlier authorisation's number must be stated.

The general authorisation of one or more authorisees terminates as soon as the authorisor or the authorisee concerned – **not another authorisee** – has **communicated the termination** to the EPO in Munich (Directorate 5.2.3). The communication must be clear and unambiguous. It is not sufficient to file a new general authorisation omitting the name of the authorisee concerned (Rule 152(7) and (8) EPC).

4 The **powers** mentioned separately in the form (to receive payments, to act in PCT proceedings and to give sub-authorisation) must be expressly granted (eg by placing a cross in the appropriate box on the form). Powers other than those three mentioned above may not be excluded in a general authorisation.

5 The EPC provisions regarding authorisations are to be applied to **sub-authorisations** (Article 133(3), first sentence, Rule 152 EPC), be it
(a) a **specific sub-authorisation** (Rule 152(2), second sentence, EPC), or
(b) a **general sub-authorisation** (Rule 152(4) EPC).
When issuing a general sub-authorisation, Form EPO 1004 can for example be used and the sub-authorisor must indicate the general authorisation number from which he derives his power. When it is registered, the general sub-authorisation keeps the same number as the general authorisation by virtue of which it has been granted.

Subject to any provisions to the contrary contained therein, a general sub-authorisation does not terminate vis-à-vis the EPO upon the death of the person who gave it (Rule 152(9) EPC), nor upon the termination of the authorisation given to the sub-authorisor for any other reason.

6 The EPO returns a copy, supplemented by the general authorisation number, to the authorisor if the appropriate box is crossed (see 4). In any case the EPO will transmit a copy to the authorisee (see 3 above).

7 Where the authorisation is signed on behalf of a legal person, **only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so** (Article 58 EPC).
An indication is to be given of the signatory's entitlement to sign, eg president, director, company secretary; Geschäftsführer, Prokurist, Handlungs-bevollmächtigter; président, directeur, fondé de pouvoir. If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied. **An authorisation bearing the signature of a person not entitled to sign will be treated as an unsigned authorisation.**

Europäisches Patentamt
European Patent Office
Office européen des brevets

PACE-Antrag an das Europäische Patentamt
PACE request to the European Patent Office
Requête PACE à l'Office européen des brevets

Unter Bezugnahme auf das Programm zur beschleunigten Bearbeitung europäischer Patentanmeldungen („PACE")[1] wird für die europäische Patentanmeldung

Under the programme for accelerated prosecution of European patent applications ("PACE")[1], I / we hereby request that European patent application

Nous référant au Programme de traitement accéléré des demandes de brevet européen («PACE»)[1], nous demandons que la demande de brevet européen

Aktenzeichen:
application number:
numéro d'enregistrement :

beantragt: / undergo: / fasse l'objet :

☐ beschleunigte Recherche
accelerated search
d'une recherche accélérée

oder / or / ou

☐ beschleunigte Prüfung
accelerated examination
d'un examen accéléré.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s):
Signature(s) of applicant(s) or representative(s):
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

[1] ABI. EPA 2015, A93 / OJ EPO 2015, A93 / JO OEB 2015, A93

EPA/EPO/OEB 1005 01.16

Europäisches Patentamt
European Patent Office
Office européen des brevets

Erklärung von KMU, natürlichen Personen, Organisationen ohne Gewinnerzielungsabsicht, Hochschulen oder öffentlichen Forschungseinrichtungen für die Zwecke von Gebührenermäßigungen gemäß Regel 6 EPÜ

Declaration for SMEs, natural persons, non-profit organisations, universities and public research organisations for the purpose of fee reductions under Rule 6 EPC

Déclaration à fournir par les PME, les personnes physiques, les organisations sans but lucratif, les universités et les organismes de recherche publics, en vue de l'obtention des réductions de taxe prévues à la règle 6 CBE

Zeichen des Anmelders / Applicant's reference /
Référence du(des) demandeur(s)

Anmeldenummer oder, falls noch nicht bekannt, Bezeichnung der Erfindung: /
Application No. or, if not yet known, title of the invention: /
N° de la demande ou, à défaut, titre de l'invention :

Für die Zwecke der Regel 6 EPÜ /
For the purposes of application of Rule 6 EPC, the undersigned / each of the undersigned [1] /
Aux fins de l'application de la règle 6 CBE, le (les) soussigné(s) [1],

erklärt der Unterzeichnete (erklären die Unterzeichneten)[1]: / declares that he is: / déclare(nt) être :

☐ ein kleines oder mittleres Unternehmen [2] / a small or medium-sized enterprise [2] / une petite ou moyenne entreprise [2],

☐ eine natürliche Person / a natural person / une personne physique,

☐ eine Organisation ohne Gewinnerzielungsabsicht, eine Hochschule oder eine öffentliche Forschungseinrichtung [3] / a non-profit organisation, a university or a public research organisation [3] / une organisation sans but lucratif, une université ou un organisme de recherche public [3]

nach Regel 6 (4) EPÜ zu sein. / as indicated under Rule 6(4) EPC. / au sens de la règle 6(4) CBE.

Im Falle mehrerer Anmelder wird die Gebührenermäßigung nur gewährt, wenn jeder Anmelder eine natürliche oder juristische Person im Sinne der Regel 6 (4) EPÜ ist.[4] / In the case of multiple applicants, each one must be an entity or a natural person under Rule 6(4) EPC for the fee reduction to apply.[4] / En cas de pluralité de demandeurs, la réduction de la taxe n'est accordée que si chaque demandeur est une entité ou une personne physique au sens de la règle 6(4) CBE.[4]

Bestehen begründete Zweifel an der Richtigkeit dieser Erklärung, kann das EPA im Erteilungsverfahren entsprechende Nachweise verlangen. / In the case of reasonable doubt as to the veracity of the present declaration, the EPO may, during the course of the grant procedure, require appropriate evidence. / Si l'Office a des raisons de douter de la véracité de la présente déclaration, il peut, au cours de la procédure de délivrance, inviter le(s) demandeur(s) à produire des preuves.

Sollte sich herausstellen, dass die Erklärung falsche Angaben enthält, so gilt die betreffende zu Unrecht ermäßigte Gebühr als nicht entrichtet, und die Anmeldung gilt gemäß Artikel 78 (2) bzw. Artikel 94 (2) EPÜ als zurückgenommen. / Should it become apparent that an incorrect declaration has been filed, the relevant fee, reduced without good reason, will be deemed not to have been paid and the application will be deemed to be withdrawn according to Article 78(2) or Article 94(2) EPC, as applicable. / S'il s'avère qu'une déclaration incorrecte a été produite, la taxe concernée, dont le montant a été indûment réduit, sera réputée ne pas avoir été acquittée et la demande sera réputée retirée conformément à l'article 78(2) ou, le cas échéant, à l'article 94(2) CBE.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s): / Signature(s) of applicant(s) or representative(s): / Signature(s) du (des) demandeur(s) ou mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte außerdem die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed / La (Les) signature(s) doi(ven)t être suivie(s) du (des) nom(s) en caractères d'imprimerie. S'il s'agit d'une personne morale, la fonction du signataire dans la société doit également être indiquée en caractères d'imprimerie.

EPA/EPO/OEB 1011 04.14

bitte wenden / P.T.O. / T.S.V.P.

Fußnoten zur Vorderseite

1. Name(n) des (der) Unterzeichneten nach Maßgabe der Regel 41 (2) c) und d) EPÜ:
   Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben.
   Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben.

2. Gemäß der Empfehlung der Europäischen Kommission vom 6. Mai 2003 (2003/361/EG) betreffend die Definition der Kleinstunternehmen sowie der kleinen und mittleren Unternehmen in der Fassung, in der sie im Amtsblatt der Europäischen Union L 124 vom 20. Mai 2003, S. 36, veröffentlicht wurde, gilt als Unternehmen jede Einheit, unabhängig von ihrer Rechtsform, die eine wirtschaftliche Tätigkeit ausübt. Die Größenklasse der Kleinstunternehmen sowie der kleinen und mittleren Unternehmen (KMU) setzt sich aus Unternehmen zusammen, die weniger als 250 Personen beschäftigen, die entweder einen Jahresumsatz von höchstens 50 Mio. EUR erzielen oder deren Jahresbilanzsumme sich auf höchstens 43 Mio. EUR beläuft und deren Kapital zu maximal 25 % direkt oder indirekt von einem anderen Unternehmen gehalten wird, das selbst kein KMU ist.

3. Gemäß den Definitionen in der Mitteilung des EPA vom 10. Januar 2014 (ABl. EPA 2014, A23) sind Organisationen ohne Gewinnerzielungsabsicht Organisationen, denen es aufgrund ihrer Rechtsform oder ihrer Satzung nach den einschlägigen Rechtsvorschriften untersagt ist, Einnahmen, Gewinne oder andere finanzielle Vorteile für ihre Eigentümer zu erwirtschaften, oder die, falls eine Gewinnerzielung zulässig ist, einer statutären/gesetzlichen Verpflichtung unterliegen, diese Gewinne im Interesse der Organisation zu reinvestieren.
   Unter Hochschulen sind „klassische“ Hochschulen zu verstehen, d. h. akademische Bildungs- und Forschungseinrichtungen nach den einschlägigen Rechtsvorschriften. Dabei gelten gleichartige Einheiten wie etwa Sekundar- und Hochschuleinrichtungen als Hochschulen.
   Öffentliche Forschungseinrichtungen sind öffentlich-rechtliche Einrichtungen wie Hochschulen oder Forschungsinstitute unabhängig von ihrer Finanzierungsweise, deren Hauptaufgabe in Grundlagenforschung, industrieller Forschung oder experimenteller Entwicklung besteht und die deren Ergebnisse durch Lehre, Veröffentlichung und Technologietransfer verbreiten. Sämtliche Einnahmen werden in die Forschung, die Verbreitung von Forschungsergebnissen oder die Lehre reinvestiert.

4. In der Erklärung muss auf jeden einzelnen Anmelder Bezug genommen und angegeben werden, welcher Kategorie er zuzuordnen ist (erforderlichenfalls ist der Name des Anmelders neben dem betreffenden Kästchen zu vermerken).

Footnotes to text overleaf

1. Name(s) of the undersigned in accordance with Rule 41(2)(c) and (d) EPC:
   Names of natural persons must be indicated by the person's family name, followed by their given name(s).
   Names of legal persons, and of bodies equivalent to legal persons under the relevant law, must be indicated by their official designations.

2. According to the European Commission's Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises as published in the Official Journal of the European Union L124, p. 36 of 20 May 2003, an enterprise is considered to be any entity engaged in an economic activity, irrespective of its legal form. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million, and for which no more than 25% of the capital is held directly or indirectly by another company that is not an SME.

3. According to the definitions in the Notice from the EPO dated 10 January 2014 (OJ EPO 2014, A23), a non-profit organisation is an organisation not allowed by its legal form or by its statute, under the relevant law, to be a source of income, profit or other financial gain to its owners, or, in cases in which it is allowed to make profit, there is a statutory/legal obligation to reinvest the profits made in the interest of the organisation.
   Universities are to be understood as "classical" universities, meaning institutions of higher education and research under the relevant law. However, for the purpose of the present declaration, comparable entities such as secondary or higher education establishments will be considered to be universities.
   Public research organisations are entities, such as universities or research institutes, organised under public law and irrespective of their way of financing, whose primary goal is to conduct fundamental research, industrial research or experimental development and to disseminate their results by way of teaching, publication or technology transfer.
   All profits are reinvested in these activities, the dissemination of their results or teaching.

4. The declaration must specifically refer to each applicant and must indicate, for each of them, the category to which they belong (if necessary, the applicant's name is to be entered next to the applicable checkbox).

Notes de bas de page

1. Nom(s) du (des) soussigné(s) conformément à la règle 41(2)c) et d) CBE :
   Les personnes physiques doivent être désignées par leurs noms suivis de leurs prénoms.
   Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit applicable doivent figurer sous leur désignation officielle.

2. Conformément à la recommandation 2003/361/CE de la Commission européenne du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises, telle que publiée au Journal officiel de l'Union européenne (L 124, p. 36) du 20 mai 2003, est considérée comme entreprise toute entité, indépendamment de sa forme juridique, exerçant une activité économique. La catégorie des micro, petites et moyennes entreprises (PME) est constituée des entreprises qui occupent moins de 250 personnes, dont le chiffre d'affaires annuel n'excède pas 50 millions d'euros ou dont le total du bilan annuel n'excède pas 43 millions d'euros et pour lesquelles le capital n'est pas détenu directement ou indirectement à plus de 25 % par une autre société qui n'est pas elle-même une PME.

3. Conformément aux définitions énoncées dans le Communiqué de l'OEB, en date du 10 janvier 2014 (JO OEB 2014, A23), une organisation à but non lucratif est une organisation qui, de par sa forme juridique ou son statut, n'est pas autorisée, en vertu du droit applicable, à être une source de revenus, de profits ou d'une autre forme de gains financiers pour ses propriétaires ou, si elle est autorisée à réaliser des profits, qui est soumise à une obligation statutaire ou légale de réinvestir les profits dans l'intérêt de l'organisation.
   On entend par université une université "classique", à savoir un établissement d'enseignement supérieur et de recherche en vertu du droit applicable. Toutefois, aux fins de la présente déclaration, cette définition couvre également les entités comparables, telles que les établissements d'enseignement secondaire ou supérieur.
   Le terme organisme de recherche public s'entend d'une entité de droit public, telle qu'une université ou un institut de recherche, quel que soit son mode de financement, dont le but premier est d'exercer des activités de recherche fondamentale, de recherche industrielle ou de développement expérimental et de diffuser leurs résultats par l'enseignement, la publication ou le transfert de technologie. Les profits sont intégralement réinvestis dans ces activités, dans la diffusion de leurs résultats ou dans l'enseignement.

4. La déclaration doit mentionner expressément tous les demandeurs et préciser, pour chacun d'eux, à quelle catégorie ils appartiennent (si nécessaire, le nom du demandeur doit être indiqué à côté de la case à cocher applicable).

EPA/EPO/OEB 1011 04.14

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Erklärung von KMU, natürlichen Personen, Organisationen ohne Gewinnerzielungsabsicht, Hochschulen oder öffentlichen Forschungseinrichtungen für die Zwecke der Ermäßigung der Beschwerdegebühr gemäß Artikel 2 (1) Nr. 11 der Gebührenordnung und Regel 6 (4) und (5) EPÜ[1]

Declaration for SMEs, natural persons, non-profit organisations, universities and public research organisations for the purpose of the reduction of the fee for appeal under Article 2(1), item 11 of the Rules relating to Fees and Rule 6(4) and (5) EPC[1]

Déclaration à fournir par les PME, les personnes physiques, les organisations sans but lucratif, les universités et les organismes de recherche publics, en vue de l'obtention de la réduction de la taxe de recours prévues à l'article 2(1), point 11 du règlement relatif aux taxes et la règle 6(4) et (5) CBE[1]

Zeichen des Beschwerdeführers / Appellant's reference / Référence du (des) requérant(s)

Anmeldenummer oder Patentnummer: / Application No. or Patent No.: / N° de la demande ou N° du brevet :

Für die Zwecke der Inanspruchnahme der ermäßigten Beschwerdegebühr nach Artikel 108 EPÜ und Artikel 2 (1) Nr. 11 der Gebührenordnung erklärt der Unterzeichnete/erklären die Unterzeichneten, dass jeder der folgenden Beschwerdeführer[2] / For purposes of eligibility for the reduced fee for appeal under Article 108 EPC and Article 2(1), item 11, of the Rules relating to Fees, the undersigned declare(s) that each of the following appellants[2] / Afin de bénéficier de la réduction de la taxe de recours prévue à l'article 108 CBE et à l'article 2(1), point 11 du règlement relatif aux taxes, le (la) soussigné(e)/les soussigné(e)s déclare(nt) que chacun des requérants suivants[2]

☐ ein kleines oder mittleres Unternehmen[3] / is a small or medium-sized enterprise[3] / est une petite ou moyenne entreprise[3],

☐ eine natürliche Person / is a natural person / est une personne physique,

☐ eine Organisation ohne Gewinnerzielungsabsicht, eine Hochschule oder eine öffentliche Forschungseinrichtung[4] / is a non-profit organisation, a university or a public research organisation[4] / est une organisation sans but lucratif, une université ou un organisme de recherche public[4]

nach Regel 6 (4) EPÜ ist. / as indicated under Rule 6(4) EPC. / au sens de la règle 6(4) CBE.

Im Falle mehrerer Beschwerdeführer wird die ermäßigte Gebühr nur gewährt, wenn jeder Beschwerdeführer eine natürliche oder juristische Person im Sinne der Regel 6 (4) EPÜ ist.[5]
Ob ein Beschwerdeführer Anspruch auf die ermäßigte Beschwerdegebühr hat, hängt von seinem Status nach Regel 6 (4) EPÜ zum Zeitpunkt der Einlegung der Beschwerde ab. Änderungen, die nach Einlegen der Beschwerde erfolgen, haben keine Rückwirkung auf die Gültigkeit der Zahlung der Beschwerdegebühr.
Die Person, die die ermäßigte Gebühr beansprucht, trägt die Beweislast dafür, dass die Anspruchskriterien erfüllt sind. Ergeben sich Zweifel an der Richtigkeit der Erklärung des Beschwerdeführers, können entsprechende Nachweise verlangt werden.
Wird die ermäßigte Gebühr unter Abgabe einer unrichtigen oder falschen Erklärung oder ohne eine Erklärung entrichtet, so gilt die Beschwerde unter Umständen als nicht eingelegt bzw. als unzulässig. Es kann sein, dass sich der Mangel nach Ablauf der Zweimonatsfrist für die Einlegung der Beschwerde nicht mehr beheben lässt. Beschwerdeführern, die die ermäßigte Beschwerdegebühr in Anspruch nehmen, wird daher dringend empfohlen sicherzustellen, dass die Anspruchskriterien bei Einlegung der Beschwerde erfüllt sind und die Erklärung ordnungsgemäß erfolgt. /

In the case of multiple appellants, each one must be an entity or a natural person under Rule 6(4) EPC for the reduced fee to apply.[5]
For eligibility for the reduced appeal fee, an appellant's status under Rule 6(4) EPC when filing the notice of appeal is relevant. Changes subsequent to the procedural act of filing the notice of appeal have no retroactive effect on the validity of the appeal fee payment made.
A person claiming entitlement to the reduced fee carries the burden of proof that the eligibility criteria have been met. In case of doubt as to the veracity of the declaration given by an appellant, appropriate evidence may be requested.
In case of an incorrect, false or missing declaration with payment of the reduced fee the notice of appeal may be deemed not to have been filed or the appeal may be considered inadmissible. The deficiency may not be remediable after expiry of the two-month time limit for filing the notice of appeal. Appellants claiming entitlement to the reduced fee for appeal are therefore strongly recommended to ensure that when filing the notice of appeal the eligibility criteria are fulfilled and the declaration is duly made. /

En cas de pluralité de requérants, la taxe reduite n'est accordée que si chaque requérant est une entité ou une personne physique au sens de la règle 6(4) CBE.[5]
Afin de déterminer si la réduction de la taxe de recours s'applique, il est tenu compte du statut du requérant, tel que visé à la règle 6(4) CBE, au moment du dépôt de l'acte de recours. Les changements postérieurs à l'acte de procédure consistant à déposer l'acte de recours n'ont aucun effet rétroactif sur la validité du paiement de la taxe de recours qui a été effectué.
Il incombe à la personne demandant à bénéficier de la réduction de taxe de prouver que les critères ouvrant droit à la réduction ont été remplis. En cas de doute quant à la véracité de la déclaration faite par un requérant, il peut être demandé d'apporter les preuves appropriées.
En cas de déclaration erronée, fausse ou manquante avec paiement du montant réduit de la taxe, l'acte de recours peut être réputé ne pas avoir été déposé ou le recours peut être considéré comme irrecevable. L'irrégularité peut ne pas être rectifiable après l'expiration du délai de deux mois prévu pour le dépôt de l'acte de recours. Il est par conséquent fortement recommandé aux requérants demandant à bénéficier de la réduction de la taxe de recours de veiller à ce que, lors du dépôt de l'acte de recours, les critères ouvrant droit à la réduction soient remplis et que la déclaration soit dûment effectuée.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Beschwerdeführer(s) oder Vertreter(s): / Signature(s) of appellant(s) or representative(s): / Signature(s) du (des) requérant(s) ou mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte außerdem die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed / La (Les) signature(s) doi(ven)t être suivie(s) du (des) nom(s) en caractères d'imprimerie. S'il s'agit d'une personne morale, la fonction du signataire dans la société doit également être indiquée en caractères d'imprimerie.

bitte wenden / P.T.O. / T.S.V.P.

Fußnoten zur Vorderseite

1. Weiterführende Informationen über die ermäßigte Beschwerdegebühr können der Mitteilung des EPA vom 18. Dezember 2017 über die ermäßigte Beschwerdegebühr (Artikel 108 EPÜ) für eine Beschwerde, die von einer natürlichen Person oder einer in Regel 6 (4) EPÜ genannten Einheit eingelegt wird entnommen werden. Siehe ABl EPA 2018, A5: http://www.epo.org/law-practice/legal-texts/official-journal/2018/01/a5_de.html

2. Name(n) des (der) Beschwerdeführer(s) nach Maßgabe der Regel 41 (2) c) und d) EPÜ: Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben. Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben.

3. Gemäß der Empfehlung der Europäischen Kommission vom 6. Mai 2003 (2003/361/EG) betreffend die Definition der Kleinstunternehmen sowie der kleinen und mittleren Unternehmen in der Fassung, in der sie im Amtsblatt der Europäischen Union L 124 vom 20. Mai 2003, S. 36, veröffentlicht wurde, gilt als Unternehmen jede Einheit, unabhängig von ihrer Rechtsform, die eine wirtschaftliche Tätigkeit ausübt. Die Größenklasse der Kleinstunternehmen sowie der kleinen und mittleren Unternehmen (KMU) setzt sich aus Unternehmen zusammen, die weniger als 250 Personen beschäftigen, die entweder einen Jahresumsatz von höchstens 50 Mio. EUR erzielen oder deren Jahresbilanzsumme sich auf höchstens 43 Mio. EUR beläuft und deren Kapital zu maximal 25 % direkt oder indirekt von einem anderen Unternehmen gehalten wird, das selbst kein KMU ist.

4. Gemäß den Definitionen in der Mitteilung des EPA vom 18. Dezember 2017 (ABl. EPA 2018, A5) sind Organisationen ohne Gewinnerzielungsabsicht Organisationen, denen es aufgrund ihrer Rechtsform oder ihrer Satzung nach den einschlägigen Rechtsvorschriften untersagt ist, Einnahmen, Gewinne oder andere finanzielle Vorteile für ihre Eigentümer zu erwirtschaften, oder die, falls eine Gewinnerzielung zulässig ist, einer statutären/gesetzlichen Verpflichtung unterliegen, diese Gewinne im Interesse der Organisation zu reinvestieren.
   Unter Hochschulen sind „klassische" Hochschulen zu verstehen, d. h. akademische Bildungs- und Forschungseinrichtungen nach den einschlägigen Rechtsvorschriften. Dabei gelten gleichartige Einheiten wie etwa Sekundar- und Hochschuleinrichtungen als Hochschulen.
   Öffentliche Forschungseinrichtungen sind öffentlich-rechtliche Einrichtungen wie Hochschulen oder Forschungsinstitute unabhängig von ihrer Finanzierungsweise, deren Hauptaufgabe in Grundlagenforschung, industrieller Forschung oder experimenteller Entwicklung besteht und die deren Ergebnisse durch Lehre, Veröffentlichung und Technologietransfer verbreiten. Sämtliche Einnahmen werden in die Forschung, die Verbreitung von Forschungsergebnissen oder die Lehre reinvestiert.

5. In der Erklärung muss auf jeden einzelnen Beschwerdeführer Bezug genommen und angegeben werden, welcher Kategorie er zuzuordnen ist (erforderlichenfalls ist der Name des Beschwerdeführers neben dem betreffenden Kästchen zu vermerken).

Footnotes to text overleaf

1. Further information about the reduced fee for appeal, can be found in the Notice of the EPO dated 18 December 2017 concerning the reduced fee for appeal (Article 108 EPC) for an appeal filed by a natural person or an entity referred to in Rule 6(4) EPC.

   See OJ EPO 2018, A5: http://www.epo.org/law-practice/legal-texts/official-journal/2018/01/a5.html

2. Name(s) of the appellant(s) in accordance with Rule 41(2)(c) and (d) EPC: Names of natural persons must be indicated by the person's family name, followed by their given name(s). Names of legal persons, and of bodies equivalent to legal persons under the relevant law, must be indicated by their official designations.

3. According to the European Commission's Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises as published in the Official Journal of the European Union L124, p. 36 of 20 May 2003, an enterprise is considered to be any entity engaged in an economic activity, irrespective of its legal form. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million, and for which no more than 25% of the capital is held directly or indirectly by another company that is not an SME.

4. According to the definitions in the Notice from the EPO dated 18 December 2017 (OJ EPO 2018, A5), a non-profit organisation is an organisation not allowed by its legal form or by its statute, under the relevant law, to be a source of income, profit or other financial gain to its owners, or, in cases in which it is allowed to make profit, there is a statutory/legal obligation to reinvest the profits made in the interest of the organisation.
   Universities are to be understood as "classical" universities, meaning institutions of higher education and research under the relevant law. However, for the purpose of the present declaration, comparable entities such as secondary or higher education establishments will be considered to be universities.
   Public research organisations are entities, such as universities or research institutes, organised under public law and irrespective of their way of financing, whose primary goal is to conduct fundamental research, industrial research or experimental development and to disseminate their results by way of teaching, publication or technology transfer.
   All profits are reinvested in these activities, the dissemination of their results or teaching.

5. The declaration must specifically refer to each appellant and must indicate, for each of them, the category to which they belong (if necessary, the appellant's name is to be entered next to the applicable checkbox).

Notes de bas de page

1. Pour plus d'information concernant la réduction de la taxe de recours, voir le communiqué de l'OEB en date du 18 décembre 2017, relatif à la réduction de la taxe de recours (article 108 CBE) pour un recours formé par une personne physique ou une entité visée à la règle 6(4) CBE.
   Voir JO OEB 2018, A5 : http://www.epo.org/law-practice/legal-texts/official-journal/2018/01/a5_fr.html

2. Nom(s) du (des) requérant(s) conformément à la règle 41(2)c) et d) CBE : Les personnes physiques doivent être désignées par leurs noms suivis de leurs prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit applicable doivent figurer sous leur désignation officielle.

3. Conformément à la recommandation 2003/361/CE de la Commission européenne du 6 mai 2003 concernant la définition des micro, petites et moyennes entreprises, telle que publiée au Journal officiel de l'Union européenne (L 124, p. 36) du 20 mai 2003, est considérée comme entreprise toute entité, indépendamment de sa forme juridique, exerçant une activité économique. La catégorie des micro, petites et moyennes entreprises (PME) est constituée des entreprises qui occupent moins de 250 personnes, dont le chiffre d'affaires annuel n'excède pas 50 millions d'euros ou dont le total du bilan annuel n'excède pas 43 millions d'euros et pour lesquelles le capital n'est pas détenu directement ou indirectement à plus de 25 % par une autre société qui n'est pas elle-même une PME.

4. Conformément aux définitions énoncées dans le Communiqué de l'OEB, en date du 18 décembre 2017 (JO OEB 2018, A5), une organisation à but non lucratif est une organisation qui, de par sa forme juridique ou son statut, n'est pas autorisée, en vertu du droit applicable, à être une source de revenus, de profits ou d'une autre forme de gains financiers pour ses propriétaires ou, si elle est autorisée à réaliser des profits, qui est soumise à une obligation statutaire ou légale de réinvestir les profits dans l'intérêt de l'organisation.
   On entend par université une université "classique", à savoir un établissement d'enseignement supérieur et de recherche en vertu du droit applicable. Toutefois, aux fins de la présente déclaration, cette définition couvre également les entités comparables, telles que les établissements d'enseignement secondaire ou supérieur.
   Le terme organisme de recherche public s'entend d'une entité de droit public, telle qu'une université ou un institut de recherche, quel que soit son mode de financement, dont le but premier est d'exercer des activités de recherche fondamentale, de recherche industrielle ou de développement expérimental et de diffuser leurs résultats par l'enseignement, la publication ou le transfert de technologie. Les profits sont intégralement réinvestis dans ces activités, dans la diffusion de leurs résultats ou dans l'enseignement.

5. La déclaration doit mentionner expressément tous les requérants et préciser, pour chacun d'eux, à quelle catégorie ils appartiennent (si nécessaire, le nom du requérant doit être indiqué à côté de la case à cocher applicable).

Europäisches Patentamt
European Patent Office
Office européen des brevets

Antrag auf Abruf einer beglaubigten Abschrift einer früheren Anmeldung (Prioritätsbeleg) über den digitalen Zugangsservice (DAS) der WIPO

Request for retrieval of a certified copy of a previous application (priority document) via the WIPO Digital Access Service (DAS)

Requête visant à ce que l'OEB se procure une copie certifiée conforme d'une demande antérieure (document de priorité) au moyen du Service d'accès numérique de l'OMPI (DAS)

Zeichen des Anmelders oder Vertreters / Applicant's or representative's reference / Référence du demandeur ou mandataire

Anmeldenummer oder, falls noch nicht bekannt, Bezeichnung der Erfindung: / Application No. or, if not yet known, title of the invention: / N° de la demande ou, à défaut, titre de l'invention :

Anmelder / Applicant / Demandeur

Name
Name
Nom

☐ Weitere Anmelder auf Zusatzblatt / Additional applicants are indicated on a supplementary sheet. / Autre(s) demandeur(s) sur feuille supplémentaire

Vertreter / Representative / Mandataire

Name
Name
Nom

☐ Weiterer Vertreter auf Zusatzblatt / Additional representatives are indicated on a supplementary sheet. / Autre(s) mandataire(s) sur feuille supplémentaire

Antrag / Request / Requête

Das EPA wird ersucht, über den digitalen Zugangsservice (DAS) der WIPO unter Verwendung des angegebenen Zugangscodes eine beglaubigte Abschrift der folgenden früheren Anmeldung(en) (Prioritätsbeleg(e)) abzurufen: /

The EPO is requested to retrieve a certified copy of the following previous application(s) (priority document(s)) via the WIPO Digital Access Service (DAS) using the indicated access code(s): /

Il est demandé à l'OEB de se procurer une copie certifiée conforme de la (des) demande(s) antérieure(s) suivante(s) (document(s) de priorité) au moyen du Service d'accès numérique de l'OMPI (DAS), à l'aide du (des) code(s) d'accès ci-après :

Aktenzeichen der früheren Anmeldung / File No. of previous application / N° de dépôt de la demande antérieure :	Zugangscode / Access code / Code d'accès :

☐ Weitere Aktenzeichen früherer Anmeldungen und entsprechende Zugangscodes auf Zusatzblatt / Additional file no. of previous applications and related access codes on additional sheet / Autres n^os^ de dépôt de demandes antérieures et codes d'accès correspondants sur feuille supplémentaire

Ort / Place / Lieu

Datum / Date

Unterschrift(en) / Signature(s)

Europäisches Patentamt
European Patent Office
Office européen des brevets

Please read the notes to this form

Request for the issue of a sample of deposited biological material

(Rule 33 EPC)

To[1]
(name und address of recognised depositary institution)

The undersigned hereby requests the issue of a sample of the biological material identified hereunder in accordance with Rule 11.3(a) of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure or under a bilateral agreement (Rule 33 EPC).

I. Identification of the biological material

Accession number of the deposit

II. Patent application or patent which refers to the deposited biological material

☐ **European patent application No.** filed on by

☐ **International (PCT) application No.**[2] filed on by

☐ **European patent No.** granted on[3] to

III. Request for information

The undersigned ☐ requests ☐ does not request

an indication of the conditions under which the recognised depositary institution cultivates and stores the biological material.[4]

IV. Certified party

Name

Address

Email address / telephone no. (optional)

Date Signature[5] Name

EPO 1140.1 10.22

Europäisches Patentamt
European Patent Office
Office européen des brevets

This form will be completed by the European Patent Office

European Patent Office
80298 Munich
GERMANY
Tel. +49(0)89 2399-0 I Fax -4465

Certification (Rule 33(4) EPC)

This is to certify that:

1. the patent application/patent which is specified in Section II above and refers to the deposit of the biological material identified in Section I above

   ☐ has been filed with this Office

   ☐ designates for the grant of a European patent at least one state party to the PCT for which this Office is the designated Office within the meaning of the said treaty

   ☐ has been granted by this Office

   and its subject-matter involves the said biological material or the use thereof.

2. ☐ publication for the purposes of patent procedure has been effected

   ☐ by this Office

   ☐ internationally under the PCT by the International Bureau of WIPO

   or

   ☐ the certified party has a right to a sample before publication under Rule 33(1), first sentence, in conjunction with Article 128(2) EPC.

3. the certified party has a right to a sample of the biological material identified in Section I above under the law governing patent procedure before this Office, and this Office is satisfied that the conditions prescribed by the said law for the issue of such samples have been fulfilled.

4. ☐ this certification concerns a deposit pursuant to a bilateral agreement.

European Patent Office

Date *Signature* *Official stamp*

Europäisches Patentamt
European Patent Office
Office européen des brevets

Please read the notes to this form

Declaration for the purpose of obtaining a sample of deposited biological material (Rule 33 EPC)

This declaration accompanies the request for the issue of a sample of the deposited biological material identified hereunder:

I. Identification of the biological material

Accession number of the deposit

Depositary institution

II. Patent application or patent which refers to the deposited biological material

☐ **European patent application No.** filed on by

☐ **International (PCT) application No.** filed on by

☐ **European patent No.** granted on to

III. The undersigned, identified in the request and hereunder as the certified party, undertakes vis-à-vis the applicant for or proprietor of the patent referred to in Section II

not to make the biological material identified in Section I, or any biological material derived therefrom, available to any third party, and to use that material for experimental purposes only, until such time as the patent application identified in Section II is refused, withdrawn or deemed to be withdrawn, or until the European patent granted on the basis of that application has expired in all the designated states.

Where the sample of the biological material identified in Section I is to be made available to an expert only[1], the above undertaking applies

- until the date on which the European patent granted on the basis of the patent application identified in Section II expires in all the designated states, or
- where the application is refused, withdrawn or deemed to be withdrawn, for twenty years from the date of filing of the application.

IV. Certified party

Name

Address

Email address / telephone no. (optional)

Date | Signature[5] | Name

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes concerning the forms for the issue of a sample of deposited biological material (EPO Forms 1140 and 1141)

These notes provide guidance on completing the forms for obtaining samples of biological material deposited under the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure (hereinafter "the Budapest Treaty"), where the issue of samples is requested under Rule 11.3(a) of the Regulations under that Treaty and the European Patent Office (hereinafter "the EPO") is asked to certify the request. In this case Rule 33 of the Implementing Regulations to the European Patent Convention (hereinafter "the EPC") is applicable in addition to Rule 11.3(a) of the Regulations under the Budapest Treaty. Similarly, under Rule 33 these forms must be used where the biological material has been deposited with a depositary institution recognised as such pursuant to a bilateral agreement with the European Patent Organisation.

General

A. This set consists of two forms:

   (a) The first (EPO Form 1140) is the request for the issue of a sample of deposited biological material, which must be used in all cases.

   (b) The second (EPO Form 1141) is the declaration under Rule 33(2) EPC vis-à-vis the applicant for or proprietor of the patent.

B. Pursuant to Rule 32(1) EPC the applicant may request that, until the mention of the grant of the European patent is published in the European Patent Bulletin or, where applicable, for twenty years from the date of filing if the application is refused, withdrawn or deemed to be withdrawn, the availability of the deposited biological material be effected only by the issue of a sample to an independent expert. This provision is indicated on the cover page of the published application (A publication). In such cases a third and a fourth form obtainable from the EPO website must be used: "Request for deposited biological material to be made available by issuing a sample to an expert" (EPO Form 1142) and “Declaration by the nominated expert under Rule 32 EPC” (EPO Form 1142A).

C. Where applicable, place a cross in the box provided.

D. After certification, the EPO will send the request to the depositary institution and copies to the applicant for or proprietor of the European patent and to the certified party. It is up to the certified party to pay the fees requested by the recognised depositary institution directly to them.

Instructions concerning the numbered references on the forms

I. EPO Form 1140:

1. Insert here the name and address of the recognised depositary institution with which the biological material has been deposited. The form must, however, be sent to the EPO for certification on page 2.

2. This must be an international (PCT) application designating at least one EPC contracting state which is also a party to the PCT, and indicating that the applicant wishes to obtain a European patent for that state (Euro-PCT application). The EPO assigns to such applications a European application number for their processing before the EPO as designated or elected Office. Where the certified party knows the European application number, he is requested to use it and complete the "European patent application No." section instead.

3. Insert here the date of publication of the mention of grant in the European Patent Bulletin.

4. The right to request an indication of these conditions is laid down in Rule 11.4(f) of the Regulations under the Budapest Treaty and Annex IV 2(b) of the bilateral agreements.

5. Where a signature is given on behalf of a legal person, the typewritten name of the natural person signing on behalf of the legal person must accompany each signature.

II. EPO Form 1141:

1. Where this declaration is signed by an expert (see point B under "General" above), his attention is drawn to the fact that the requester who has nominated him is regarded as a third party pursuant to Rule 32(2) EPC.

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European Patent Office
Office européen des brevets

Please read the notes to this form

Request for deposited biological material to be made available by issuing a sample to an expert

(Rule 32 EPC)

The undersigned hereby requests that a sample of the biological material identified hereunder be issued to the expert nominated in Section III, in accordance with Rule 32 EPC.

I. Identification of the biological material

Accession number of the deposit

Depositary institution

II. Patent application which refers to the deposited biological material

☐ **European patent application No.** filed on by

☐ **International (PCT) application No.** filed on by

III. Expert

Name

Address

Email address / telephone no. (optional)

IV. Requester

Name

Address

Email address / telephone no. (optional)

Date

Signature

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes concerning the request for deposited biological material to be made available by issuing a sample to an expert

(EPO Forms 1142 and 1142A)

1. EPO Form 1142 ("Request for deposited biological material to be made available by issuing a sample to an expert") and EPO Form 1142A ("Declaration by the nominated expert under Rule 32 EPC") are intended for use in conjunction with EPO Form 1140 and EPO Form 1141 ("Request for the issue of a sample of deposited biological material" and "Declaration for the purpose of obtaining a sample of deposited biological material") in cases where, pursuant to Rule 32(1) EPC, the applicant has requested that, until the mention of the grant of the European patent is published in the European Patent Bulletin, or for twenty years from the date of filing if the application is refused, withdrawn or deemed to be withdrawn, the availability of the deposited biological material be effected only by the issue of a sample to an expert.

2. EPO Form 1142 must be signed by the requester nominating the expert, whereas the request for the issue of a sample of deposited biological material (EPO Form 1140), the declaration for the purpose of obtaining a sample of deposited biological material (EPO Form 1141) and the declaration by the nominated expert under Rule 32 EPC (EPO Form 1142A) must be signed by the expert.

3. Under Rule 32(2) EPC, any natural person may be nominated as an expert, provided that he complies with the requirements and obligations laid down by the President of the European Patent Office (see OJ EPO 2017, A60).

   The nomination shall be accompanied by a declaration by the expert that he undertakes to comply with the aforementioned requirements and obligations and that he knows of no circumstances which might give rise to justified doubts as to his independence or which might conflict in any other way with his function as expert.

Europäisches Patentamt
European Patent Office
Office européen des brevets

European Patent Office
80298 MUNICH
GERMANY
Tel. +49 (0)89 2399 - 0
Fax +49 (0)89 2399 - 4465

For any questions about this communication:
Tel.:+31 (0)70 340 45 00

Grünecker, Kinkeldey,
Stockmair & Schwanhäusser
Leopoldstrasse 4
80802 München
ALLEMAGNE

date of communication - appeal period runs from notification of this decision, so:
25/07/14 + 10d [R.126(2)] + 2m [Art.108] -->
4/10/14 (Sat) [R.134(1)] --> 6/10/14 (Mon)

Date
25.07.13

Reference	Application No./Patent No.
EP74444TS900kja	11159410.7 - 1656 / 2468086
Applicant/Proprietor	
ISEKI & CO., LTD.	

Decision to grant a European patent pursuant to Article 97(1) EPC

Following examination of European patent application No. 11159410.7 a European patent with the title and the supporting documents indicated in the communication pursuant to Rule 71(3) EPC dated 19.02.13 is hereby granted in respect of the designated Contracting States.

Patent No. : 2468086
Date of filing : 23.03.11
Priority claimed : 24.12.10/JPA 2010287941

Designated Contracting States and Proprietor(s) : AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LI LT LU LV MC MK MT NL NO PL PT RO RS SE SI SK SM TR
ISEKI & CO., LTD.
700, Umakicho
Matsuyama-shi
Ehime 799-2692/JP

This decision will take effect on the date on which the European Patent Bulletin mentions the grant (Art. 97(3) EPC).

The mention of the grant will be published in European Patent Bulletin 13/34 of 21.08.13.

Examining Division

Bunn D Mayer R Baltanas Y Jorge R

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date of handover to EPO internal postal service is given on the communication, to allow unambiguous application of G 12/91 to determine the date until whjuch the first instance department can take account of further submissions

to EPO postal service: 19.07.13

Registered letter
EPO Form 2006A 12.07 (18/07/13)

ANMERKUNG ZUR ENTSCHEIDUNG ÜBER DIE ERTEILUNG
EINES EUROPÄISCHEN PATENTS (EPA Form 2006)

1. **EPA Informationsbroschüre "Nationales Recht zum EPÜ"**
Diese Broschüre enthält nützliche Informationen zu den formalen Erfordernissen und den Handlungen, die vor den Patentbehörden der Vertragsstaaten vorzunehmen sind, um Rechte in diesen Staaten zu erlangen. Da diese Handlungen einem ständigen Wandel unterworfen sind, sollte immer nur die neueste Ausgabe der Broschüre benutzt werden. Nachträgliche Informationen werden im Amtsblatt veröffentlicht.

2. **Übersetzung der europäischen Patentschrift nach Artikel 65 (1) des Europäischen Patentübereinkommens**
Sie werden erneut darauf hingewiesen, dass bestimmte Vertragsstaaten nach Artikel 65 (1) EPÜ eine Übersetzung der europäischen Patentschrift verlangen; hierauf wird in der Mitteilung gemäß Regel 71 (5) EPÜ verwiesen. Die Nichteinreichung dieser Übersetzung kann zur Folge haben, dass das Patent in dem betreffenden Staat/in den betreffenden Staaten als von Anfang an nicht eingetreten gilt. Weitere Einzelheiten entnehmen Sie bitte der oben genannten Broschüre.

3. **Zahlung von Jahresgebühren für europäische Patente**
Nach Artikel 141 EPÜ können "nationale" Jahresgebühren für das europäische Patent für die Jahre erhoben werden, die an das Jahr anschließen, in dem der Hinweis auf die Erteilung des europäischen Patents im "Europäischen Patentblatt" bekanntgemacht wird. Weitere Einzelheiten entnehmen Sie bitte der oben genannten Broschüre.

NOTE RELATING TO THE DECISION TO GRANT A
EUROPEAN PATENT (EPO Form 2006)

1. **EPO Information Brochure "National law relating to the EPC"**
This brochure provides useful information regarding formal requirements and the steps to be taken before the patent authorities of the Contracting States in order to acquire rights in those states. Since the necessary steps are subject to change the latest edition of the brochure should always be used. Subsequent information is published In the Official Journal.

2. **Translation of the European patent application under Article 65(1) of the European Patent Convention**
Your attention is again drawn to the requirements regarding translation of the European patent specification laid down by a number of Contracting States under Article 65(1) EPC, to which reference is made in the communication under Rule 71(5) EPC. Failure to supply such translation(s) may result in the patent being deemed to be void "ab initio" in the State(s) in question. For further details you are recommended to consult the above-mentioned brochure.

3. **Payment of renewal fees for European patents**
Under Article 141 EPC "national" renewal fees in respect of a European patent may be imposed for the years which follow that in which the mention of the grant of the European patent is published in the "European Patent Bulletin". For further details you are recommended to consult the above-mentioned brochure.

REMARQUE RELATIVE A LA DECISION DE DELIVRANCE
D'UN BREVET EUROPEEN (OEB Form 2006)

1. **Brochure d'information de l'OEB "Droit national relatif à la CBE"**
Cette brochure fournit d'utiles renseignements sur les conditions de forme requises et sur les actes à accomplir auprès des offices de brevet des Etats contractants aux fins d'obtenir des droits dans les Etats contractants. Etant donné que les actes indispensables sont susceptibles de modifications, il serait bon de toujours consulter la dernière édition de la brochure. Toute information ultérieure est publiée au Journal Officiel.

2. **Traduction du fascicule du brevet européen en vertu de l'article 65(1) de la Convention sur le brevet européen**
Votre attention est de nouveau attirée sur l'obligation faite par certains Etats contractants, en vertu de l'article 65(1) CBE, da fournir une traduction du fascicule du brevet européen, à laquelle il est fait référence dans la notification établie conformément à la règle 71(5) CBE. Si la(les) traduction(s) n'est(ne sont) pas fournie(s), le brevet européen peut, dès l'origine, être réputé sans effet dans cet(ces) Etat(s). Pour plus de détails, nous vous renvoyons à la brochure susmentionnée.

3. **Paiement des taxes annuelles pour le brevet européen**
Conformément à l'article 141 CBE des taxes annuelles "nationales" dues au titre du brevet européen peuvent être perçues pour les années suivant celle au cours de laquelle la mention de la délivrance du brevet européen est publiée au "Bulletin européen des brevets. Pour plus de détails, nous vous renvoyons à la brochure susmentionnée.

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notice of opposition to a European patent

I. Patent opposed

Patent No.

Application No.

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

Title of the invention

II. Proprietor of the patent

first named in the patent specification

Opponent's or representative's reference

III. Opponent

Name

Address

Address for correspondence

State of residence or of principal place of business

Nationality

Telephone/Fax

Multiple opponents
(see additional sheet)

IV. Authorisation

1. Representative
(name only one representative or name of association of representatives to whom notification is to be made)

Opponent's reference

EPO 2300.1 12.17

Address of place of business

Telephone/Fax

Additional representative(s)
on additional sheet/see authorisation ☐

2. Name(s) of employee(s) of the opponent authorised to act in these opposition proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2.

not considered necessary ☐

has/have been registered under No. ☐

is/are enclosed ☐

V. Opposition is filed against

• the patent as a whole ☐

• claim(s) No(s).

VI. Grounds for opposition:

Opposition is based on the following grounds:

(a) the subject-matter of the European patent opposed is not patentable (Art. 100(a) EPC) because:

• it is not new (Art. 52(1); Art. 54 EPC) ☐

• it does not involve an inventive step (Art. 52(1); Art. 56 EPC) ☐

• patentability is excluded on other grounds, i.e. Article ☐ Art.

(b) the patent opposed does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Art. 100(b) EPC; see Art. 83 EPC). ☐

(c) the subject-matter of the patent opposed extends beyond the content of the application/of the earlier application as filed (Art. 100(c) EPC, see Art. 123(2) EPC). ☐

VII. Facts (Rule 76(2)(c) EPC)
presented in support of the opposition are submitted herewith on a separate sheet (annex 1) ☒

VIII. Other requests:

Opponent's reference

IX. Evidence presented

Evidence is enclosed ☐

will be filed at a later date ☐

A. Publications:

1

Particular relevance (page, column, line, fig.):

2

Particular relevance (page, column, line, fig.):

3

Particular relevance (page, column, line, fig.):

4

Particular relevance (page, column, line, fig.):

5

Particular relevance (page, column, line, fig.):

6

Particular relevance (page, column, line, fig.):

Continued on additional sheet ☐

B. Other evidence

Continued on additional sheet ☐

Opponent's reference

X. Payment of opposition fee

With regard to the payment of fees, in particular via deposit account, reference is made to point X of the Notes to the notice of opposition (Form EPO 2300).

XI. List of documents

Enclosure No.

0 Form for notice of opposition ☒

1 Facts (see VII.) ☒

2 Copies of documents presented as evidence (see IX.)

a Publications ☐

b Other documents ☐

3 Signed authorisation(s) (see IV.) ☐

4 Additional sheet(s) ☐ Number of sheets

5 Other ☐

Please specify here:

XII. Signature of opponent or representative

Place

Date

Signature

Name (block capitals)

In case of legal persons, signatory's position within company

Opponent's reference

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes to the notice of opposition (EPO Form 2300)

Although the opposition form is **not mandatory** for the purpose of filing a notice of opposition, it specifies all the information required for such a notice to be admissible and hence facilitates the formulation and processing of the opposition. In stating and explaining the **grounds for opposition**, the opponent is free to comment as he wishes.

Explanatory notes to the various sections:

I. Patent opposed

Under **Patent No**. the number of the European patent against which opposition is filed (Rule 76(2)(b) EPC) must be given.

If known, the **application number and the date on which the Patent Bulletin mentions the grant** (Art. 97(3) EPC) should also be given. The latter makes it easier to monitor compliance with the opposition period.

The **title of the invention** must be given (Rule 76(2)(b) EPC); it should be indicated **as shown on the cover page of the printed patent specification** under item 54.

II. Proprietor of the patent

Where there are **several** patent proprietors, it is sufficient for the proprietor first named in the patent specification (under item 73) to be given.

III. Opponent

The **name, address and nationality** of the opponent and the **state** in which his residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(a) EPC). If the identity of the opponent has not been established by expiry of the opposition period, such deficiency can no longer be remedied (decision of the Technical Board of Appeal T 25/85, OJ EPO 1986, 81). An opponent may give an address for correspondence (see OJ EPO 2014, A99).

IV. Authorisation

If the opponent has appointed a **representative**, his name and the address of his place of business must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(d) EPC). If **several** professional representatives are appointed, only one representative to whom notification is to be made should be named. Any further representatives must be named in an annex (please put a cross in the appropriate box). In the case of an association of representatives, only the name and address of the association must be entered (see Rule 143(1)(h)).

An opponent who has neither a residence nor his principal place of business within the territory of one of the EPC contracting states must be represented and act through his representative (Art. 133(2) EPC). Professional representation before the EPO may only be undertaken by professional representatives (Art. 134(1) EPC) or legal practitioners entitled to act as professional representatives (Art. 134(8) EPC).

Natural or legal persons having their residence or principal place of business within the territory of one of the EPC Contracting States may also be represented in opposition proceedings by **an employee**, who must, however, be authorised (Art. 133(3), first sentence, EPC). In this case notification will be made to the opponent (not the employee) unless a professional representative has also been authorised.

To avoid delaying the proceedings, any authorisation which has to be filed should if possible be enclosed with the opposition. Under Rule 152(1) EPC in conjunction with the decision of the President of the EPO dated 12 July 2007, listed professional representatives identifying themselves as such normally no longer need to file signed authorisations (cf. Special edition No. 3, OJ EPO 2007, L.1.). These are, however, required from legal practitioners and employees who are not professional representatives and are acting for the opponent under Articles 134(8) and 133(3), first sentence, EPC respectively. If they do not file an authorisation, the EPO will ask them to do so within a specified period. Failure to comply will result in any procedural steps performed by the practitioner or employee being deemed not to have been taken (Rule 152(6) EPC) – which means that the notice of opposition will be considered not to have been filed.

V. Statement of the extent to which the patent is opposed

The notice of opposition must contain a statement of the extent to which the European patent is opposed (Rule 76(2)(c) EPC). If the opposition is

not filed against the patent as a whole (place a cross in the appropriate box), the number(s) of the claims (as in the patent specification) which the opponent considers to be affected by one or more of the grounds for opposition must be given.

VI. Grounds for opposition

The alleged grounds for opposition (Art. 100 EPC) must be indicated by a cross in the appropriate box(es).

Under the heading of non-patentability (Art. 100(a) EPC) the most frequently cited grounds for opposition are lack of novelty and lack of inventive step, for which separate boxes are provided. The form otherwise gives the opponent ample scope for indicating other possible grounds for opposition. Under the heading "other grounds" the following Articles may be cited in the box provided: 52(1) and 57; 52(2); 53(a); 53(b); 53(c) EPC.

A full list of grounds for opposition is given in Article 100 EPC. The following in particular are not admissible grounds: lack of unity of invention (Art. 82 EPC), lack of clarity in the claims (Art. 84 EPC) and prior national rights (Art. 139(2) EPC).

For general information on grounds for opposition see Guidelines for Examination in the EPO, D-III, 5.

VII. Facts and arguments presented in support of the opposition

The notice of opposition must contain an indication of the facts and evidence presented in support of the opposition (Rule 76(2)(c) EPC) and, where documents are cited, an indication of the relevant part(s) (Guidelines D-IV, 1.2.2.1).

The **facts**, with the relevant arguments and evidence, in support of the opposition must be presented on a **separate sheet** enclosed as an annex to the Form (indicated by a pre-printed cross in the box).

The fact that the **evidence** is listed separately in Section IX does not anticipate the presentation of facts, evidence and arguments but merely makes for greater clarity and simplifies processing of the dossier. Section IX of the Form (Evidence presented) may of course always be referred to in this presentation.

Where documents **are cited** in shortened form, the rules set out in the Guidelines B-X, 9.1 should be followed.

VIII. Other requests

This section may be used for example to request oral proceedings or a file inspection.

IX. Evidence

Published documents cited as evidence (e.g. patent specifications) must be entered under "Publications" in the spaces provided – preferably in order of importance. They should be cited in the manner described in Guidelines B-X, 9.1.

Opponents should also indicate the **parts** of the document on which the opposition is based (this information has to be given anyway in the statement of facts and arguments – see notes to Section VII above).

Other **evidence** (e.g. witnesses, affidavits, company brochures, test or expert reports) must be cited under "Other evidence" (for public prior use: place, time, nature – see Guidelines G-IV, 7.2; D-IV, 1.2.2.1(v); for witnesses: first name and last name, full address, relationship to opponent, etc.). If there is not enough room, the evidence can simply be listed, with an indication of where in the statement of grounds the relevant particulars appear (e.g. "Witness ..., page 5").

Documents cited by a party to opposition proceedings must be filed (including publications already cited in the European patent specification) with the notice of opposition or other written submission. This will avoid an invitation from the EPO for subsequent filing thereof. If they are neither enclosed nor filed in due time on invitation, the EPO may ignore any arguments based on them (Rule 83 EPC).

X. Payment of opposition fee

The opposition fee can be paid in a number of different ways, i.e. by debiting a deposit account, by credit card or by bank transfer. For more information, see "Making payments" on the EPO website.

Debiting a deposit account

The procedure for paying by debiting a deposit account is set out in detail in the Arrangements for deposit accounts (ADA) published in the supplementary publication to the EPO's Official Journal.

Careful attention should be paid to the conditions applicable to the filing of debit orders.

Payment by credit card

Payment by credit card must be made via the EPO's credit card fee payment service available

on the EPO website, using a credit card accepted by the EPO (as at December 2017: Master Card and VISA). The procedure is set out in detail in the Notice from the European Patent Office concerning the payment of fees by credit card published in the EPO's Official Journal.

Bank transfers

Payment by bank transfer should be made to the following account with the Commerzbank in Germany:

Account No. 3 338 800 00 / Sort code 700 800 00

IBAN DE20 7008 0000 0333 8800 00

BIC DRESDEFF700

Commerzbank AG
Leopoldstrasse 230
80807 Munich
Germany

For the fee amount, see the publication "Schedule of fees and expenses" or the "Interactive schedule of fees" available on the EPO website "European (EPC) fees".

XI. List of documents enclosed

Please indicate which documents are enclosed by crossing the relevant box.

XII. Signature

If the opponent is a legal person and the notice of opposition is not signed by the representative, it must be signed:

(a) either by a person entitled to sign under the law or the opponent's statute, articles of association or the like, with an **indication of the capacity of the person doing so**, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Art. 133(1) EPC), in which case no authorisation need be filed;

(b) or by another employee of the opponent, provided the latter's principal place of business is in a contracting state (Art. 133(3), first sentence; Rule 152(1) EPC), in which case an authorisation must be filed.

Mitteilung des EPA über das Einspruchsverfahren ab 1. Juli 2016

Die nachstehende Darstellung ist eine Neufassung der im ABI. EPA 2001, 148 ff. veröffentlichten Mitteilung über das Einspruchsverfahren vor dem EPA. Die Neufassung trägt den jüngsten Entwicklungen beim Einspruchsverfahren Rechnung, die ab 1. Juli 2016 Anwendung finden.

1. Einspruchsschrift

Es wird empfohlen, für den Einspruch grundsätzlich das Formblatt 2300 zu verwenden.

Der Einspruch kann elektronisch mit der EPA-Software für die Online-Einreichung (ABl. EPA 2015, A91) oder mittels der neuen Online-Einreichung (CMS) eingereicht werden, die auf der Website des EPA bereitgestellt wird (ABl. EPA 2015, A27). Nicht möglich ist die Einlegung des Einspruchs hingegen mittels des EPA-Dienstes zur Web-Einreichung (ABl. EPA 2014, A98). Der Empfang online eingereichter Unterlagen wird während des Übertragungsvorgangs vom EPA elektronisch bestätigt.

Der Einspruch kann auch per Fax oder per Post unter Verwendung des Formblatts 2300 eingereicht werden, das auf der Website des EPA verfügbar ist. Wie bei der bereits genannten elektronischen Einreichung ist keine schriftliche Bestätigung erforderlich. Ein Bestätigungsschreiben, das den Inhalt des Fax wiedergibt, ist nur auf Aufforderung des EPA nachzureichen (Sonderausgabe 3 zum ABl. EPA 2007, A.3).

Mit der Einspruchsschrift sollte der Einsprechende alle relevanten Unterlagen, auch wenn diese in der EPA-Dokumentation vorhanden sind, Übersetzungen von Unterlagen, die nicht in einer Amtssprache des EPA abgefasst sind, und nach Möglichkeit Kopien der in der Einspruchsschrift angegebenen weiteren Beweismittel einreichen.

Die Einspruchsschrift muss die Angabe der zur Begründung vorgebrachten Tatsachen, Beweismittel und Argumente enthalten (Regel 76 (2) c) EPÜ). Der Einsprechende muss also mindestens einen Einspruchsgrund nach Artikel 100 EPÜ nennen und die zur Begründung vorgebrachten Tatsachen, Beweismittel und Argumente angeben. Ist dieses Erfordernis nicht erfüllt, so wird der Einspruch als unzulässig verworfen (Regel 77 (1) EPÜ).

Notice from the EPO concerning the opposition procedure as from 1 July 2016

The following is a revised version of the notice on the opposition procedure before the EPO published in OJ EPO 2001, 148 ff. It reflects recent developments in opposition procedure that will take effect as from 1 July 2016.

1. The notice of opposition

Opponents are recommended to use Form 2300, irrespective of the chosen means of filing.

Notice of opposition may be filed in electronic form using the EPO Online Filing software (see OJ EPO 2015, A91) or using the new online filing service (CMS) provided on the EPO website (OJ EPO 2015, A27). However, it may not be filed using the EPO web-form filing service (OJ EPO 2014, A98). If documents are filed online, the EPO electronically acknowledges receipt within the submission session.

Notice of opposition may also be filed by fax or by post using Form 2300, available on the EPO's website. As in the above-mentioned cases of electronic filing, no written confirmation is required. Written confirmation reproducing the contents of the fax must only be supplied at the invitation of the EPO (OJ EPO 2007, Special edition No. 3, A.3).

With the notice of opposition, opponents should file all relevant documents, even those available in the EPO documentation, translations of any documents not in an EPO official language and, wherever possible, a copy of any further evidence indicated in the notice.

The notice of opposition must contain an indication of the facts, evidence and arguments in support of the grounds for opposition (Rule 76(2)(c) EPC). The opponent must therefore give at least one ground for opposition under Article 100 EPC and indicate the facts, evidence and arguments adduced in support of the ground(s). If it fails to satisfy this requirement, the opposition is rejected as inadmissible (Rule 77(1) EPC).

Communiqué de l'OEB relatif à la procédure d'opposition à compter du 1er juillet 2016

Le texte qui suit est une version révisée du communiqué sur la procédure d'opposition à l'OEB paru au JO OEB 2001, 148 s. Il tient compte des derniers développements dans la procédure d'opposition qui seront applicables à compter du 1er juillet 2016.

1. Acte d'opposition

Il est recommandé d'utiliser le formulaire 2300 pour former opposition, quel que soit le mode de dépôt retenu.

Un acte d'opposition peut être déposé sous forme électronique à l'aide du logiciel de dépôt en ligne de l'OEB (cf. JO OEB 2015, A91) ou du nouveau service de dépôt en ligne (CMS), disponible sur le site Internet de l'OEB (JO OEB 2015, A27). En revanche, il n'est pas possible de déposer un acte d'opposition via le service de dépôt par formulaire en ligne de l'OEB (JO OEB 2014, A98). La réception de documents déposés en ligne est confirmée électroniquement par l'OEB pendant la session de transmission.

L'acte d'opposition peut aussi être déposé par télécopie ou par courrier en utilisant le formulaire 2300 qui est accessible sur le site Internet de l'OEB. Comme dans les cas susmentionnés de dépôt en ligne, aucune confirmation écrite n'est requise. Une lettre de confirmation qui reproduit le contenu de la télécopie ne doit être produite que sur invitation de l'OEB (JO OEB 2007, édition spéciale n° 3, A.3).

L'opposant doit joindre à l'acte d'opposition toutes pièces pertinentes, même celles qui figurent dans la documentation de l'OEB, ainsi qu'une traduction des documents rédigés dans une langue autre qu'une langue officielle de l'OEB et, dans la mesure du possible, une copie de toute preuve supplémentaire invoquée dans l'acte d'opposition.

L'acte d'opposition doit comporter une déclaration précisant les faits, preuves et arguments invoqués à l'appui des motifs de l'opposition (règle 76(2)c) CBE). L'opposant doit donc citer au moins l'un des motifs d'opposition prévus à l'article 100 CBE et préciser les faits, preuves et arguments invoqués à l'appui du ou des motifs d'opposition. Si cette condition n'est pas remplie, l'opposition est rejetée comme irrecevable (règle 77(1) CBE).

Die angegebenen Beweismittel können auch nachgereicht werden.* Falls sein Einspruch zulässig ist, wird der Einsprechende aufgefordert, die Beweismittel so bald wie möglich, in der Regel innerhalb einer Frist von zwei Monaten, vorzulegen. Werden die angeforderten Unterlagen weder beigefügt noch fristgerecht nachgereicht, so braucht die Einspruchsabteilung das darauf gestützte Vorbringen nicht zu berücksichtigen (Richtlinien D-IV, 1.2.2.1 v)).

The evidence indicated may also be submitted subsequently.* If the opposition is admissible, the opponent will be invited to supply such evidence as a rule within two months. If the documents thus requested are neither enclosed nor filed within the time limit set, the opposition division may decide not to take into account any arguments based on them (Guidelines D-IV, 1.2.2.1(v)).

Les preuves indiquées peuvent aussi être produites ultérieurement.* Si l'opposition est recevable, l'opposant est invité à produire ces pièces dès que possible, généralement dans un délai de deux mois. Si les documents ainsi exigés ne sont ni joints à l'acte d'opposition ni produits séparément dans le délai imparti, la division d'opposition peut décider de ne pas tenir compte des arguments à l'appui desquels ils sont invoqués (Directives, D-IV, 1.2.2.1 v)).

2. Mehrere Einsprechende

Werden gegen das europäische Patent mehrere Einsprüche eingelegt, so werden sie gemeinsam behandelt. Die Einspruchsschriftsätze und alle späteren Schriftsätze der Beteiligten werden jeweils allen anderen Beteiligten übermittelt.

2. Multiple opponents

If several oppositions to a European patent are filed, they will be considered jointly. The notices of opposition and all further submissions made by individual parties will be communicated to all other parties.

2. Pluralité d'opposants

Lorsque plusieurs oppositions à un brevet européen ont été formées, elles sont traitées conjointement. Les actes d'opposition et tous les documents produits ultérieurement par les parties sont communiqués à toutes les autres parties concernées.

3. Stellungnahme des Patentinhabers

Nach Prüfung der Zulässigkeit oder nach Ablauf der von der Einspruchsabteilung in einer Mitteilung nach Regel 77 (2) EPÜ gesetzten Frist für die Beseitigung von Mängeln wird der Patentinhaber aufgefordert, innerhalb von vier Monaten Stellung zu nehmen und gegebenenfalls Änderungen seines Patents einzureichen (Regeln 79 (1), 132 EPÜ). Dasselbe gilt nach Ablauf der Frist für die Vorlage angeführter Dokumente oder Beweismittel, die nicht bereits zusammen mit der Einspruchsschrift eingereicht wurden.

Der Patentinhaber sollte innerhalb der gesetzten Frist zu dem Einspruch bzw. zu den Einsprüchen umfassend Stellung nehmen, also alle Tatsachen, Beweismittel und Argumente zur Begründung seines Standpunkts vorbringen. Falls erforderlich, sollte er geänderte Unterlagen vorlegen, um den geltend gemachten Einspruchsgründen zu begegnen.

3. Reply of the proprietor

After examination for admissibility or after expiry of the time limit set by the opposition division for remedying deficiencies noted in a communication under Rule 77(2) EPC, the patent proprietor is invited to file its observations and any amendments to the patent within four months (Rules 79(1), 132 EPC). The same applies after expiry of the time limit set for furnishing cited documents or evidence not already filed with the notice of opposition.

The patent proprietor should within the specified time limit submit a full response to the opposition(s), i.e. all the facts, evidence and arguments in support of its case. If necessary, it should submit amended documents to meet the grounds for opposition.

3. Réponse du titulaire du brevet

Après l'examen de la recevabilité ou à l'expiration du délai imparti par la division d'opposition dans la notification prévue à la règle 77(2) CBE pour remédier aux irrégularités constatées, le titulaire du brevet est invité à présenter ses observations et à produire éventuellement des modifications de son brevet dans un délai de quatre mois (règles 79(1), 132 CBE). Il en va de même à l'expiration du délai imparti pour fournir les documents ou les moyens de preuve indiqués qui n'ont pas déjà été produits avec l'acte d'opposition.

Le titulaire du brevet doit, dans le délai qui lui est imparti, répondre intégralement à l'opposition (aux oppositions), c'est-à-dire présenter tous les faits, preuves et arguments afin de défendre sa cause. Si nécessaire, il doit soumettre des modifications permettant de remédier aux objections soulevées avec les motifs d'opposition.

* Anmerkung der Redaktion: Die ursprünglich veröffentlichte Fassung dieses Satzes besagte, dass die angegebenen Beweismittel in Ausnahmefällen auch nachgereicht werden können. Da dies so verstanden werden könnte, als ob das EPA bei der Einreichung von Beweismitteln einen strengeren Ansatz anwendet, wurde der Satz wie folgt umformuliert:

Die angegebenen Beweismittel ***können auch nachgereicht werden****.*

(siehe Korrigendum, ABl. EPA 2016, A55).

* Editorial note: This sentence as initially published stated that the evidence indicated may only exceptionally be submitted subsequently. As this sentence could be understood as the application of a stricter approach by the EPO regarding the submission of such evidence, it has been redrafted as follows:

The evidence indicated ***may also be submitted*** *subsequently.*

(see corrigendum, OJ EPO 2016, A55).

* Note de la rédaction : cette phrase, telle qu'initialement publiée, énonçait que les preuves indiquées ne peuvent être produites ultérieurement qu'à titre exceptionnel. Étant donné que cette phrase pourrait être interprétée en ce sens que l'OEB applique une approche plus stricte concernant la production de telles preuves, elle a été reformulée comme suit :

Les preuves indiquées ***peuvent aussi être produites*** *ultérieurement.*

(cf orrigendum, JO OEB 2016, A55).

Die Stellungnahme des Patentinhabers und etwaige Änderungen des Patents werden dem Einsprechenden unverzüglich mitgeteilt (Regel 79 (3) EPÜ).

Gleichzeitig bereitet die Einspruchsabteilung den nächsten Schritt vor.

Die Einspruchsabteilung erlässt, wenn sie dies für erforderlich erachtet, einen Bescheid und fordert die Beteiligten auf, sich innerhalb einer zu bestimmenden Frist dazu zu äußern. In den meisten Fällen erlässt die Einspruchsabteilung aber eine Ladung zur mündlichen Verhandlung.

4. Fristen

Die reguläre Frist für die Erwiderung auf Bescheide der Einspruchsabteilung beträgt vier Monate bei Bescheiden, in denen sachliche Einwände erhoben werden, und zwei Monate bei anderen Bescheiden (Richtlinien E-VII, 1.2).

Fristverlängerungen werden nur in Ausnahmefällen auf ordnungsgemäß begründeten Antrag gewährt.

5. Verspätet vorgebrachte Tatsachen und Beweismittel

Die Einspruchsabteilung braucht Tatsachen und Beweismittel, die von den Beteiligten verspätet vorgebracht werden, nicht zu berücksichtigen (Artikel 114 (2) EPÜ), es sei denn, sie sind prima facie relevant, d. h. sie würden die ohne ihre Berücksichtigung zu treffende Entscheidung ändern.

Im Interesse einer zügigen Durchführung des Verfahrens sollten die Beteiligten grundsätzlich alle Tatsachen, Beweismittel und Anträge zu Beginn des Verfahrens oder - wenn dies nicht möglich ist - zum frühestmöglichen Zeitpunkt vorbringen. Bringt ein Beteiligter wesentliche Tatsachen oder Beweismittel ohne triftigen Grund erst in einer fortgeschrittenen Phase des Verfahrens vor und entstehen einem anderen Beteiligten dadurch Kosten für eine mündliche Verhandlung oder eine Beweisaufnahme, so kann dies bei der Verteilung der Kosten berücksichtigt werden.

The observations and any amendments filed by the patent proprietor are immediately communicated to the opponent (Rule 79(3) EPC) for information.

At the same time, the opposition division will prepare the next action.

If the opposition division considers it necessary, it will dispatch a communication and invite the parties to reply within a specified time limit. In most cases however the opposition division will issue summons to oral proceedings.

4. Time limits

The normal period for replying to communications from the opposition division is four months for communications raising matters of substance and two months for other communications (Guidelines E-VII, 1.2).

Extensions of time limits are granted only in exceptional cases with duly substantiated requests.

5. Facts and evidence not submitted in due time

The opposition division may disregard facts or evidence which are not submitted in due time by the parties concerned (Article 114(2) EPC), unless they are of prima facie relevance, i.e. they would affect the outcome of the decision to be taken.

In order for the proceedings to progress expeditiously, parties should submit all facts, evidence and requests at the beginning of the procedure. Where this is not possible, the facts, evidence or requests must be submitted at the earliest opportunity. If relevant facts or evidence are submitted by a party only at a late stage of the proceedings without very good reason and if, as a consequence, the costs of oral proceedings or taking of evidence are incurred by another party, this may be taken into account in the apportionment of costs.

Les observations du titulaire du brevet ainsi que toutes modifications du brevet qu'il a soumises sont notifiées à l'opposant à titre informatif et sans délai (règle 79(3) CBE).

En même temps, la division d'opposition prépare la prochaine action.

Si elle le juge nécessaire, la division d'opposition envoie une notification et invite les parties à y répondre dans un délai déterminé. Dans la plupart des cas, elle émet toutefois une citation à une procédure orale.

4. Délais

Normalement, le délai de réponse aux notifications de la division d'opposition est de quatre mois pour les notifications concernant des questions de fond et de deux mois pour les autres (Directives, E-VII, 1.2).

Une prorogation d'un délai n'est accordée que dans des cas exceptionnels, sur requête dûment motivée.

5. Faits et preuves non produits en temps utile

La division d'opposition peut ne pas tenir compte des faits que les parties n'ont pas invoqués ou des preuves qu'elles n'ont pas produites en temps utile (article 114(2) CBE), à moins qu'ils ne soient de prime abord pertinents, c'est-à-dire qu'ils puissent avoir une incidence sur la teneur de la décision rendue.

Afin que la procédure puisse avancer rapidement, les parties doivent présenter l'ensemble des faits, preuves et requêtes au début de la procédure ou, si cela est impossible, dans les plus brefs délais. Si une partie produit, sans raison valable, des faits ou des preuves pertinents à un stade avancé de la procédure, occasionnant ainsi des frais à une autre partie en raison d'une mesure d'instruction ou de la tenue d'une procédure orale, il peut en être tenu compte dans la répartition des frais.

6. Ermittlung von Amts wegen

Die Prüfung des Einspruchs beschränkt sich auf die von dem bzw. den Einsprechenden angegriffenen Teile des Patents und die von ihm bzw. ihnen vorgebrachten Gründe. In Ausnahmefällen kann die Einspruchsabteilung gemäß Artikel 114 (1) EPÜ auch andere Einspruchsgründe prüfen, die prima facie der Aufrechterhaltung des europäischen Patents ganz oder teilweise entgegenzustehen scheinen.

Eine darüber hinausgehende Prüfung wird die Einspruchsabteilung nur dann vornehmen (Artikel 114 (1) EPÜ), wenn ihr Tatsachen bekannt geworden sind, die der vollständigen oder teilweisen Aufrechterhaltung des Patents offensichtlich entgegenstehen (Richtlinien-D V, 2). Das Einspruchsverfahren stellt keineswegs eine Gelegenheit für das EPA dar, das Patent von Amts wegen vollständig zu überprüfen.

Hat der Patentinhaber geänderte Unterlagen vorgelegt, so sind die geänderten Teile auf alle Erfordernisse des Übereinkommens zu prüfen. In Bezug auf die Klarheit können geänderte Ansprüche nur dann auf Konformität mit den Erfordernissen des Artikels 84 geprüft werden, wenn und insoweit eine Änderung zu einem Verstoß gegen Artikel 84 führt (G 3/14).

Wird der einzige Einspruch bzw. werden alle Einsprüche zurückgenommen, so kann das Einspruchsverfahren von Amts wegen fortgesetzt werden. Dies geschieht immer dann, wenn die für eine Entscheidung notwendigen Ermittlungen abgeschlossen sind oder ohne Mitwirkung des bzw. der Einsprechenden abgeschlossen werden können und aufgrund der Aktenlage die Aufrechterhaltung des Patents in unverändertem Umfang nicht möglich erscheint (Richtlinien D-VII, 5.3). Es geschieht ferner dann, wenn vom Patentinhaber selbst Änderungen vorgelegt wurden (Artikel 113 (2) EPÜ).

6. Examination by the EPO of its own motion

Examination of the opposition is confined to the parts of the patent contested by the opponent(s) and the grounds put forward by them. Exceptionally, the opposition division may in accordance with Article 114(1) EPC consider other grounds for opposition which, prima facie, in whole or in part would seem to prejudice the maintenance of the European patent.

The opposition division will only undertake a more extensive examination (Article 114(1) EPC) if facts come to its attention which clearly wholly or partially prejudice the maintenance of the patent (see Guidelines D-V, 2). However, opposition is not an opportunity for the EPO to undertake a complete re-examination of the patent of its own motion.

If the patent proprietor submits amended documents, the amended parts must be checked for compliance with all the requirements of the Convention. Regarding clarity, amended claims may be examined for compliance with the requirements of Article 84 EPC only to the extent that an amendment introduces non-compliance with that article (G 3/14).

If a sole opposition or all oppositions are withdrawn, the opposition proceedings may be continued by the EPO of its own motion. This is always the case when the examination necessary for the decision has already been concluded, or can be concluded without the participation of the opponent(s), and if it appears that the patent cannot be maintained unamended (see Guidelines D-VII, 5.3). It is also the case if the proprietor has itself submitted amendments (see Article 113(2) EPC).

6. Examen d'office

L'examen d'une opposition se limite aux parties du brevet contestées par le ou les opposants et aux motifs invoqués par ceux-ci. À titre exceptionnel, la division d'opposition peut, en application de l'article 114(1) CBE, examiner d'autres motifs d'opposition qui, de prime abord, semblent en tout ou partie s'opposer au maintien du brevet européen.

La division d'opposition ne procède à un examen plus approfondi (article 114(1) CBE) que lorsqu'elle a eu connaissance de faits s'opposant de toute évidence au maintien total ou partiel du brevet (cf. Directives, D-V, 2). Toutefois, l'opposition n'est pas destinée à vérifier d'office le brevet dans son intégralité.

Lorsque le titulaire du brevet a présenté des documents modifiés, il convient de vérifier que les parties modifiées remplissent toutes les conditions de la Convention. En ce qui concerne la clarté, la conformité des revendications modifiées à l'article 84 CBE ne peut être examinée que dans la mesure où la modification concernée aboutit à une violation dudit article (G 3/14).

En cas de retrait de l'opposition ou de l'ensemble des oppositions, la procédure d'opposition peut être poursuivie d'office. Tel est toujours le cas lorsque l'examen qui précède la décision est achevé ou peut l'être sans la participation du ou des opposants et qu'il s'avère que le brevet ne peut pas être maintenu sans modifications (cf. Directives, D-VII, 5.3) ou lorsque le titulaire du brevet a lui-même proposé des modifications (cf. article 113(2) CBE).

7. Weiteres Verfahren

Hat ein Verfahrensbeteiligter eine mündliche Verhandlung beantragt oder hält die Einspruchsabteilung selbst eine mündliche Verhandlung für sachdienlich, so wird ein Termin für eine mündliche Verhandlung anberaumt.

7. Subsequent procedure

If oral proceedings are requested by one of the parties or considered expedient by the opposition division itself, a date for oral proceedings is fixed.

7. Suite de la procédure

Lorsqu'une partie à la procédure requiert une procédure orale ou que la division d'opposition elle-même juge utile d'en tenir une, une date est fixée pour la procédure orale.

Hält die Einspruchsabteilung vor der Ladung zur mündlichen Verhandlung eine weitere Klärung der Sachlage oder eine Stellungnahme eines Beteiligten zum Vorbringen der Gegenpartei für erforderlich, so wird der betreffende Beteiligte aufgefordert, sich innerhalb einer bestimmten Frist zu dem Vorbringen zu äußern (Richtlinien D-VI, 3.1).

Findet keine mündliche Verhandlung statt und ist keine weitere Sachaufklärung erforderlich - kann also die Entscheidung auf Gründe gestützt werden, zu denen sich die Beteiligten schriftlich äußern konnten (Artikel 113 (1) EPÜ) -, so wird unmittelbar über den Einspruch entschieden.

8. Mündliche Verhandlung

Mit der Ladung zur mündlichen Verhandlung wird der Termin festgesetzt, der in der Regel frühestens sechs Monate nach dem Versenden der Ladung liegt. Eine Änderung dieses Termins kann nur in besonders begründeten Ausnahmefällen in Betracht gezogen werden (Mitteilung des EPA in ABl. EPA 2009, 68).

Mit der Ladung zur mündlichen Verhandlung erhalten die Beteiligten auch einen Bescheid, in dem die nach Ansicht der Einspruchsabteilung in der mündlichen Verhandlung zu erörternden Fragen aufgeführt sind.

Dieser beigefügte Bescheid enthält auch die vorläufige, unverbindliche Auffassung der Einspruchsabteilung zu den Standpunkten der Beteiligten und insbesondere zu den vom Patentinhaber vorgelegten Änderungen des Patents (Richtlinien D-VI, 3.2 und E-II, 6), ggf. erläutert durch entsprechenden Verweis auf bestimmte Teile der Akten. In der Ladung wird auch ein Zeitpunkt festgesetzt, bis zu dem Stellungnahmen und Änderungen eingereicht werden können (Regel 116 EPÜ). Dieser Zeitpunkt liegt in der Regel zwei Monate vor der mündlichen Verhandlung.

Gegenstand der mündlichen Verhandlung sind die wesentlichen strittigen Fragen, die im beigefügten Bescheid aufgeführt sind; die Beteiligten müssen sich jedoch bei ihrem Vortrag nicht auf diese Fragen beschränken, wenn das zusätzliche Vorbringen relevant ist.

If the opposition division considers it necessary to seek further clarification of the facts or to hear one party's observations on another party's submissions before summoning to oral proceedings, the party concerned will be invited to comment on the submissions within a specified period (Guidelines D-VI, 3.1).

If no oral proceedings are to be held and if no further clarification of the facts is necessary, i.e. if the decision can be based on grounds on which the parties have had an opportunity to comment in writing (Article 113(1) EPC), the opposition will be decided on immediately.

8. Oral proceedings

The date on which the oral proceedings are to take place is specified in the summons. As a rule it will not be earlier than six months after dispatch of the summons. Requests to alter this date may only be considered in exceptional, duly substantiated cases (see notice in OJ EPO 2009, 68).

With the summons to oral proceedings, the parties also receive a communication setting out the issues which in the opposition division's view must be discussed at the oral proceedings.

The annexed communication will also contain the opposition division's provisional and non-binding opinion on the positions adopted by the parties and in particular on amendments filed by the proprietor of the patent (see Guidelines D-VI, 3.2, and E-II, 6), where applicable making suitable reference to certain parts of the file. The summons will also fix a final date for submitting observations and amendments (Rule 116 EPC). This date is normally set at two months before the oral proceedings.

The subject of the oral proceedings are the crucial issues listed in the annexed communication, but the parties are not confined to those issues alone, provided that their additional submissions are relevant.

Si la division d'opposition estime que la situation doit encore être clarifiée ou que l'une des parties doit présenter des observations sur les moyens invoqués par une autre partie avant qu'une citation à une procédure orale ne soit émise, la partie concernée est invitée à prendre position dans un délai déterminé sur lesdits moyens (Directives, D-VI, 3.1).

Lorsqu'il n'est pas recouru à la procédure orale et qu'il n'est plus nécessaire de clarifier la situation (autrement dit si la décision peut se fonder sur des motifs au sujet desquels les parties ont pu prendre position par écrit (article 113(1) CBE)), une décision concernant l'opposition est immédiatement rendue.

8. Procédure orale

La date de la procédure orale est précisée dans la citation à la procédure orale. En principe, la procédure orale a lieu au plus tôt six mois après l'envoi de la citation. Un changement éventuel de cette date ne peut être pris en considération que dans des cas exceptionnels, dûment motivés (cf. communiqué publié au JO OEB 2009, 68).

La citation à la procédure orale est accompagnée d'une notification, dans laquelle la division d'opposition signale aux parties concernées les questions qu'elle juge nécessaire d'examiner.

La notification jointe en annexe comporte également l'avis provisoire et non contraignant de la division d'opposition sur les positions adoptées par les parties et, en particulier, sur les modifications soumises par le titulaire du brevet (cf. Directives, D-VI, 3.2 et E-II, 6), le cas échéant en se référant à des parties déterminées du dossier. En même temps, la citation fixe une date jusqu'à laquelle des observations peuvent être faites et des modifications déposées (règle 116 CBE). Cette date est normalement fixée à deux mois avant la procédure orale.

La procédure orale porte sur les points déterminants faisant l'objet de la notification jointe en annexe, mais les parties ne sont pas tenues de se limiter strictement à ces points, si les moyens supplémentaires qu'elles invoquent sont pertinents.

In der mündlichen Verhandlung erteilt die Einspruchsabteilung in der Regel zuerst dem Beteiligten das Wort, der einen Einwand erhoben hat. Jeder Beteiligte erhält die Gelegenheit, sein Anliegen vorzubringen und auf den Vortrag des anderen Beteiligten zu erwidern. Erforderlichenfalls ersucht die Einspruchsabteilung die Beteiligten um Klarstellungen.

In oral proceedings, the opposition division normally gives the floor first to the party raising an objection. Each party is given the opportunity to state its case and to reply to the other party. Where necessary, the opposition division asks the parties for clarification.

Lors de la procédure orale, la division d'opposition donne normalement la parole en premier lieu à la partie qui soulève une objection. Chaque partie a la possibilité d'exposer ses arguments et de répondre à l'argumentation de l'autre partie. Si nécessaire, la division demande des éclaircissements aux parties.

Eine mündliche Verhandlung wird in der Regel mit einer Entscheidung abgeschlossen, die auf den abschließenden Vorträgen und Anträgen der Beteiligten basiert. Voraussetzung hierfür ist, dass sich die Vertreter der Beteiligten für die mündliche Verhandlung grundsätzlich auf Rückfallpositionen einstellen und bevollmächtigt sind, im Namen ihrer Mandanten zu allen Entwicklungen Stellung zu beziehen, die sich im Laufe der Verhandlung ergeben können.

Oral proceedings are generally concluded by a decision based on the parties' final submissions and requests. To this end, the representatives of the parties should come to the oral proceedings prepared to consider possible fall-back positions and armed with the authority to take a stand on behalf of their clients on any developments which may occur in the course of the proceedings.

Une procédure orale s'achève en règle générale par une décision fondée sur les moyens invoqués et les requêtes formulées en dernier lieu par les parties. Il faut pour cela que leurs représentants viennent à la procédure orale en ayant préparé d'éventuelles positions de repli et dotés de l'autorité nécessaire pour prendre position au nom de leurs clients sur tout nouveau développement pouvant survenir au cours de la procédure.

Werden erst in der mündlichen Verhandlung neue Tatsachen oder Beweismittel (z. B. eine neue Druckschrift) vorgelegt, so sind sie als verspätet eingereicht zu betrachten (Regel 116 EPÜ) und werden nur berücksichtigt, wenn sie prima facie so relevant sind, dass die Einspruchsabteilung sie im Rahmen ihres Ermessensspielraums nach Artikel 114 (2) EPÜ zum Verfahren zuzulassen hat. In diesem Fall wird die Verhandlung gegebenenfalls kurz unterbrochen, um den anderen Beteiligten die Möglichkeit zu geben, das neue Vorbringen zu prüfen. Kann es den anderen Beteiligten nicht zugemutet werden, zu dem neuen Vorbringen ausreichend Stellung zu nehmen, so muss das Verfahren schriftlich fortgesetzt werden.

If new facts or evidence (e.g. a new document) are submitted for the first time at the oral proceedings, they are to be regarded as late-filed (Rule 116 EPC) and will only be considered if they are of such prima facie relevance that the opposition division, in the exercise of its discretion, admits them into the proceedings under Article 114(2) EPC. In such cases, oral proceedings should be interrupted briefly to enable the other parties to study the new submission. If it is unreasonable to expect the other parties to be able to formulate an adequate response, the proceedings must be continued in writing.

Lorsque des faits nouveaux sont invoqués ou des preuves nouvelles (par exemple un nouveau document) sont produites pour la première fois lors de la procédure orale, ils doivent être considérés comme produits tardivement (règle 116 CBE) et ne sont pris en compte que s'ils sont de prime abord d'une telle pertinence que la division d'opposition doit, dans l'exercice de son pouvoir d'appréciation, les admettre dans la procédure, conformément à l'article 114(2) CBE. En pareil cas, la procédure orale doit être interrompue brièvement pour donner aux autres parties la possibilité d'étudier les nouveaux éléments. S'il ne peut être exigé des autres parties qu'elles présentent des observations suffisantes sur ces nouveaux éléments, la procédure doit être poursuivie par écrit.

Am Ende der mündlichen Verhandlung wird nach einer kurzen Beratung vom Vorsitzenden die Entscheidung der Einspruchsabteilung verkündet, wobei auch eine kurze Begründung gegeben werden kann. Diese Entscheidung wird alsbald schriftlich abgefasst und den Beteiligten zugestellt (Regel 111 (1) EPÜ).

At the end of the oral proceedings, after a brief adjournment for deliberation, the chairman normally pronounces the opposition division's decision. A brief statement of grounds may also be given. The decision is notified to the parties in writing without delay (Rule 111(1) EPC).

Au terme de la procédure orale, le président prononce normalement, après une courte délibération, la décision de la division d'opposition, les motifs à l'appui de la décision pouvant aussi être brièvement exposés. Cette décision est formulée par écrit et signifiée aux parties dans les plus brefs délais (règle 111(1) CBE).

Wenn die Zwischenentscheidung der Einspruchsabteilung auf Unterlagen gestützt wurde, die nicht der Regel 49 (8) EPÜ entsprechen, weil sie handschriftliche Änderungen enthalten, fordert die Einspruchsabteilung den Patentinhaber in der Mitteilung nach Regel 82 (2) EPÜ auf, eine formal korrekte Fassung des geänderten Wortlauts einzureichen (ABl. EPA 2016, A22).

If the opposition division's interlocutory decision was based on documents which do not comply with Rule 49(8) EPC, i.e. which contain handwritten amendments, the opposition division will invite the proprietor in the communication under Rule 82(2) EPC to file a formally compliant version of the amended text (see OJ EPO 2016, A22).

Si la division d'opposition a fondé sa décision intermédiaire sur des documents qui ne répondent pas aux exigences de la règle 49(8) CBE, c'est-à-dire qui contiennent des modifications manuscrites, elle invite le titulaire du brevet, dans la notification visée à la règle 82(2) CBE, à produire une version de ces modifications correcte sur le plan de la forme (cf. JO OEB 2016, A22).

Das Ergebnis der mündlichen Verhandlung wird im Europäischen Patentregister veröffentlicht.

The outcome of the oral proceedings will be published in the European Patent Register.

L'issue de la procédure orale est inscrite au Registre européen des brevets.

9. Protokoll der mündlichen Verhandlung

Das Protokoll der mündlichen Verhandlung wird allen Beteiligten sobald als möglich übersandt, ggf. zusammen mit der Entscheidung.

10. Abschluss des Verfahrens

Das Verfahren wird in jedem Fall mit einer Entscheidung abgeschlossen. Die Einspruchsabteilung kann beschließen, das europäische Patent zu widerrufen, den Einspruch zurückzuweisen oder das Patent in geändertem Umfang aufrechtzuerhalten (Artikel 101 EPÜ).

Ist der Patentinhaber an der Aufrechterhaltung des Patents nicht mehr interessiert, so kann er den Widerruf des Patents beantragen. Das Patent wird dann widerrufen, weil keine vom Patentinhaber gebilligte Fassung vorliegt (Artikel 113 (2) EPÜ).

Ein Widerruf ist ebenfalls zu erwarten, wenn der Patentinhaber gegenüber dem EPA erklärt, dass er für alle benannten Vertragsstaaten auf das Patent verzichtet.

Wird der Einspruch zurückgezogen, so kann das Verfahren durch eine förmliche Entscheidung der Einspruchsabteilung eingestellt werden (Regel 84 (2) EPÜ). Ebenso stellt die Einspruchsabteilung das Verfahren ein, wenn für alle benannten Vertragsstaaten auf das europäische Patent verzichtet worden ist oder wenn das europäische Patent für alle diese Staaten erloschen ist und der Einsprechende nicht innerhalb der in Regel 84 (1) EPÜ genannten Frist die Fortsetzung des Verfahrens beantragt.

11. Zeugeneinvernahme

Eine Einvernahme angebotener Zeugen (Regel 117 EPÜ) zu einer strittigen Frage findet statt, wenn diese Frage für die Entscheidung über die Aufrechterhaltung des angegriffenen Patents maßgeblich ist. Dies könnte der Fall sein, wenn eine Vorbenutzung behauptet wurde und der angebotene Zeuge beteiligt war.

9. Minutes of oral proceedings

The minutes of the oral proceedings, where appropriate together with the decision, are sent to all the parties as soon as possible.

10. Closure of proceedings

The proceedings will in every case be concluded with a decision. The opposition division may decide to revoke the European patent, to reject the opposition or to maintain the patent in amended form (Article 101 EPC).

If the patent proprietor no longer wishes to maintain the patent, it can request that the patent be revoked. The patent is then revoked because no text approved by the proprietor is available (Article 113(2) EPC).

Revocation can also be expected if the proprietor informs the EPO that it renounces the patent in respect of all the designated contracting states.

The opposition division can also terminate the proceedings by means of a formal decision if the opposition is withdrawn (Rule 84(2) EPC). Similarly, the opposition division will close the proceedings if the European patent has been surrendered or has lapsed for all the designated states and the opponent does not request continuation of the opposition proceedings within the period specified in Rule 84(1) EPC.

11. Hearing of witnesses

Witnesses offered to give testimony (Rule 117 EPC) on a contentious issue will be heard if the contested issue is relevant for a decision on the maintenance of the opposed patent. This may be the case where a prior use is claimed and the witness offered was involved.

9. Procès-verbal de la procédure orale

Le procès-verbal de la procédure orale est envoyé dès que possible à toutes les parties, le cas échéant en même temps que la décision.

10. Clôture de la procédure

La procédure se conclut dans tous les cas par une décision. La division d'opposition peut décider de révoquer le brevet européen, de rejeter l'opposition ou de maintenir le brevet sous une forme modifiée (article 101 CBE).

Si le titulaire du brevet ne souhaite plus maintenir le brevet, il peut en requérir la révocation. Le brevet est alors révoqué, car il n'existe pas de texte accepté par le titulaire du brevet (article 113(2) CBE).

La révocation peut également être escomptée si le titulaire du brevet déclare auprès de l'OEB qu'il renonce au brevet pour tous les États contractants désignés.

La division d'opposition peut aussi clore la procédure au moyen d'une décision officielle si l'opposition est retirée (règle 84(2) CBE). De même, la division d'opposition met fin à la procédure s'il a été renoncé au brevet européen pour tous les États désignés ou si celui-ci s'est éteint pour tous ces États et que l'opposant ne demande pas la poursuite de la procédure dans le délai prévu à la règle 84(1) CBE.

11. Audition de témoins

Les témoins proposés (règle 117 CBE) seront entendus si la question litigieuse sur laquelle ils sont appelés à témoigner est pertinente pour la décision relative au maintien du brevet attaqué. Tel peut être le cas lorsqu'est invoqué un usage antérieur dans lequel le témoin proposé est impliqué.

12. Kosten

Grundsätzlich trägt jeder Beteiligte die ihm erwachsenen Kosten selbst. Nach Artikel 104 (1) und Regel 88 EPÜ kann über eine Verteilung der Kosten aber auch anders entschieden werden, "wenn und soweit dies der Billigkeit entspricht". Es entspricht der Billigkeit, eine Entscheidung über die Verteilung der Kosten dann zu treffen, wenn die Kosten schuldhaft durch leichtfertiges oder gar böswilliges Handeln verursacht werden. Natürlich kann aber jeder sein Recht bzw. seine Interessen mit allen im Rahmen des Einspruchsverfahrens gesetzlich zulässigen Mitteln verteidigen, also z. B. mündliche Verhandlungen und Beweisaufnahmen beantragen. Daher hat beispielsweise der Patentinhaber Kosten selbst zu tragen, die ihm im Zusammenhang mit der Erwiderung auf eine Einspruchsschrift entstanden sind, auch wenn sich der Einspruch später als völlig unbegründet erweist.

Die Einspruchsabteilung kann jedoch bei Verzögerungstaktiken und bei unbilligen Verhaltensweisen von Beteiligten eine abweichende Kostenverteilung vornehmen. Beispiele dafür sind in Kapitel D-IX, 1.4 der Richtlinien enthalten.

12. Costs

Each party generally bears its own costs. Under Article 104(1) and Rule 88 EPC, the costs may be otherwise apportioned "for reasons of equity". Reasons of equity will require a decision on the apportionment of costs when the costs are culpably incurred as a result of irresponsible or even malicious actions. Each party may of course defend its rights or interests by any legally admissible means within the framework of the opposition proceedings; it may, for example, request oral proceedings or the taking of evidence. Therefore the patent proprietor has to bear the costs involved in replying to a notice of opposition even if the opposition subsequently proves to be wholly unfounded.

If a party has exercised delaying tactics or conducted itself unreasonably, the opposition division may decide on a different apportionment of costs. Examples in which the opposition division may decide to apportion costs are given in Guidelines D-IX, 1.4.

12. Frais

La règle est normalement que chacune des parties supporte les frais qu'elle a exposés. Toutefois, conformément à l'article 104(1) CBE et à la règle 88 CBE, une répartition différente des frais peut être prescrite "dans la mesure où l'équité l'exige". L'équité exige qu'une décision soit prise sur la répartition des frais lorsque les frais sont imputables à une faute commise par négligence ou par mauvaise foi. Il est entendu que toutes les parties peuvent défendre leurs droits ou leurs intérêts par tous les moyens légaux que leur offre la procédure d'opposition. C'est ainsi qu'elles peuvent solliciter une procédure orale et des mesures d'instruction. Par conséquent, le titulaire du brevet doit supporter les frais encourus à l'occasion de sa réponse à un acte d'opposition, même s'il apparaît ultérieurement que l'opposition n'était absolument pas fondée.

La division d'opposition peut toutefois répartir les frais différemment lorsqu'une partie a recours à des tactiques dilatoires ou à d'autres procédés critiquables. Des exemples de cas où la division d'opposition peut décider de répartir les frais différemment sont donnés au point D-IX, 1.4 des Directives.

13. Beitritt des vermeintlichen Patentverletzers

Ein Dritter kann unter den in Artikel 105 EPÜ genannten Bedingungen dem Einspruchsverfahren beitreten, solange es noch nicht abgeschlossen ist (Richtlinien D-VII, 6). Ist der Beitritt ordnungsgemäß erklärt worden, so wird er als Einspruch behandelt. Dies bedeutet, dass der Beitretende grundsätzlich dieselben Rechte wie jeder andere am Verfahren Beteiligte hat, und zwar unabhängig davon, in welcher Phase er dem Verfahren beitritt.

13. Intervention of the assumed infringer

A third party may intervene in opposition proceedings, under the conditions stipulated in Article 105 EPC, as long as they have not been concluded (see Guidelines D-VII, 6). If the intervention is properly filed, it is treated as an opposition. This means that, regardless of the stage at which the intervener becomes a party to the proceedings, it enjoys essentially the same rights as any other party.

13. Intervention du contrefacteur présumé

Un tiers peut intervenir, dans les conditions visées à l'article 105 CBE, tant que la procédure d'opposition n'est pas close (cf. Directives, D-VII, 6). Si l'intervention fait l'objet d'une déclaration produite dans les règles, elle est assimilée à une opposition. En d'autres termes, quel que soit le moment auquel il intervient dans la procédure, l'intervenant jouit en principe des mêmes droits que toute autre partie.

14. Beschleunigung des Einspruchsverfahrens

Ist bei einem nationalen Gericht eines Vertragsstaats eine Verletzungsklage aus einem europäischen Patent anhängig, so kann ein am Einspruchsverfahren Beteiligter jederzeit die Beschleunigung des Verfahrens beantragen (ABl. EPA 2008, 221).

14. Accelerated processing of oppositions

In cases where an infringement action in respect of a European patent is pending before a national court of a contracting state, a party to the opposition proceedings may, at any time, request accelerated processing (OJ EPO 2008, 221).

14. Traitement accéléré des oppositions

Lorsqu'une action en contrefaçon concernant un brevet européen est en instance devant un tribunal national d'un État contractant, une partie à la procédure d'opposition peut présenter à tout moment une requête en traitement accéléré (JO OEB 2008, 221).

Eine wirksame Beschleunigung des Verfahrens kann jedoch nur erreicht werden, wenn die Beteiligten ihr Vorbringen möglichst rasch und vollständig einreichen und die vom EPA gesetzten Fristen und Termine strikt einhalten. In solchen Fällen kann Anträgen auf Fristverlängerung, soweit diese über die normale Frist von vier Monaten hinausgehen, nur in besonders begründeten Ausnahmefällen stattgegeben werden.

However, the proceedings can only effectively be accelerated if the parties make their submissions promptly and in full, and strictly adhere to the time limits. Requests to extend time limits over and above the normal four-month period will only be granted in exceptional and duly substantiated cases.

Le traitement de la procédure ne sera toutefois accéléré avec efficacité que si les parties concernées produisent rapidement l'ensemble de leurs moyens et respectent rigoureusement les délais. Il n'est donné suite aux requêtes en prorogation des délais au-delà du délai normal de quatre mois que dans des cas exceptionnels et dûment justifiés.

Hinweise des EPA zum gestrafften Einspruchsverfahren

Das EPA ist daran interessiert, Einspruchsverfahren rasch zum Abschluss zu bringen und so Rechtssicherheit für alle am Einspruchsverfahren Beteiligten und für die Öffentlichkeit herzustellen. Zu diesem Zweck hat es seine internen Arbeitsabläufe nach dem Prinzip "Early Certainty from Opposition" optimiert und rationalisiert; die allgemeinen Grundsätze für das Verfahren vor dem EPA und insbesondere das rechtliche Gehör (Artikel 113 (1) EPÜ) bleiben dabei gewahrt.

Durch diese optimierten Arbeitsabläufe reduziert sich die Gesamtdauer bis zu einer Entscheidung in einfach gelagerten Fällen auf 15 Monate vom Ablauf der Einspruchsfrist an gerechnet.

Nähere Informationen zur neuen Praxis sind der "Mitteilung des EPA über das Einspruchsverfahren ab 1. Juli 2016" (ABl. EPA 2016, A42, Nrn. 3, 4 und 8) zu entnehmen.

Information from the EPO on streamlined opposition proceedings

The EPO seeks to bring opposition proceedings to a speedy conclusion and thereby establish legal certainty for all parties to opposition proceedings and the public. To achieve this aim it has optimised and streamlined its internal workflows leading to "Early Certainty from Opposition", while respecting the general principles governing procedure before the EPO, in particular the right to be heard (Article 113(1) EPC).

With the revised workflow, the total time needed for a decision in straightforward cases will be reduced to 15 months, calculated as from expiry of the opposition period.

More detailed information on the new practice can be found in the notice from the EPO concerning the opposition procedure as from 1 July 2016, OJ EPO 2016, A42, points 3, 4 and 8.

Avis de l'OEB relatif à la rationalisation de la procédure d'opposition

L'OEB s'efforce de conclure rapidement les procédures d'opposition afin de garantir la sécurité juridique pour toutes les parties à ces procédures comme pour le public. Aussi a-t-il optimisé et rationalisé ses processus internes ("Early Certainty from Opposition"), tout en respectant les principes généraux qui régissent les procédures devant l'OEB, notamment le droit d'être entendu (article 113(1) CBE).

Cette révision des processus de travail permettra de ramener à 15 mois le temps nécessaire à compter de l'expiration du délai d'opposition pour qu'une décision soit rendue sur les affaires qui ne présentent pas de difficulté.

Des informations plus détaillées sur les nouvelles pratiques figurent dans le communiqué de l'OEB relatif à la procédure d'opposition à compter du 1er juillet 2016, (JO OEB 2016, A42, points 3, 4 et 8).

Europäisches Patentamt
European Patent Office
Office européen des brevets

Request for limitation or revocation of a European patent (Art. 105a and R. 92 EPC)

I. Data concerning the patent (R. 92(2)(b) EPC)

Patent No.

Application No.

Contracting states in which the patent has taken effect

Extension/validation states in which the patent has taken effect

II. Request

☐ **Revocation** of the above-mentioned European patent

☐ **Limitation** of the above-mentioned European patent

Proprietor's or representative's reference

III. Proprietor of the patent making the request (Requester) (R. 92(2)(a) and 41(2)(c) EPC)

☐ Additional requester(s) on additional sheet

Name

Address

Address for correspondence

Nationality

State of residence or of principal place of business

Telephone/Fax

Proprietor for the contracting states
(still existing patents only)

Proprietor for the extension/validation states
(still existing patents only)

With my signature in point XII below I **declare** that

☒ there is/are no other patent proprietor(s) than the one(s) mentioned in points III and IV.

☐ the above-mentioned patent proprietor, whose name is entered in the European Patent Register, is still the proprietor of the above-mentioned European patent.

☐ there has been a change in the name of the patent proprietor whose name is entered in the European Patent Register. Supporting evidence is enclosed. This person is still the proprietor of the above-mentioned European patent.

☐ **the requester(s) became proprietor(s)** of the above-mentioned European patent **by a transfer of rights.**
Supporting evidence is enclosed:
- recent excerpts of the relevant national registers and/or
- other means of evidence.

IV. Proprietor(s) of the patent for those contracting states in which the requester(s) is/was (are/were) not the proprietor(s) (R. 92(2)(c) EPC)

Name

Address

Proprietor for the contracting states

☐ Additional proprietor(s) on additional sheet

☐ Evidence that the requester(s) is/are entitled to act on behalf of this/these proprietor(s) is enclosed.

V. Proprietor(s) of the patent for those extension/validation states in which the requester(s) is/was (are/were) not the proprietor(s)

Name

Address

Proprietor for the extension/validation states

☐ Additional proprietor(s) on additional sheet

☐ Evidence that the requester(s) is/are entitled to act on behalf of this/these proprietor(s) is enclosed.

VI. **Representative** (R. 92(2)(e) EPC)

Name

Address of place of business

Telephone / Fax

☐ Additional representative(s) on additional sheet

VII. Authorisation

Authorisation enclosed or registered under No.:

☐ The undersigned is a professional representative.

☐ The undersigned is a legal practitioner qualified to act as professional representative under Article 134(8) EPC.

☐ The undersigned employee(s) of the proprietor is/are authorised for these revocation or limitation proceedings under Art. 133(3) EPC.

VIII. **Documents for limitation** (R. 92(2)(d) EPC)

☒ enclosed complete version of the amended claims

☐ enclosed amended description, pages (if applicable)

☐ enclosed amended drawings, sheets (if applicable)

IX. **National prior rights where different sets of claims are filed** (Art. 105b(3) and R. 138 EPC)

The requester hereby informs the EPO that national prior rights exist for the following contracting states:

X. Payment of limitation or revocation fee

With regard to the payment of fees, in particular via deposit account, reference is made to the Arrangements for deposit accounts (ADA), the Arrangements for the automatic debiting procedure (AAD, Annex A.1 to the ADA) and the Information from the EPO concerning the automatic debiting procedure (Annex A.2 to the ADA), as published in the Supplementary publication of the Official Journal.

XI. Signature(s) of proprietor(s) or representative/employee(s)

Signature(s)*

** Please type name under signature. In the case of legal persons, the position which the person signing holds within the company should also be indicated.*

Place

Date

Europäisches Patentamt
European Patent Office
Office européen des brevets

Boards of Appeal

Notice of Appeal

I. Decision appealed

Patent No.:

Application No.:

Decision impugned:
Field is obligatory, see Rule 99(1)(b) EPC

Language of the proceedings: ☐ DE ☐ EN ☐ FR

II. Appellant(s)

Name:
Field is obligatory, see Rule 99(1)(a) EPC

Address:
Field is obligatory, see Rule 99(1)(a) EPC

Address for correspondence:

State of residence or of principal place of business:

Nationality:

Telephone/Fax:

Reference No.:

Multiple appellants:

☐ Names and addresses of appellants are indicated on separate sheet.

III. Authorisation

Representative:
(name only one representative or association of representatives to whom notification is to be made)

Representative's reference:

Address of place of business:

Telephone/Fax:

Name(s) of employee(s) of the appellant authorised to act in the appeal proceedings (under Article 133(3) EPC):

Authorisation(s)

- ☐ not considered necessary
- ☐ has/have been registered under No.
- ☐ is/are enclosed

IV. Request defining the subject of the appeal

Field is obligatory, see Rule 99(1)(c) EPC

☐ Request further defined on separate sheet.

V. Payment of appeal fee and filing of statement setting out the grounds of appeal

The appeal fee (Article 2(1), item 11, Rules relating to Fees) can be paid by debiting of a deposit account, by credit card or by bank transfer, for more information see "Making payments" on the EPO website. See also the Notice from the EPO dated 18 December 2017 concerning the reduced fee for appeal (Article 108 EPC) for an appeal filed by a natural person or an entity referred to in Rule 6(4) EPC (OJ EPO 2018, A5).
Within four months of notification of the impugned decision, a statement setting out the grounds of appeal must be filed (see Article 108 EPC, Rule 99(2) EPC).

VI. Signature of appellant or representative

Place:

Date:

Signature:

***Disclaimer**: Use of this form is not mandatory; it is intended as a practical aid and its content is not exhaustive. Use of the form does not guarantee that the appeal is admissible. Documents in respect of appeal proceedings, including this form, must not be filed using Web-Form Filing.*

Europäisches Patentamt
European Patent Office
Office européen des brevets

Erklärung zur Übertragung einer oder mehrerer europäischer Patentanmeldungen / eines oder mehrerer Patente

Declaration of the transfer of one or more European patent applications / patents

Déclaration de transfert d'une ou de plusieurs demandes de brevet européen / d'un ou de plusieurs brevets européens

1. Hiermit wird erklärt, dass / This is to declare the transfer of / Il est déclaré par la présente que

die Anmeldung / das Patent mit der Nummer
Application / patent No.
la demande de brevet / le brevet n° :

☐ Weitere Anmeldungen / Patente auf Zusatzblatt / Additional applications / patents on additional sheet / Autres demandes de brevet / autres brevets sur feuille supplémentaire

2. übertragen wurde von / from / a été transféré(e) de

Übertragender / Assignor / Cédant
Name und Anschrift des im Europäischen Patentregister eingetragenen Anmelders / Inhabers
Name and address of applicant / proprietor currently registered in the European Patent Register
Nom et adresse du demandeur / titulaire du brevet actuellement inscrit au Registre européen des brevets

☐ Weitere Übertragende (Namen, Anschrift und Unterschrift) auf Zusatzblatt / Additional assignors (names, addresses and signatures) on additional sheet / Autres cédants (noms, adresses et signatures) sur feuille supplémentaire

3. auf / to / à

Erwerber / Assignee / Cessionnaire
Name und Anschrift des neuen Anmelders / Inhabers
Name and address of new applicant / proprietor
Nom et adresse du nouveau demandeur / titulaire du brevet

☐ Weitere Erwerber (Name(n), Adresse(n) und Unterschrift(en) auf Zusatzblatt / Additional assignees (names, addresses and signatures) on additional sheet / Autres cessionnaires (noms, adresses et signatures) sur feuille supplémentaire

4. Umfang des Rechtsübergangs / Extent of the transfer / Étendue du transfert

☐ Vollrechtsübertragung / Transfer in whole / Transfert en totalité

☐ Teilrechtsübertragung / Transfer in part / Transfert partiel

☐ Für alle benannten Vertragstaaten / For all designated contracting states / Pour tous les États contractants désignés

☐ Für die folgenden benannten Vertragsstaaten: / For the following designated contracting states: / Pour les États contractants désignés suivants :

EPA/EPO/OEB 5055 05.20

5. Unterschrift des Übertragenden (Bitte beachten Sie Punkt 5. und 6. des Merkblatts)
Signature of the assignor (Please note point 5. and 6. of the notes)
Signature du cédant (Veuillez noter les points 5. et 6. du notice)

Ort und Datum / Place and date / Lieu et date

Ort Place Lieu	Datum Date Date

Name in Druckschrift und Unterschrift / Name in print and Signature / Nom en caractères d'imprimerie et signature

Name in Druckschrift Name in print Nom en caractères d'imprimerie	Unterschrift Signature Signature

Wenn Sie im Namen einer juristischen Person unterzeichnen, füllen Sie bitte folgende Erklärung aus:
If you are signing on behalf of a legal person, please complete the following declaration:
Si vous signez au nom d'une personne morale, veuillez remplir la déclaration suivante :

Mit meiner Unterschrift bestätige ich, dass ich berechtigt bin, rechtsverbindliche Handlungen im Namen von (Name der juristischen Person bitte unten einsetzen) zu unterschreiben. / By signing, I confirm that I am entitled to sign legally binding acts on behalf of (name of the legal person): / Par ma signature, je confirme que je suis habilité(e) à signer des actes juridiquement contraignants au nom de (nom de la personne morale):

Name der juristischen Person
Name of the legal person
Nom de la personne morale

Stellung innerhalb der juristischen Person: /
My position in the legal person is: / J'occupe le poste suivant au sein de cette personne morale :

6. Unterschrift des Erwerbers (Bitte beachten Sie Punkt 5. und 6. des Merkblatts)
Signature of the assignee (Please note point 5. and 6. of the notes)
Signature du cessionnaire (Veuillez noter les points 5. et 6. du notice)

Ort und Datum / Place and date / Lieu et date

Ort Place Lieu	Datum Date Date

Name in Druckschrift und Unterschrift / Name in print and Signature / Nom en caractères d'imprimerie et signature

Name in Druckschrift Name in print Nom en caractères d'imprimerie	Unterschrift Signature Signature

Wenn Sie im Namen einer juristischen Person unterzeichnen, füllen Sie bitte folgende Erklärung aus:
If you are signing on behalf of a legal person, please complete the following declaration:
Si vous signez au nom d'une personne morale, veuillez remplir la déclaration suivante :

Mit meiner Unterschrift bestätige ich, dass ich berechtigt bin, rechtsverbindliche Handlungen im Namen von (Name der juristischen Person bitte unten einsetzen) zu unterschreiben. / By signing, I confirm that I am entitled to sign legally binding acts on behalf of (name of the legal person): / Par ma signature, je confirme que je suis habilité(e) à signer des actes juridiquement contraignants au nom de (nom de la personne morale):

Name der juristischen Person
Name of the legal person
Nom de la personne morale

Stellung innerhalb der juristischen Person: /
My position in the legal person is: / J'occupe le poste suivant au sein de cette personne morale :

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes on the declaration of the transfer of one or more European patent applications/patents – form EPO 5055

This form is intended to accompany a request for registration of transfer of rights (preferably filed using form EPO 5050). It can be used as proof that a transfer has taken place but it does not replace the request for registration of a transfer.

The EPO will record a transfer of rights in respect of a pending European patent application in the European Patent Register on request, upon fulfilment of the requirements of Rule 22 EPC. These requirements are: filing a duly signed request, paying the corresponding fees and providing the required evidence (Guidelines, E-XIV, 3). In accordance with Article 72 EPC, that evidence must be in writing and must be signed by the parties to the contract. It can take the form of a bilateral declaration signed by both parties. Form EPO 5055 is provided for this purpose.

1. Applications/patents concerned

Always indicate the European patent application number as follows: eight digits and a check digit.

Tick the second box if the request concerns more than one application/patent, and attach an annex listing each application number concerned. If the list includes application numbers that are not covered by the request, please indicate which ones are to be transferred (e.g. by marking them with an "x"). The request will be dismissed if the necessary details are not supplied. Wording of the type "all applications/ patents pending before the EPO" will not be accepted.

2. Assignor

Enter the name and address of the assignor exactly as recorded in the European Patent Register. If several co-applicants/co-proprietors have assigned their rights, use an additional sheet.

3. Assignee

Indicate the names and addresses of the new applicants or proprietors as they are to be mentioned in the European Patent Register. The family name should come before given names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name.

4. Extent of the transfer

Please tick the relevant box: otherwise and if the transfer concerns only two parties, the scope will be considered as being a transfer in whole. In the case of co-applicants/co-proprietors, it should be specified exactly whether the transfer concerns all or only some of the designated contracting states.

For example, if applicant A transfers only France to B, the box "transfer in part" should be ticked and "FR" should be mentioned. As a result, B will be registered as an applicant for FR and A for the other designated contracting states.

5. and 6. Signatures and entitlement to sign

The declaration of transfer must be signed by the applicant/proprietor or a legally authorised person. Employees signing on behalf of a legal person must print their name and their position within the company. They must be entitled to sign legally binding acts by law, by the legal entity's articles of association or equivalent, or by a special mandate. In this respect national law applies. An indication must be given as to the signatory's entitlement to sign, e.g. their position within the company, if the entitlement to sign results from such a position, e.g. CEO, managing director of a limited company (UK). If the signatory is entitled to sign as a result of a special authorisation, a copy (which does not need to be certified) of the authorisation must be submitted.

The EPO will in particular examine whether the signatory is empowered to enter into a legally binding contract on behalf of the legal entity, so liquidators, curators, administrators, receivers, etc., will need to submit a copy of their official deed of appointment.

As a rule, the authorisation to represent a party in proceedings before the EPO within the meaning of Rule 152 EPC, be it an individual or a general authorisation, is **not as such** considered to empower the representative to sign a declaration of this kind (Guidelines E-XIV, 3).

Europäisches Patentamt
European Patent Office
Office européen des brevets

Anhang zum Formular / Annex to form / Annexe au formulaire EPA / EPO / OEB 5050 / 5051 / 5055 / 5060 / 5061

Andere Patentanmeldung(en) oder andere von dem Antrag betroffene Patente
Other patent application(s) or other patent(s) concerned by the request
Autre(s) demande(s) de brevet ou autre(s) brevet(s) concerné(e)s par la requête

Anmeldernummer *Application number* *Numéro de la demande*	*Aktenzeichen des Anmelders oder des Vertreters (falls notwendig)* *Applicant's or representative's reference (if necessary)* *Référence du demandeur ou de son représentant (si nécessaire)*

Anmeldernummer *Application number* *Numéro de la demande*	*Aktenzeichen des Anmelders oder des Vertreters (falls notwendig)* *Applicant's or representative's reference (if necessary)* *Référence du demandeur ou de son représentant (si nécessaire)*

Europäisches Patentamt
European Patent Office
Office européen des brevets

Antrag auf Eintragung einer Lizenz oder eines anderen Rechts an einer oder mehreren europäischen Patentanmeldungen in das Europäische Patentregister gemäß Regel 23 oder Regel 24 EPÜ

Request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications pursuant to Rule 23 or Rule 24 EPC

Requête en inscription au Registre européen des brevets d'une licence ou d'un autre droit pour une ou plusieurs demandes de brevet européen au titre de la règle 23 ou de la règle 24 CBE

1. Dieser Antrag betrifft die Eintragung / This is a request for the registration of / Il est requis par la présente l'inscription :

☐ einer Lizenz / a licence / d'une licence

☐ Die Lizenz ist als ausschließliche Lizenz einzutragen (Bitte füllen Sie Abschnitt 10 aus).
The licence is to be recorded as an exclusive licence (Please complete section 10).
La licence doit être inscrite en tant que licence exclusive (Veuillez remplir la rubrique 10).

☐ Die Lizenz ist als Unterlizenz einzutragen.
The licence is to be recorded as a sub-licence.
La licence doit être inscrite en tant que sous-licence.

☐ Die Einwilligung der Mitanmelder in die Eintragung der Lizenz ist beigefügt ODER der beigefügte Nachweis ist von allen Anmeldern unterzeichnet (s. Punkt 8 des Merkblatts).
The consent of the co-applicant(s) to the registration of the licence is attached OR the evidence attached is signed by all the applicants (see point 8 of the notes).
L'accord de tous les codemandeurs pour l'inscription de la licence est joint OU les preuves jointes sont signées par tous les demandeurs (cf. point 8 de la notice).

☐ eines dinglichen Rechts / a right *in rem* / d'un droit réel

☐ einer Zwangsvollstreckungsmaßnahme / a legal means of execution / d'une exécution forcée

2. in Bezug auf folgende Patentanmeldung(en) / in respect of the following patent application(s) / concernant la/les demande(s) de brevet suivante(s) :

Anmeldenummer / Application number / Numéro de la demande

☐ Weitere Anmeldungen auf Zusatzblatt / Additional applications on additional sheet / Autres demandes sur feuille supplémentaire

3. Anmelder / Applicant / Demandeur

Name des registrierten Anmelders / Name of registered applicant / Nom du demandeur inscrit

Anschrift / Address / Adresse

☐ Weitere Anmelder auf Zusatzblatt / Additional applicants on additional sheet / Autres demandeurs sur feuille supplémentaire

4. Lizenznehmer, dinglich Berechtigter oder Gläubiger/Betreiber der Zwangsvollstreckung
Licensee, person entitled to the right *in rem* or creditor/party pursuing the legal means of execution
Licencié, titulaire du droit réel ou créancier/opérateur de l'exécution forcée

Name / Nom

Anschrift / Address / Adresse

☐ Weitere Lizenznehmer etc. auf Zusatzblatt / Additional licensees etc. on additional sheet / Autres licenciés, etc. sur feuille supplémentaire

5. Unterlizenz (Regel 24 b) EPÜ) / Sub-licence (Rule 24(b) EPC) / Sous-licence (règle 24b) CBE)

☐ Die Lizenz des Lizenznehmers ist im Europäischen Patentregister eingetragen. / The licensee's licence is registered in the European Patent Register. / La licence du titulaire est inscrite au Registre européen des brevets.

Name des Lizenznehmers / Name of licensee / Nom du titulaire de la licence

Name des Unterlizenznehmers / Name of sub-licensee / Nom du titulaire de la sous-licence

Anschrift des Unterlizenznehmers / Address of sub-licensee / Adresse du titulaire de la sous-licence

☐ Weitere Unterlizenznehmer auf Zusatzblatt / Additional sub-licensees on additional sheet / Autres titulaires d'une sous-licence sur feuille supplémentaire

6. Umfang der Lizenz oder des anderen Rechts / Scope of the licence or other right / Champ d'application de la licence ou de l'autre droit

☐ Für alle benannten Vertragsstaaten / For all designated contracting states / Pour tous les États contractants désignés

☐ Für den (die) folgenden benannten Vertragsstaat(en) / For the following designated contracting state(s) / Pour l'État/ les États contractant(s) désigné(s) suivant(s)

7. Zahlung der Gebühr / Payment of the fee / Paiement de la taxe

☐ Die erforderliche(n) Verwaltungsgebühr(en) wurde(n) entrichtet. / The required administrative fee/fees has/have been paid. / La/Les taxe(s) d'administration requise(s) a/ont été acquittée(s).

Für jede betroffene Patentanmeldung ist jeweils eine Verwaltungsgebühr zu entrichten.
Please note that an administrative fee is payable for each patent application concerned.
Une taxe d'administration doit être acquittée pour chaque demande de brevet concernée.

8. Nachweis / Evidence / Preuve

Das folgende Dokument ist als Nachweis für die Lizenz*, das dingliche Recht oder die Zwangsvollstreckungsmaßnahme beigefügt. / The following document is attached as evidence of the licence*, right *in rem* or legal means of execution. / Le document suivant est joint en tant que preuve de la licence*, du droit réel ou de l'exécution forcée.

- ☐ Vertrag / Agreement / Contrat
- ☐ Pfändungsbeschluss / Attachment order / Ordonnance de saisie
- ☐ Bilaterale Erklärung / Bilateral declaration / Déclaration bilatérale
- ☐ Gerichtsurteil / Court decision / Décision de justice
- ☐ Zwangsvollstreckungsauftrag / Bailiff order / Ordonnance d'exécution forcée
- ☐ Sonstiges (bitte angeben) / Other (please specify) / Autre (veuillez préciser)

* Bitte beachten Sie Punkt 8 des Merkblatts. / See point 8 of the notes. / Veuillez vous référer au point 8 de la notice.

9. Unterschrift des/der Antragsteller(s) oder des Vertreters / Signature of requester(s) or representative / Signature(s) du/des requérant(s) ou du mandataire

Unterschrift des (der) Antragsteller(s) oder des Vertreters
Signature of requester(s) or representative
Signature(s) du/des requérant(s) ou du mandataire

Name des (der) Unterzeichneten (in Druckschrift)
Name of signatory/signatories (block capitals)
Nom(s) du/des signataire(s) (en caractères d'imprimerie)

Bei juristischen Personen Stellung des (der) Unterzeichneten innerhalb der Gesellschaft / For legal persons, position of signatory/signatories within company / S'il s'agit d'une personne morale, fonction occupée au sein de celle-ci par le(s) signataire(s)

Der Vertreter vertritt / The representative represents / Le mandataire représente

- ☐ den (die) Anmelder / the applicant(s) / le(s) demandeur(s)
- ☐ den (die) Lizenznehmer / dinglich Berechtigten / Gläubiger / Betreiber der Zwangsvollstreckung
  the licensee(s) / person(s) entitled to the right *in rem* / creditor(s) / party/parties pursuing the legal means of execution
  le(s) licencié(s) / le(s) titulaire(s) du droit réel / le(s) créancier(s) / l'opérateur (les opérateurs) de l'exécution forcée
- ☐ beide Parteien / both parties / les deux parties

Ort und Datum / Place and date / Lieu et date

Ihr Zeichen, wenn geändert (max. 15 Positionen)
Your reference, if it has changed (max. 15 keystrokes)
Votre référence si modifiée (max. 15 caractères ou espaces)

10. Soll die Lizenz als ausschließliche Lizenz eingetragen werden, muss der Antrag hier vom Anmelder (Lizenzgeber) und vom Lizenznehmer unterzeichnet werden (Regel 24 a) EPÜ). Wenn der Antrag von einem zugelassenen Vertreter unterzeichnet wurde, füllen Sie bitte nur Abschnitt 10.1 aus.
Where the licence is to be recorded as an exclusive licence, the request must be signed here by both the applicant (licensor) and the licensee (Rule 24(a) EPC). Where the request has been signed by a professional representative please complete section 10.1 only.
Si la licence doit être inscrite en tant que licence exclusive, la requête doit être signée ici par le demandeur (donneur de licence) et par le licencié (règle 24a) CBE). Lorsque la requête a été signée par un mandataire agréé, seule la rubrique 10.1 doit être remplie.

Anmelder (Lizenzgeber) / Applicant (licensor) / Demandeur (donneur de licence)

Unterschrift
Signature

☐ Weitere Anmelder auf Zusatzblatt
Additional applicants on additional sheet
Autres demandeurs sur feuille supplémentaire

Lizenznehmer / Licensee / Licencié

Unterschrift
Signature

☐ Weitere Lizenznehmer auf Zusatzblatt
Additional licensees on additional sheet
Autres licenciés sur feuille supplémentaire

Name des (der) Unterzeichneten (in Druckschrift) / Name of signatory/signatories (block capitals) / Nom(s) du/des signataire(s) (en caractères d'imprimerie)

Bei juristischen Personen Stellung des (der) Unterzeichneten innerhalb der Gesellschaft / For legal persons, position of signatory/signatories within the company / S'il s'agit d'une personne morale, fonction occupée au sein de celle-ci par le(s) signataire(s)

10.1 Vom zugelassenen Vertreter auszufüllen / To be completed by the professional representative / À remplir par le mandataire agréé

☐ Der Vertreter ist bevollmächtigt, für beide Parteien zu handeln (Vollmacht ist beigefügt).
The representative is authorised to act on behalf of both parties (authorisation is attached).
Le mandataire est habilité à agir pour le compte des deux parties (pouvoir joint).

☐ Der Vertreter handelt für den Lizenzgeber (Antrag des Lizenznehmers ist beigefügt).
The representative is acting for the licensor (request from licensee is attached).
Le mandataire agit pour le compte du donneur de licence (requête du licencié jointe).

☐ Der Vertreter handelt für den Lizenznehmer (Antrag des Lizenzgebers ist beigefügt).
The representative is acting for the licensee (request from licensor is attached).
Le mandataire agit pour le compte du licencié (requête du donneur de licence jointe).

Hinweis: *Die Verwendung dieses Formblatts ist nicht verpflichtend. Es bietet keine Gewähr für eine Eintragung gemäß Regel 23 oder 24 EPÜ in das Europäische Patentregister und soll den Nutzern lediglich die fehlerfreie Antragstellung erleichtern.*

Note: *There is no obligation to use this form. It does not guarantee registration in the European Patent Register pursuant to Rule 23 or 24 EPC and is simply intended to make it easier for users to file requests correctly.*

Avertissement : *l'utilisation du présent formulaire n'est pas obligatoire. Elle ne garantit pas une inscription au Registre européen des brevets au titre de la règle 23 ou de la règle 24 CBE et vise uniquement à aider les utilisateurs à présenter correctement leurs requêtes.*

Europäisches Patentamt
European Patent Office
Office européen des brevets

Notes on the request for registration in the European Patent Register of a licence or other right in respect of one or more European patent applications (EPA/EPO/OEB Form 5070)

There is no obligation to use Form EPO 5070. It does not guarantee registration in the European Patent Register and is simply intended to make it easier for users to file requests correctly.

A European patent application may be licensed or give rise to rights *in rem* or may be the subject of a legal means of execution in respect of the whole or part of the territories of the designated contracting states. This includes contractual licences only (Article 73 EPC).

Rule 22(1) and (2) EPC apply *mutatis mutandis* to the registration of the grant, establishment or transfer of such rights.

The EPO will record in the European Patent Register a licence or other right under Rule 23 or Rule 24 EPC in respect of a pending European patent application, upon fulfilment of the requirements of Rule 22 EPC.These requirements are: filing of a duly signed request, paying the corresponding administrative fee and providing the required evidence (Guidelines E-XIV, 3).

The request must relate to applications for which the EPO is competent to record changes in the European Patent Register. In order to register a licence or other right in respect of a European patent application, the application must have been published. In the case of Euro-PCT applications, they must have validly entered the European phase.

Rule 23 EPC allows the registration of licences and other rights in respect of European patent applications **only**. Therefore, for **pending** European patent applications entries are made **up to the publication of the mention of the grant**. Once the decision to grant has become effective, the registration of a licence or other right in the European Patent Register is no longer possible and is a matter for the national offices of the designated contracting states.

Note that registration is not possible while proceedings are stayed under Rule 14 EPC or interrupted under Rule 142 EPC.

Form 5070 is available on the EPO website (www.epo.org).

1. Request

Please tick the box corresponding to the right for which registration is requested. If the request relates to the registration of a licence and there is more than one applicant registered for the European patent application concerned, please also tick the "consent of the co-applicants" box in this section. In such cases either the consent of all the applicants is required, or the evidence submitted must be signed by all the applicants.

2. Application(s) concerned

European patent application numbers should be written as follows: eight digits plus one check digit.

If the request relates to more than one application, tick the second box and attach an annex listing each European patent application concerned. File the request in relation to the first application ("leading application") only. The EPO will add the request to each file indicated on the list as a matter of course.

3. Applicant(s)

Enter the name and address of the applicant as registered in the European Patent Register. If more than one applicant is registered in the Register for the application concerned, attach an additional sheet. The names and addresses of the applicants must be identical to those recorded in the Register.

4. Licensee, person entitled to the right *in rem* or creditor/party pursuing the legal means of execution

Enter the name and address of the licensee, the person who is entitled to the right *in rem*, the creditor or the party pursuing the legal means of execution. Enter the family name first, followed by the given name or names. Legal persons or bodies equivalent to legal persons must be identified by their exact official name. If there is more than one licensee, person entitled to the right *in rem,* creditor or party pursuing the legal means of execution, attach an additional sheet.

The names and addresses of the persons mentioned above must be identical to the names and addresses indicated in the document provided as evidence of the rights.

5. Sub-licence (Rule 24(b) EPC)

Tick this box if the licensee's licence has already been recorded in the European Patent Register. A sub-licence can only be registered if it is granted by a licensee whose licence is recorded in the European Patent Register (Rule 24(b) EPC).

Enter the name of the licensee whose licence is recorded in the Register. The name must be the same as that recorded in the Register.

Enter the name and address of the sub-licensee. The name and address must be identical to the name and address indicated in the document providing evidence of the sub-licence.

6. Scope of the licence or other right

Tick the box if the licence or other right extends to all the designated contracting states OR enter the designated contracting states to which the licence or other right is to apply.

7. Payment of the fee

A request for registration is not deemed to have been filed until the administrative fee has been paid (Rule 23(1) in conjunction with Rule 22(2) EPC). An administrative fee (fee code 023) is due for each European patent application for which the registration of a licence or other right is requested.

The fee can be paid by bank transfer or credit card or by debiting a deposit account held with the EPO. For more information, including information on how to claim refunds, see "Fee payments and refunds" on the EPO website.

If you wish to pay the fee for the registration of a licence or other right (fee code 023) via the EPO's online services, the debit order must be filed in an electronically processable format in respect of each individual application number.

The only recognised way to make payments for multiple applications is to use the batch payment functionality in the Online Fee Payment tool. If fees for multiple applications are paid under a single application using e.g. Online Filing, i.e. by amending the amount or by paying in one lump sum in the first application on the list, the EPO will refund the fees paid for all but the first application. This may result in a later effective date of registration for all the other applications concerned. Further information on how to make batch payments can be found in the EPO Online Multipay Tool and EPO Online Fee Payment user guides at https://www.epo.org/applying/online-services/fee-payment/documentation.html

Please note that administrative fees for the registration of a licence or other right (fee code 023) cannot be paid via the automatic debiting procedure (see point 3.2 of Annex A.1 to the ADA, Supplementary publication 4, OJ EPO 2019).

8. Evidence

Section 8 lists the types of document most frequently filed in support of requests for registration of a licence or other right under Rules 23 and 24 EPC. This list is not exhaustive and is merely an aid to users. Provided that convincing evidence is filed with the request, not ticking one of the boxes in this section will not constitute a deficiency.

Please note that where there are multiple applicants, the registration of a licence requires the consent of each of the co-applicants. Alternatively, the evidence, e.g. the agreement, must be signed by all the co-applicants.

Rule 22(1) EPC applies *mutatis mutandis* to the registration of the grant, establishment or transfer of a licence or other right (see Guidelines E-XIV, 3).

Where a document is signed on behalf of a legal person, only such persons as are entitled to sign by law, by the legal person's articles of association or equivalent or by a special mandate may do so. The provisions of the national law concerned apply. In all cases, an indication of the signatory's entitlement to sign, e.g. their position within the legal entity where the entitlement to sign results directly from such a position, must be indicated.

Where the entitlement results from a special authorisation, this authorisation (a copy thereof, which need not be certified) must be submitted. The EPO will examine whether the signatory is entitled to enter into a legally binding contract on behalf of the legal entity. As a general rule, the authorisation to represent a party in proceedings before the EPO within the meaning of Rule 152 EPC, be it an individual or a general authorisation, is not as such considered to entitle the representative to enter into such a contract.

The evidence must be filed together with the request and should contain the following information:

- the name and address of all parties concerned
- the EP application/publication number
- the signature (handwritten signature or qualified electronic signature as defined in the Notice from the EPO dated 22 October 2021 (OJ EPO 2021, A86)), name and position of all parties concerned
- the designated states to which the licence or other right applies.

The evidence may be filed in any language (Rule 3(3) EPC). However, if that language is not an official EPO language, a translation into one of those official languages must be supplied.

9. Signature

A request to record a licence or other right may be signed by:

- the applicant
- an interested party
- a professional representative (Article 134(1) EPC)
- a duly authorised legal practitioner (Article 134(8) EPC)
- a duly authorised employee (Article 133(3), first sentence, EPC)
- the common representative, if there is more than one applicant.

If the requester is a legal person and the request is not signed by a professional representative, it must be signed:

(a) either by a person entitled to sign by law, by the requester's articles of association or equivalent, or by a special mandate, with an indication of that person's position within the legal entity, e.g. *Geschäftsführer*, *Prokurist*, *Handlungsbevollmächtigter*; chairman, director, company secretary; *directeur*, *fondé de pouvoir* (Article 133(1) EPC), in which case no authorisation need be filed;

(b) or, if the legal person's principal place of business is in a contracting state, by another employee under Article 133(3), first sentence, EPC (Rule 152(1) to (3) EPC), in which case an authorisation must be filed.

If the request is signed by a professional representative, please indicate the party/parties represented.

10. Signature of applicant and licensee in case of an exclusive licence under Rule 24(a) EPC

If the licence is to be recorded as an exclusive licence, the request must be signed here by both the applicant (licensor) and the licensee (Rule 24(a) EPC).

Where the request has been signed by a professional representative, only section 10.1 needs to be completed.

10.1. Indication by professional representative

Tick the first box if you are authorised to act on behalf of both parties and the respective authorisation(s) is/are attached.

Tick the second box if you are authorised to act for the licensor and the request signed by the licensee is attached.

Tick the third box if you are authorised to act for the licensee and the request signed by the licensor is attached.

Final check

Please check that you have attached all the necessary documents. If no evidence is filed, or the evidence submitted is found to be unsatisfactory, or if the fees have not been paid by valid means, the EPO will invite you to remedy the stated deficiencies within a given time limit.

If all requirements are met, the licence or other right will be recorded in the European Patent Register with the date on which the request, the required evidence or the fee is received by the EPO, whichever is the latest.

Europäisches Patentamt
European Patent Office
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Form for submitting third-party observations

Form	Notes for user
1. Personal details • Name • Address • Telephone • e-mail	Not mandatory. However, if you do not provide any contact details, it will not be possible for us to send you an invitation to correct formal deficiencies.
2. Subject of third-party observations • European patent application number/patent number	European patent application numbers consist of eight digits, starting with a two-digit year code (e.g. 11123456). European patent numbers start with the letters EP, followed by up to seven digits.
• Title • Applicant • Date of priority • Date of filing	
3. Facts and evidence **3.1 Patent literature** • Publication number	You can upload any patent documents (granted patents and published patent applications) you wish to refer to here.
• Reference • Title • Inventor • Date of publication	Please use the reference code shown when referring to this document in your observations.
/Add another patent document/	
3.2 Non-patent literature • Reference • Title • Author • Date of publication • /Upload file/	You can upload any non-patent literature (e.g. scientific papers, brochures or internet publications) you wish to refer to here. Please use the reference code shown when referring to this document in your observations.
3.2.1 Availability of the document to the public	The EPO will need to be satisfied that this document was available to the public before the filing date (or, if validly claimed, the priority date) of the patent or patent application in question. If you have any further arguments which will help establish this, please mention them here. If you have any supporting documentary evidence, please upload each document as a separate non-patent document.
/Add another non-patent document/	

3.3 Prior use • When was the prior use made available to the public? • What was made available? • Where was it made available? • How and to whom was it made available?	If your prior art involves a prior use, please use this section to describe the exact circumstances of the prior use. Any evidence, such as affidavits, drawings or brochures, should be uploaded as non-patent documents.
/Add details of a further prior use/	
3.4 Common general knowledge	If you have any comments on the common general knowledge on the date of filing, you can add them here.
4. Novelty (Article 54 EPC)	If you have any comments on the novelty of the claimed invention, you can enter them here. If you consider that the claim(s) lack novelty, please identify the novelty-destroying prior art (the claimed invention must be disclosed in a single prior art document only for novelty to be destroyed). Starting with the independent claim(s), identify the precise location in the prior art of the disclosure of each claimed feature.
/Add a further observation on novelty/	
5. Inventive step (Article 56 EPC)	If you consider the claim(s) to be novel but not inventive, please identify the closest prior art. Starting with the independent claim(s), identify the precise location of the disclosure in the prior art of each claimed feature that you consider lacks novelty. If you have any comments on the obviousness of the claim(s), you can enter them here. We recommend that you follow the three steps of the problem/solution approach (Guidelines, C-IV, 11.7).
/Add a further observation on inventive step/	
6. Unallowable amendments (Articles 76 and 123 EPC)	Please note that amendments and divisional applications must be based on subject-matter which does not extend beyond the content of the application as originally filed. Your observations should refer to this version. If you have any comments on any aspects of the amendments which you consider contravene the requirements of Articles 76 and/or 123 EPC, you can enter them here. Please identify the precise amendments you are referring to.

7. Sufficiency of disclosure (Article 83 EPC)	If you have any comments on the sufficiency of disclosure of the claimed invention, you can enter them here. Please identify the specific aspects which the skilled person would be unable to carry out.
8. Clarity (Article 84 EPC)	If you have any comments on the clarity of the claimed invention, you can enter them here. Please identify the specific aspects which are unclear.
9. Further observations	If you have any further comments (e.g. Art. 52(2) and (3), 53 or 57 EPC) concerning the patentability of the claimed invention, you can enter them here. Please state the specific provisions of the EPC on which your comments are based.

Print

Decisions sorted by number

URL

https://www.epo.org/law-practice/case-law-appeals/eba/number.html

Location

Home > Law & practice > Boards of Appeal > Enlarged Board of Appeal >
Decisions sorted by number (Art. 112 EPC)

G1/21 +

G 1/21	-	"oral proceedings by videoconference"	16.07.2021

Amicus curiae briefs

- **Swiss Association of European and Swiss Patent Attorneys (VESPA)** (2 MB) - dated 8 April 2021
- **epi** (5 MB) - dated 12 April 2021
- **BAYER** (242 KB) - dated 13 April 2021
- **A. Schauinsland** (123 KB) - dated 15 April 2021
- **Christian Menges** (72 KB) - dated 16 April 2021
- **SIEMENS** (711 KB) - dated 19 April 2021
- **BASF SE** (114 KB) - dated 19 April 2021
- **Medicines for Europe** (217 KB) - dated 20 April 2021
- **Philips International B.V.** (168 KB) - dated 21 April 2021
- **VPP** (667 KB) - dated 21 April 2021
- **Association des Praticiens Européens des Brevets (APEB)** (694 KB) - dated 21 April 2021
- **Cabinet Grosset-Fournier & Demachy** (131 KB) - dated 22 April 2021
- **VDA (Verband der Automobilindustrie)** (2 MB) - dated 22 April 2021
- **FEMIPI** (711 KB) - dated 23 April 2021
- **REPI (Réseau Entreprises - Propriété Intellectuelle)** (257 KB) - dated 23 April 2021
- **Bundesverband deutscher Patentanwälte e.V. (BDPA)** (594 KB) - dated 25 April 2021
- **Patentanwaltskammer** (566 KB) - dated 27 April 2021
- **Plasseraud IP** (538 KB) - dated 26 April 2021
- **Hoffmann-La-Roche AG** (3 MB) - dated 26 April 2021
- **Maiwald /Hoffmann Eitle /Cohausz & Florack /Dr U. Kinkeldey /Boehmert & Boehmert /Voss /Grünecker** (2 MB) - dated 26 April 2021
- **Laine IP Oy** (113 KB) - dated 26 April 2021
- **epi** (777 KB) - dated 26 April 2021
- **IP Ability** (212 KB) - dated 26 April 2021
- **Julian Cockbain** (81 KB) - dated 26 April 2021
- **Saint-Gobain Group** (176 KB) - dated 27 April 2021
- **Murgitroyd** (104 KB) - dated 27 April 2021
- **The Chartered Institute of Patent Attorneys (CIPA)** (104 KB) - dated 27 April 2021
- **Clariant Produkte (Deutschland) GmbH** (655 KB) - dated 27 April 2021
- **Michael David Snodin** (282 KB) - dated 27 April 2021
- **Jürgen Schmidtchen** (609 KB) - dated 27 April 2021
- **VCI / VDMA / ZVEI** (168 KB) - dated 27 April 2021
- **European Patent Litigators Association (EPLIT)** (262 KB) - dated 27 April 2021
- **Fresenius Kabi Deutschland GmbH** (464 KB) - dated 27 April 2021
- **Intellectual Property Owners Association (IPO)** (279 KB) - dated 27 April 2021
- **Carpmaels & Ransford LLP** (201 KB) - dated 27 April 2021
- **FICPI** (262 KB) - dated April 27 2021
- **IP Federation** (276 KB) - dated 27 April 2021
- **Dr Francesco Paolo Vatti** (113 KB) - dated 27 April 2021
- **IK-IP Ltd** (250 KB) - dated 27 April 2021
- **Ericsson** (193 KB) - dated 27 April 2021
- **Claus Beckmann** (563 KB) - dated 27 April 2021
- **Compagnie nationale des conseils en propriété industrielle (CNCPI)** (274 KB) - dated 27 Ap 2021

- epi (2 MB) - dated 27 April 2021
- Philip Morris Products SA (5 MB) - dated 27 April 2021
- ReadyOpponentOne (52 KB) - dated 27 April 202
- UNION-IP (206 KB) - dated 27 April 2021
- Downing IP Ltd (267 KB) - dated 28 April 2021

G4/19 +

G 4/19	-	"Double patenting"	22.06.2021

Amicus curiae briefs

- Philips International B.V. (170 KB) - dated 16 January 2020
- FICPI (348 KB) - dated 14 June 2020
- Roel van Woudenberg (3 MB) - dated 1 September 2020
- The Chartered Institute of Patent Attorneys (CIPA) (117 KB) - dated 11 September 2020
- SIEMENS (165 KB) - dated 16 September 2020
- Schiweck Weinzierl Koch Patentanwälte Partnerschaft mbB (114 KB) - dated 21 September 2020
- Grzegorz Wesela-Bauman (467 KB) - dated 24 September 2020
- Tanja Pintsch (PDF 87) - dated 25 September 2020
- Stefan Féaux de Lacroix (PDF 126 KB) - dated 25 September 2020
- Peter de Lange (183 KB) - dated 28 September 2020
- Phillips & Leigh (439 KB) - dated 28 September 2020
- epi (2 MB) - dated 29 September 2020
- Ericsson (1 MB) - dated 29 September 2020
- FEMIPI (169 KB) - dated 1 October 2020
- Eric Cogniat (688 KB) - dated 1 October 2020
- AIPPI (241 KB) - dated 1 October 2020
- Compagnie Nationale des Conseils en Propriété Industrielle (CNCPI) (165 KB) - dated 30 September 2020

G3/19 +

G 3/19	2020, A119	"Article 164(2) EPC / Pepper"	14.5.2020

- Referral pursuant to Art. 112(1)(b) EPC by the president of the European Patent Office – “Article 164(2) EPC / Pepper"
- Procedural documents

Amicus curiae briefs

- **KSVR, Patentanwälte** (1 MB) – dated 24 May 2019
- **Portuguese Institute of Industrial Property (INPI)** (256 MB) - dated 22 May 2019
- **Dirk Peter** (62 KB) - dated 17 August 2019
- **Elisabeth Albrecht** (35 KB) - dated 4 September 2019
- **Written statements filed by 23052 natural persons via "Umweltinstitut München e.V."** (Status: 1 October 2019)
- **Spanish Patent and Trademark Office (OEPM)** (739 KB) - dated 16 September 2019
- **Bundesregierung der Bundesrepublik Deutschland** (291 KB) - dated 10 September 2019
- **German Plant Breeders' Association (BDP)** (490 KB) - dated 17 September 2019
- **Eric Alasdair Kennington** (86 KB) - dated 18 September 2019
- **Euroseeds** (669 KB) - dated 20 September 2019
- **Maximilian Haedicke** (502 KB) - dated 23 September 2019
- **Roel van Woudenberg** (591 KB) - dated 23 September 2019
- **Industrial Property Office of the Czech Republic** (937 KB) - dated 20 September 2019
- **L.J. Steenbeek** (145 KB) - dated 24 September 2019
- **Julian Cockbain** (59 KB) - dated 24 September 2019
- **KSVR, Patentanwälte** (348 KB) - dated 24 September 2019
- **Office belge de la Propriété Intellectuelle** (4 MB) - dated 24 September 2019
- **FICPI** (411 KB) - dated 25 September 2019
- **Austrian Patent Office** (303 KB) - dated 26 September 2019
- **FEMIPI** (211 KB) - dated 26 September 2019
- **Patent Office of the Republic of Poland** (175 KB) - dated 26 September 2019
- **The Kingdom of the Netherlands** (266 KB) - dated 26 September 2019
- **IP Federation** (211 KB) - dated 27 September 2019
- **VPP e.V.** (134 KB) - dated 27 September 2019
- **Institut National de la Propriété Industrielle (INPI)** (7MB) - dated 27 September 2019
- **No patents on seeds!** (137 KB) - dated 30 September 2019
- **Statement signed by 49 organizations and 2.725 individuals** (678 KB) - dated 30 September 2019
- **Peter de Lange** (316 KB) - dated 30 September 2019
- **The Danish Government** (661 KB) - dated 30 September 2019
- **Axel Metzger, Herbert Zech and Charlotte Vollenberg** (402 KB) - dated 30 September 2019
- **Fritz Dolder** (360 KB) - dated 30 September 2019
- **epi** (141 KB) - dated 30 September 2019
- **Plantum** (6 MB) - dated 30 September 2019
- **CropLife International and the European Crop Protection Association (ECPA)** (104 KB) -

dated 30 September 2019

Intellectual Property Owners Association (IPO) (423 KB) - dated 30 September 2019

Chartered Institute of Patent Attorneys (CIPA) (504 KB) - dated 30 September 2019

Thomas Leconte (1 MB) - dated 1 October 2019

International Association of Horticultural Producers (AIPH) (385 KB) - dated 1 October 2019

Compagnie Nationale des Conseils en Propriété Industrielle (CNCPI) (556 KB) - dated 1 October 2019

European Union (2 MB) - dated 1 October 2019

Olaf Malek (3 MB) - dated 21 October 2019

G2/19 +

G2/19	2020, A87	Recht auf mündliche Verhandlung bei ersichtlich unzulässiger Beschwerde und rechtliches Gehör am richtigen Ort	16.7.2019

Amicus curiae briefs

Peter de Lange (594 KB) - dated 24 June 2019

Intellectual Property Owners Association (IPO) (196 KB) - dated 28 June 2019

epi (793 KB) - dated 1 July 2019

Chartered Institute of Patent Attorneys (CIPA) (456 KB) - dated 2 July 2019

DeltaPatents (317 KB) - dated 10 July 2019

G1/19 +

G1/19	-	"Patentability of computer implemented simulations"	10.03.2021

Referring Board's decision

Amicus curiae briefs

- Philips International B.V. (156 KB) - dated 7 August 2019
- Siemens AG (239 KB) - dated 16 August 2019
- Dr. Swen Kiesewetter-Köbinger (165 KB) - dated 18 August 2019
- FEMIPI (224 KB) - dated 22 August 2019
- CIPA (357 KB) - dated 22 August 2019
- Patentanwaltskammer (892 KB) - dated 21 August 2019
- Bundesverband Deutscher Patentanwälte (282 KB) - dated 28 August 2019
- IBM (1 MB) - dated 28 August 2019
- EPI (127 KB) - dated 27 August 2019
- FICPI (219 KB) - dated 30 August 2019
- IPO (216 KB) - dated 29 August 2019
- VPP e.V. (172 KB) - dated 30 August 2019
- MAGMA Gießereitechnologie GmbH (272 KB) - dated 30 August 2019
- Dr. Reinier B. Bakels (178 KB) - dated September 2019
- IP Federation (355 KB) - dated 30 August 2019
- Dr. Martin Wilming (228) dated 1 September 2019
- Altair IP (171 KB) - dated 1 September 2019
- BARDEHLE PAGENBERG (496 KB) - dated 2 September 2019
- Bentley Systems (UK) Limited (350 KB) - dated 1 September 2019
- CNCPI (197 KB) - dated 1 September 2019
- AIPPI (344 KB) - dated 1 September 2019
- Michael M. Fischer (266 KB) - dated 2 September 2019
- Dr. Stefan Schohe (2 MB) - dated 1 September 2019
- European Federation of Pharmaceutical Industries and Associations (EFPIA) (238 KB) - dated 25 September 2019

G1/18 +

G 1/18	2020, A26	Inadmissible appeal or deemed not filed?	18.07.2019

- Referral pursuant to Art. 112(1)(b) EPC by the President of the European Patent Office - "Inadmissible appeal or deemed not filed?"

Annexes to the Referral by the President of the Office

- Procedural documents

Amicus curiae briefs

- **Hansjörg Kley** (145 KB) – dated 4 October 2018
- **DeltaPatents** (454 KB) – dated 8 October 2018
- **Manuel Pavón Mayo** (413 KB) - dated 23 October 2018
- **EPI - F. Leyder** (154 KB) - dated 25 October 2018
- **FICPI** (363 KB) - dated 29 November 2018
- **Peter de Lange** (314 KB) - dated 30 November 2018
- **Octrooibureau Griebling** (337 KB) - dated 30 November 2018
- **Derk Visser** (118 KB) - dated 30 November 2018
- **Union-IP** (303 KB) - dated 30 November 2018

G1/16 +

G 1/16	2018, A70	Disclaimer/OLED	18.12.2017

Amicus curiae briefs

- **K. H. Rhodes, ipo** (PDF, 131 KB) - dated 22.2.2017
- **G. Kiesel Le Cosquer, Cpi** (PDF, 18.9 KB) - dated 27.2.2017
- **B. Carion-Tavarella, Aspi** (PDF, 24 KB) - dated 28.2.2017
- **R. Pistolesi, FiCPI** (PDF, 29.8 KB) - dated 28.2.2017
- **A. Tangena, epi** (PDF, 25.1 KB) - dated 1.3.2017
- **C. P. Mercer** (PDF, 34.2 KB) - dated 1.3.2017
- **L. Davies, CIPA** (PDF, 242 KB) - dated 1.3.2017
- **M. Grammel** (PDF, 186 KB) - dated 1.3.2017
- **R. Jorritsma** (PDF, 49.2 KB) - dated 1.3.2017
- **D.X. Thomas** (PDF, 889.18 KB) - dated 28.3.2017
- **AIPPI Anonymous** (PDF, 360.11 KB) - received 20.0.2017
- **F. Leyder** (PDF, 318.73 KB) - dated 18.0.2017

G2301/16 +

G 2301/16	-	Request for a proposal of removal from office	14.06.2016

G1/15 +

G 1/15	2017, A82	Partial priority	29.11.2016

Amicus curiae briefs

- Third Party Observations - Anonymous (PDF, 24.6 KB)
- T. Bremi (Isler & Pedrazzini) (PDF, 55.3 KB)
- T. Bremi (PDF, 484 KB)
- P. Hess /Bahrdehle Pagenberg (PDF, 30.6 KB)
- M. Schoenmaker/VNO NCW (PDF, 47.3 KB)
- J.P. Chauvin/Business Europe (PDF, 25.6 KB)
- J. Wachenfeld & O. Ridderbisch /VOSSIUS (PDF, 65.7 KB)
- R. Hollingsworth/abpi (PDF, 60.3 KB)
- D. Pearse /Barker Brettel (PDF, 52.2 KB)
- S. W. Miller /IPO (PDF, 68.9 KB)
- P. Heino (PDF, 49.3 KB)
- G. Fuchs and Prof. M. Haedicke (PDF, 46.6 KB)
- C. Keussen /Patentanwaltskammer (PDF, 19.6 KB)
- D. L. Brown/HASELTINE LAKE (PDF, 28.5 KB)
- A. Esslinger /Betten & Resch (PDF, 36.9 KB)
- R. C. van Duijvenbode/NLO (PDF, 24.6 KB)
- E. Melon/efpia (PDF, 15.4 KB)
- epi without attachement 1 (PDF, 22.6 KB)
- R. van Woudenberg/DELTAPATENTS (PDF, 37.6 KB)
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G 2/91	1992, 206	Beschwerdegebühren	29.11.1991

G1/91 +

G 1/91	1992, 253	Einheitlichkeit	9.12.1991

G2/90 +

G 2/90	1992, 010	Zuständigkeit der Juristischen Beschwerdekammer	4.8.1991

G1/90 +

G 1/90	1991, 275	Widerruf des Patents	5.3.1991

G3/89 +

G 3/89	1993, 117	Berichtigung nach Regel 88, Satz 2 EPÜ	19.11.1992

G2/89 +

G 2/89	1991, 166	Non-unity a posteriori	2.5.1990

G1/89 +

G 1/89	1991, 155	Polysuccinate esters	2.5.1990

G8/88 +

G 8/88	1991, 137	Administrative Agreement	16.11.1990

G7/88 +

G 7/88	1991, 137	Administrative Agreement	16.11.1990

G6/88 +

G 6/88	1990, 114	Mittel zur Regulierung des Pflanzenwachstums	11.12.1989

G5/88 +

G 5/88	1991, 137	Administrative Agreement	16.11.1990

G4/88 +

G 4/88	1989, 480	Transfert d'opposition	24.4.1989

G3/88 +

G 3/88	-	No decision - Appeal withdrawn	27.5.1988

G2/88 +

G 2/88	1990, 093	Friction reducing additive	11.12.1989

G1/88 +

G 1/88	1989, 189	Schweigen des Einsprechenden	27.1.1989

G1/86 +

G 1/86	1987, 447	Wiedereinsetzung des Einsprechenden	24.6.1987

G1/84 +

G 1/84	1985, 299	Opposition by proprietor	24.7.1985

G6/83 +

G 6/83	1985, 067	Deuxième indication médicale	5.12.1984

G5/83 +

G 5/83	1985, 064	Second medical indication	5.12.1984

G1/83 +

G 1/83	1985, 060	Zweite medizinische Indikation	5.12.1984

Last updated: 10.1.2022

Pre-Exam Legal Course

Additional handouts

E1 – Some aspects of TRIPs

Roel van Woudenberg

DELTAPATENTS

AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS)

- **Reference**:
  - http://www.wipo.int/export/sites/www/treaties/en/agreement/pdf/trips.pdf

ANNEX 1C

AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

PART I GENERAL PROVISIONS AND BASIC PRINCIPLES

PART II STANDARDS CONCERNING THE AVAILABILITY, SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS

1. Copyright and Related Rights
2. Trademarks
3. Geographical Indications
4. Industrial Designs
5. **Patents**
6. Layout-Designs (Topographies) of Integrated Circuits
7. Protection of Undisclosed Information
8. Control of Anti-Competitive Practices in Contractual Licences

PART III ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

1. General Obligations
2. **Civil and Administrative Procedures and Remedies**
3. Provisional Measures
4. Special Requirements Related to Border Measures
5. Criminal Procedures

PART IV ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS AND RELATED *INTER-PARTES* PROCEDURES

PART V DISPUTE PREVENTION AND SETTLEMENT

PART VI TRANSITIONAL ARRANGEMENTS

PART VII INSTITUTIONAL ARRANGEMENTS; FINAL PROVISIONS

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AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

[…]

SECTION 5: PATENTS

Article 27 - Patentable Subject Matter

1. Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application.[1] Subject to paragraph 4 of Article 65, paragraph 8 of Article 70 and paragraph 3 of this Article, patents shall be available and patent rights enjoyable without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced.

Art.52(1) EPC

2. Members may exclude from patentability inventions, the prevention within their territory of the commercial exploitation of which is necessary to protect *ordre public* or morality, including to protect human, animal or plant life or health or to avoid serious prejudice to the environment, provided that such exclusion is not made merely because the exploitation is prohibited by their law.

Art.53(a) EPC

3. Members may also exclude from patentability:

(a) diagnostic, therapeutic and surgical methods for the treatment of humans or animals;

Art.53(c) EPC

(b) plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes. However, Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof. The provisions of this subparagraph shall be reviewed four years after the date of entry into force of the WTO Agreement.

Art.53(b) EPC

Article 28 - Rights Conferred

1. A patent shall confer on its owner the following exclusive rights:

(a) where the subject matter of a patent is a product, to prevent third parties not having the owner's consent from the acts of: making, using, offering for sale, selling, or importing[2] for these purposes that product;

these are in all national law !!! Art.64(1) EPC

(b) where the subject matter of a patent is a process, to prevent third parties not having the owner's consent from the act of using the process, and from the acts of: using, offering for sale, selling, or importing for these purposes at least the product obtained directly by that process.

Art.64(2) EPC

2. Patent owners shall also have the right to assign, or transfer by succession, the patent and to conclude licensing contracts.

Rule 22 EPC (transfer during oppo); for EP *applications*: Art.71-73 EPC

[1] For the purposes of this Article, the terms "inventive step" and "capable of industrial application" may be deemed by a Member to be synonymous with the terms "non-obvious" and "useful" respectively.

[2] This right, like all other rights conferred under this Agreement in respect of the use, sale, importation or other distribution of goods, is subject to the provisions of Article 6.

Article 29 - Conditions on Patent Applicants

1. Members shall require that an applicant for a patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application.

Art.83 EPC

2. Members may require an applicant for a patent to provide information concerning the applicant's corresponding foreign applications and grants.

Art.124, Rule141 EPC

[…]

Article 34 - Process Patents: Burden of Proof

1. For the purposes of civil proceedings in respect of the infringement of the rights of the owner referred to in paragraph 1(b) of Article 28, if the subject matter of a patent is a process for obtaining a product, the judicial authorities shall have the authority to order the defendant to prove that the process to obtain an identical product is different from the patented process. Therefore, Members shall provide, in at least one of the following circumstances, that any identical product when produced without the consent of the patent owner shall, in the absence of proof to the contrary, be deemed to have been obtained by the patented process:

(a) if the product obtained by the patented process is new;

(b) if there is a substantial likelihood that the identical product was made by the process and the owner of the patent has been unable through reasonable efforts to determine the process actually used.

2. Any Member shall be free to provide that the burden of proof indicated in paragraph 1 shall be on the alleged infringer only if the condition referred to in subparagraph (a) is fulfilled or only if the condition referred to in subparagraph (b) is fulfilled.

2. In the adduction of proof to the contrary, the legitimate interests of defendants in protecting their manufacturing and business secrets shall be taken into account.

[…]

SECTION 2: CIVIL AND ADMINISTRATIVE PROCEDURES AND REMEDIES

these are in all national law !!!

[…]

Article 44 - Injunctions

1. The judicial authorities shall have the authority to order a party to desist from an infringement, *inter alia* to prevent the entry into the channels of commerce in their jurisdiction of imported goods that involve the infringement of an intellectual property right, immediately after customs clearance of such goods. Members are not obliged to accord such authority in respect of protected subject matter acquired or ordered by a person prior to knowing or having reasonable grounds to know that dealing in such subject matter would entail the infringement of an intellectual property right.

2. […]

Article 45 - Damages

1. The judicial authorities shall have the authority to order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered because of an

infringement of that person's intellectual property right by an infringer who knowingly, or with reasonable grounds to know, engaged in infringing activity.

2. The judicial authorities shall also have the authority to order the infringer to pay the right holder expenses, which may include appropriate attorney's fees. In appropriate cases, Members may authorize the judicial authorities to order recovery of profits and/or payment of pre-established damages even where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity.

Article 46 - Other Remedies

In order to create an effective deterrent to infringement, the judicial authorities shall have the authority to order that goods that they have found to be infringing be, without compensation of any sort, disposed of outside the channels of commerce in such a manner as to avoid any harm caused to the right holder, or, unless this would be contrary to existing constitutional requirements, destroyed.
The judicial authorities shall also have the authority to order that materials and implements the predominant use of which has been in the creation of the infringing goods be, without compensation of any sort, disposed of outside the channels of commerce in such a manner as to minimize the risks of further infringements. In considering such requests, the need for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties shall be taken into account. In regard to counterfeit trademark goods, the simple removal of the trademark unlawfully affixed shall not be sufficient, other than in exceptional cases, to permit release of the goods into the channels of commerce.

[...]

SECTION 3: PROVISIONAL MEASURES

these are in all national law !!!

Article 50

1. The judicial authorities shall have the authority to order prompt and effective provisional measures:

(a) to prevent an infringement of any intellectual property right from occurring, and in particular to prevent the entry into the channels of commerce in their jurisdiction of goods, including imported goods immediately after customs clearance;

(b) to preserve relevant evidence in regard to the alleged infringement.

2. The judicial authorities shall have the authority to adopt provisional measures *inaudita altera parte* where appropriate, in particular where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed.

3. The judicial authorities shall have the authority to require the applicant to provide any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the applicant is the right holder and that the applicant's right is being infringed or that such infringement is imminent, and to order the applicant to provide a security or equivalent assurance sufficient to protect the defendant and to prevent abuse.

4. Where provisional measures have been adopted *inaudita altera parte*, the parties affected shall be given notice, without delay after the execution of the measures at the latest. A review, including a right to be heard, shall take place upon request of the defendant with a view to deciding, within a reasonable period after the notification of the measures, whether these measures shall be modified, revoked or confirmed.

5. The applicant may be required to supply other information necessary for the identification of the goods concerned by the authority that will execute the provisional measures.

6. Without prejudice to paragraph 4, provisional measures taken on the basis of paragraphs 1 and 2 shall, upon request by the defendant, be revoked or otherwise cease to have effect, if proceedings leading to a decision on the merits of the case are not initiated within a reasonable period, to be determined by the judicial authority ordering the measures where a Member's law so permits or, in the absence of such a determination, not to exceed 20 working days or 31 calendar days, whichever is the longer.

7. Where the provisional measures are revoked or where they lapse due to any act or omission by the applicant, or where it is subsequently found that there has been no infringement or threat of infringement of an intellectual property right, the judicial authorities shall have the authority to order the applicant, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by these measures.

8. To the extent that any provisional measure can be ordered as a result of administrative procedures, such procedures shall conform to principles equivalent in substance to those set forth in this Section.

[…]

DELTAPATENTS

Training for Patent Professionals

PASSING THE EQE WITH DELTAPATENTS

DELTAPATENTS WELCOMES YOU

Why DeltaPatents?

DeltaPatents is a patent attorney firm based in the Netherlands with a passion for quality. We provide the highest quality advice and service to public and private companies at various stages of growth from start-up to Fortune 500. Our patent specialists have a deep technological knowledge and extensive industrial experience. Through our education activities, we stay ahead in terms of law changes, case law and procedural requirements.

We are proud to be a leading training organization for the European Qualifying Examination (EQE). Our renowned courses can be followed throughout Europe. We offer a complete range of courses and high quality training material for the EQE. The knowledge and experience gained during more than 15 years of EQE training provides a solid basis for our comprehensive range of training courses in different areas. We offer Continuing Education of Patent Attorneys (e.g. patent law update course, a Unitary Patent course, and various IP master classes) across Europe as well as outside. For R&D (R&D managers, researchers, developers, inventors, entrepreneurs, IP management, IP coordinators and tech-transfer officers), we provide targeted IP tutorials and several workshops. These can also be organized in-house at your organization, open to other participants or exclusively in-house.

"It was a pleasure to study with such a skilled and nice instructor"

Our blogs keep you up-to-date on the EQE, EPO Case law, Patent procedures, Unitary Patent and Patent News.

EQE Exam | Case Law | Patent Law | Octrooi Actueel | Unitary Patent

In 2006 we started training IP support staff, culminating in a full training program preparing for the official Dutch Formalities Officers exam. The program includes training modules directed to EPC and PCT formalities. These training modules are offered throughout Europe.

Our training focuses on giving insight and understanding, and ensuring that the acquired knowledge can be practically applied. Unique for DeltaPatents is that we thoroughly train and guide our tutors. For our tutors, training is a profession, mastered by teamwork and frequent involvement in courses. We take feedback of attendants seriously and act on it. For us, quality and customer satisfaction are essential.

DeltaPatents' personal touch

We believe in teaching and treating candidates with a personal touch. You will be trained in small groups, giving ample opportunity to discuss unclear issues in more detail and get personal assistance.
Hospitality is important to us. For participants staying in Eindhoven for courses of multiple days, we organize a social event, such as a dinner or a trip to a local place of interest.
We welcome contact (e.g. via e-mail, telephone or video chat) with our tutors to ask follow-up questions, to clarify course materials or to report mistakes.

PASSING THE EQE WITH DELTAPATENTS

EQE training

The EQE exam is notoriously difficult to pass. Despite most candidates studying hard, the pass rate of the Main Exam averages around 30%, with some fluctuations depending on the complexity of that year's exam. First-time sitters usually score a few percent higher.

All papers score low. In particular, Papers C and DII are major hurdles. Paper DI (legal part) requires a significant time investment in studying and mastering the EPC and PCT law, Guidelines, Ancillary Regulations and case law.
The low pass rates illustrate that, despite spending quite some time in preparation, you may fail. This is highly frustrating. Frequently heard comments are:

"The hardest exam I ever took"

"The first exam I ever failed"

To achieve success, you need to commit hundreds of hours to studying both legal theory and application of the law. You increase your chances by making a plan, attending the best courses available and using the highest quality materials available. You benefit from getting dedicated training focussed on passing this exam by tutors that know everything about this exam and what it needs to pass.

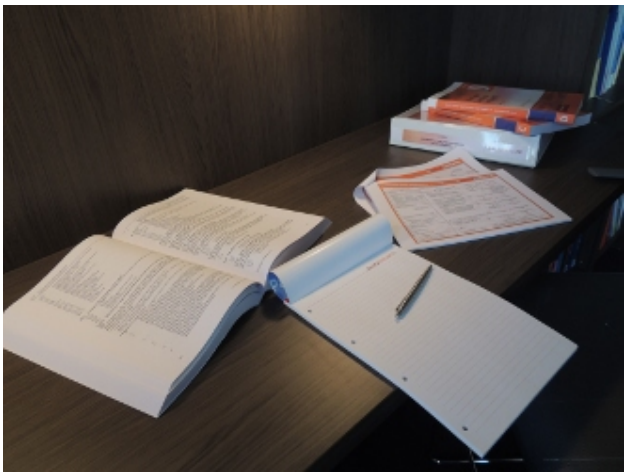
We specialize in providing courses and training material for the EQE, covering the Pre-Exam as well as each of the papers of the Main Exam. A full range of short modules have been developed, allowing each candidate to optimally complement already acquired knowledge and skills.

"I like the prescriptive style of the trainers: 'read this', 'don't read that'; I do not want endless options, I want to know how to pass the exam"

EQE Pre-Exam training

For the Pre-Exam, we offer:

- Pre-Exam Integrated course
  This intensive 12-day course (in 4 blocks) will bring candidates from a basic level with no or limited legal knowledge to the level required for the EQE Pre-Exam. All legal topics, EPC procedural, EPC substantive and PCT, are covered. Legal interactive tutorials will be alternated with practicing what has been learned: candidates will experience from the start how this knowledge can be used in an efficient way in order to pass the Pre-Exam. Homework is an integral part of the course. The questions test absorption and understanding. We provide full answers for all homework questions for self-evaluation.
- Pre-Exam Distance Learning
  The same as the Pre-Exam Integrated course, but as distance learning: with homework schedules and 2-/3-week video sessions.
- Legal Methodology Course
  In this 1-day course, we explain how to answer the legal questions for the Pre-Exam. We will teach a methodology, which will help to score optimally on the legal part of the Pre-Exam and how to deal with the True/False format
- Claim Analysis Course
  In this 2-day course, we cover the Claim Analysis part of the Pre-Exam with a specific exam methodology. The methodology is practiced using multiple choice questions and cases and one full pre-exam.



EQE Main Exam training

Our modular approach allows candidates to freely choose which paper(s) they wish to prepare for in a certain exam year. We offer:

- Methodology courses for each paper
  In these 2 or 3 day courses, we detail the requirements of the paper and clarify the key issues of the paper. We give a step-by-step approach for efficiently handling the paper, including practical analysis techniques, checklists and guidance in optimising scoring of marks with the knowledge you have. The methodology is developed and tested over more than a decade. In the courses, we show how the methodology works by applying it to at least one exam paper.
  Our methodology courses for re-sitters apply the methodology to the last exam paper.
- (Guided) Exam courses for each paper
  We offer a variety of courses for guided practicing of papers, depending on demand. For example:
  - 2 or 3-day course wherein a handed-in paper is corrected and marked and discussed during the course. One more exam paper is practiced during the course, with guidance and assistance from the tutor.
  - 4- or 5-day Paper D Guided Trial Run course providing a final test of EQE readiness, combining guidance through up-to-date DI and DII exam questions with practice under time pressure.

"This C methodology course is much more effective than other courses I have attended before. The pointing out of all relevant legal provisions were very useful for me"

"The Paper C Methodology course is genius. I literally heard a click in my head"

"D Methodology course: a great combination of various tools, methodologies and discussion on how to deal with various issues in the exam"

"The D Methodology course should be mandatory!"

"The first time I have the impression that DII could be manageable ..."

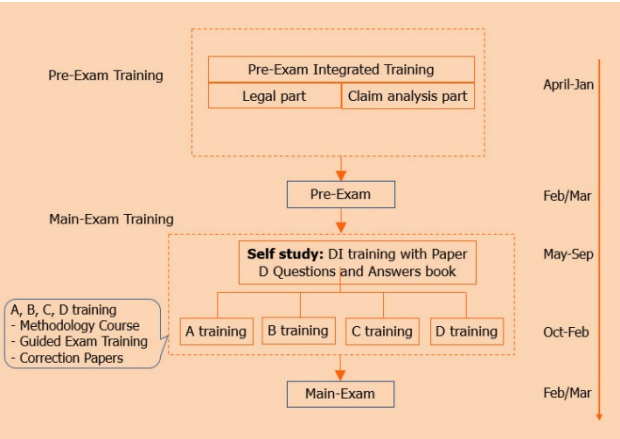
"Guided Exam: the ultimate tool for making it possible to pass!"

Integrated EQE training programs

Our modular system allows candidates to choose a program which matches their learning style and needs in prioritising study versus balancing it with focussing on work or private life. Here two exemplary programs are shown, a fast track program and a slow-track program. Please contact us to discuss how to optimise your preparation depending on your needs.

Fast track program

In this program, which is the default program in the Netherlands, candidates aim to pass the Pre-Exam, immediately followed by next year passing all four Main Exam papers.

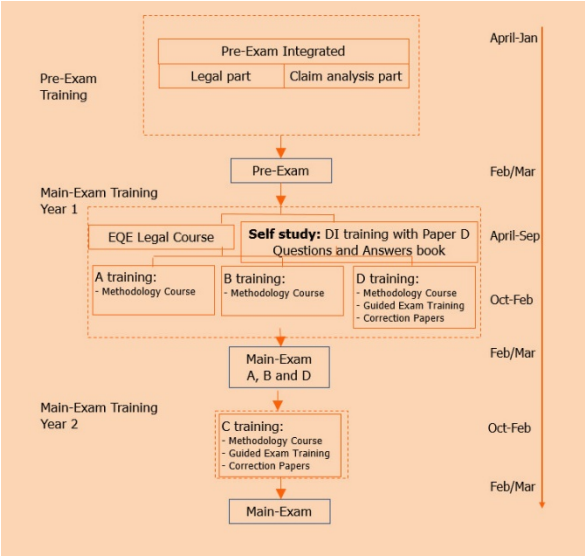


The Main Exam year will be challenging: four papers in parallel, including paper DI which requires a lot of hours of studying. To spread the load, a good legal preparation is already required in the Pre-Exam year. For this our Pre-Exam Integrated Training is ideal: legal and claim analysis integrated in one program. After finishing this course, you are ready for the Pre-Exam.

Slow track program

In this program, candidates plan a couple of years for passing the Main Exam. Here a schedule is shown wherein Papers A, B and D are taken in the first Main Exam and in the following year paper C is taken.

A candidate can choose to build up the legal knowledge relatively fast by following our Pre-Exam Integrated Training (legal parts) for the pre-exam, optionally followed by our Legal Refresher course. Alternatively, if less legal knowledge has been acquired for the pre-exam, the our Pre-Exam Integrated Training (legal parts) can be followed as a preparation before the Paper D training.



The Main Exam training can start with our Legal Refresher Course, followed by the training for the four papers in parallel. The paper training ideally starts with a Methodology Course, followed by a Guided Exam Training and, optionally, finished with our Correction Paper program.

EQE Distance Learning

We have developed this program during the past years for candidates who are unable to attend the DeltaPatents' courses, or for anyone looking for extra study and practice materials. We offer a "Correction of Papers" program and "Pre-Exam Distance Learning":

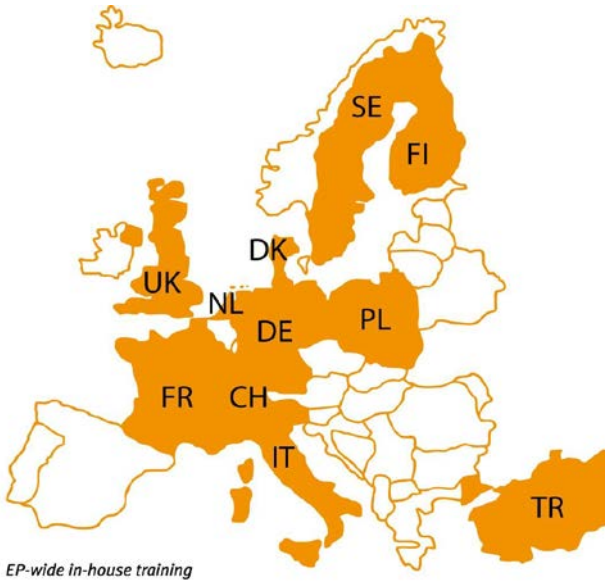
- Paper Correction: you hand-in exam papers and we correct them, giving individual feedback as well as our own detailed marking sheets and model solutions
- Pre-Exam Distance Learning: complete legal training for the Pre-Exam, with homework schedule and feedback of tutors on handed-in homework.

Video sessions:
2- or 3-weekly video conference sessions where the tutor discusses the upcoming modules and answers questions from the participants

"I would like to thank you for all the help I received during my distance course Paper D. It really helped to have the pressure of handing in the homework and make me work steadily in the months before the exam"

Personal coaching

Based on our extensive experience in training candidate, we offer a one-to-one intensive personal coaching, wherein we, together with the candidate, determine the personal reasons for failing the exam, correct some of the mistakes, come to an approach optimized for the candidate and a recommended further preparation plan. The personal coaching will be agreed beforehand.
One possible scenario is where, before the personal session, the candidate prepares a paper at home and the tutor marks this. On a first afternoon of the personal guidance, the exam, known problems of the candidates and the prepared exam are discussed. On a second day, the candidate makes a further paper, which is immediately discussed with the tutor, finished by discussing a further preparation plan.



EP-wide in-house training

Training locations

We do not only provide training in our base in Eindhoven. The Netherlands, but many of our training modules are available at several locations in Europe to minimize your travel costs.

In-house training

All courses can also be given in-house. If required, a module can be tailored to your local organizational needs. Please contact us if you are interested in inviting us to your office.

About the EQE

In Supplement to OJ EPO 2/2014, you can find:

- Regulation on the European qualifying examination for professional representatives (REE)
- Implementing provisions to the Regulation on the European qualifying examination (IPREE)
- Instructions to candidates concerning the conduct of the European qualifying examination

The examination is organised and conducted by a Supervisory Board, an Examination Board, Examination Committees and an Examination Secretariat, comprising members from the epi and EPO.

The EQE is designed to establish whether the candidate has the requisite aptitude and knowledge to represent applicants before the EPO.

EQE syllabus

Candidates need to be particularly conversant with European patent law, the Patent Cooperation Treaty, the Paris Convention, EPO board of appeal case law and certain national laws in so far as they apply to European patent applications and European patents. The content of the examination only relates to legal texts which were in force on 31 December of the year preceding the examination.

Languages

The examination papers are drawn up in the three official languages of the EPO (English, French and German). Candidates may choose any of these languages to answer in. Candidates may also be permitted to submit their answers in another official language of a Contracting State if so requested during enrolling for the exam.

Structure of the exam

The EQE, held once a year, comprises five papers, divided over a single paper Pre-examination (Pre-Exam), followed by a Main Exam consisting of four papers.

- Pre-Exam (4 hours)
  Assesses candidates' ability to answer legal questions and questions relating to the drafting of claims. The exam is multiple-choice and consists of two parts; a legal part and a claims analysis part. The Pre-Exam must be passed before the Main Exam may be attempted.
- Main Exam
  Candidates are free to choose the paper(s) they wish to sit in a certain year; they do not need to be taken in a prescribed order or combination.
- Paper A (4 hours)
  Tests the candidate's ability to draft claims and the introductory part of a European patent application. As of the EQE 2017 there will be a single A paper.
- Paper B (3,5 hours)
  Requires candidates to prepare a reply to an official letter in which prior art has been cited. As of the EQE 2017 there will be a single B paper.
- Paper C (5,5 hours)
  Involves drafting a notice of opposition to a European patent.
- Paper D (5,5 hours)
  Consists of two parts DI and DII and assesses candidates' ability to answer legal questions (DI) and to draft a legal advice (DII).

Passing the EQE

To pass the EQE, it is obligatory to pass all examination papers. Candidates may not enrol for any of the Main Exam papers until they have passed the Pre-Exam.
Each answer paper is marked on a scale from zero to 100 by the relevant Examination Committee.

For the Pre-Exam, a PASS grade is awarded for an answer Paper with 70 marks or more; otherwise a FAIL grade is awarded for that paper.

For the Main Exam, there is a compensatory system whereby under certain circumstances, low marks can be offset by good marks in other papers. For each paper of the Main Exam,

- a PASS grade is awarded for an answer paper with 50 marks or more;
- a FAIL grade is awarded for an answer paper with fewer than 45 marks;
- a COMPENSABLE FAIL grade is awarded for an answer paper with at least 45 but fewer than 50 marks

A candidate is declared to have passed the Main Exam once he has sat all the examination papers and if he satisfies all of the following conditions:

- he has not been awarded a FAIL grade in any of the papers
- he has been awarded a PASS grade in at least two papers, and
- his total aggregate mark in the four papers is at least 200.

If a candidate re-sits an examination paper, the marks and grade previously obtained for this paper are no longer valid. It is not possible to re-sit a passed exam.

DeltaPatents' Web Shop for Training Material

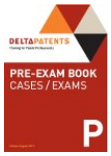
For our courses, our professional tutors continuously develop and update the training material using input from past participants and to follow recent legal changes. Methodology books, books with Questions and Answers as well as very thorough model solutions for each paper are available for those who study for the EQE.

EQE Basic Legal Questions
The book contains:

- Introduction - how to prepare
- Study Guide
- Legal Questions and Answers in True/False format and open questions
- To prepare for Pre-Exam as well as Main Exam

EQE Main Exam Questions for Paper D
The completely updated book contains:

- A comprehensive Study Guide
- A list of abbreviations which may be used in your answer on the EQE
- A set of more than 350 legal and exam style questions, with a recommended minimum subset



EQE Pre-Exam Cases and Exams
The book contains:

- Introduction - how to prepare
- Legal Cases
- Claim Analysis Cases
  Pre-Exams 2014 - 2018, together with our proprietary model solutions explaining the answers

EQE Main Exam Methodology books
For EQE paper C, we have developed a methodology books. The book describes the requirements of the paper and, in combination with thorough discussion of the EPC provisions relevant for the paper, present a structured approach for tackling the paper.

EQE Main Exam Analysis/Model solutions
For Paper AB, Paper C and Paper D Main Exam paper, we have developed very detailed and thorough
Analysis and Model Solutions.
The booklets cover analysis of the paper, applying the methodology to the paper and the correct answer, updated for the current law.

References to the EPC
By: Jelle Hoekstra
The ideal reference book for the EQE and daily use. The main book, of almost 900 pages, gives the EPC Articles, mixed with the Rules, relevant parts of the Guidelines, many selected Ancillary Regulations, all Enlarged Board decisions and all established case law. The book is a unique one-stop shop, covering all relevant information for the EPC part of the EQE. Many flow-charts, legal overviews and tables are included to enable fast answering in the EQE.

"VERY HELPFUL AND MOTIVATED PEOPLE, WHICH GIVES A VERY INTERESTING AND WARM FEELING DURING THE COURSE."

Meet the Tutors

Jelle Hoekstra

Roel van Woudenberg

Sander van Rijnswou

Nico Cordes

Diane Tweedlie

Jessica Kroeze

Tnaja laCour

Joeri Beetz

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REGISTRATION FORM

FOR COURSES OFFERED IN THE NETHERLANDS, DENMARK, FRANCE, GERMANY, ITALY, SWEDEN AND UK

You may register by fax + 31 40 2366708 mail DeltaPatents B.V., Fellenoord 370, 5611 ZL Eindhoven, the Netherlands
website www.deltapatents.com e-mail training@deltapatents.com

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company

address

billing-address (if different)

billing e-mail or phone

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First price mentioned is for courses in the Netherlands, second price mentioned is for courses in Denmark, France, Germany, Italy, Sweden and UK. A registration fee of € 122 is charged for each booking. If more than one course is booked at the same time, only one administrative fee of € 122 will be charged. All prices are exclusive of 21% VAT. No VAT will be charged if a VAT-number is provided on this form.

Paper A & B	☐ 4-day A & B Methodology € 1.550/€ 1.870 ☐ 2-day A Methodology € 775/€ 935 ☐ 2-day B Methodology € 775/€ 935			Date:
Paper C	☐ 3-day C Methodology € 1.160/€ 1.430 ☐ 2-day C Guided Course € 1.050/€ 1.270 ☐ 5-day C Full Preparation: 3-day Methodology and 2-day Guided Exam € 2.600			Date:
Paper D	☐ 3-day D (DI – DII) Methodology € 1.160/€ 1.430 ☐ 2-day D (DI – DII) Guided Course € 1.100/€ 1.320 ☐ 5-day D Full Preparation: 3-day Methodology and 2-day Guided Exam € 2.650 ☐ 4-day D Guided Trial Run € 1.550/€ 1.870 ☐ 5-day D Guided Trial Run (incl. D Methodology crash) € 1.940/€ 2.310	☐ English ☐ English ☐ English	☐ German ☐ German ☐ German	Date:
Paper A & B	☐ 4-day A & B Methodology € 1.550/€ 1.870 ☐ 2-day A Methodology € 775/€ 935 ☐ 2-day B Methodology € 775/€ 935			Date:

Cancellation policy: please check our website for our cancellation policy