

# **European Patent Office**

# The European Patent Office

Serving industry and the public





The European Patent Office What is a patent?
The European patent



European Patent Organisation

Member states

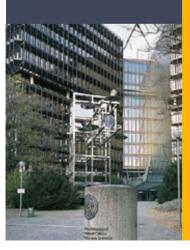
Organisational structure

Directorates-General

Locations

Staff

**Finances** 



The mission of the European Patent Office – the patent granting authority for Europe – is to support innovation, competitiveness and economic growth for the benefit of the citizens of Europe.



# The European Patent Organisation

### European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

Finances



#### **European Patent Organisation**

# European Patent Office

The executive body

The Office's task is to grant European patents.

# Administrative Council

#### The legislative body

Important functions:

- to adopt the budget
- to approve the President's actions in implementing the budget
- to amend the Implementing Regulations and Rules relating to Fees

The Administrative Council consists of delegates from the member states.



• The EPC (of 5 October 1973) is a multilateral treaty which institutes the European Patent Organisation (EPO) and provides a legal framework for the grant of European Patents (which are a bundle of nationally-enforceable patents except for the unified opposition procedure) by means of a single procedure before the European Patent Office (EPO).



- There is no Community Patent (for the whole European Union), despite of the various attempts to create such a legal instrument.
- The EPC is separate from the European Union, and its membership is different: Switzerland, Liechtenstein, Turkey, Bulgaria, Monaco, Romania and Iceland are members of the EPO but are not members of the EU, while the opposite is true for Malta.



- In 1973, the Munich Diplomatic Conference for the setting up of a European System for the Grant of Patents took place and the Convention was then signed in Munich.
- The Convention entered into force on 7 October 1977 for the following first countries: Belgium, Germany (then West Germany), France, Luxembourg, Netherlands, Switzerland and United Kingdom, and on 1 May 1978 for Sweden. However, the first patent applications were filed on 1 June 1978.



- Subsequently, the Convention entered into force for 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 and 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) and Latvia (1 July 2005).
- The Convention is now (as of October 2005) in force in 31 countries.
- In addition, the following 5 states have concluded extension agreements with the EPO, so that in effect, these states can be designated as well in a European patent application: <u>Albania</u>, <u>Bosnia and Herzegovina</u>, <u>Croatia</u>, Former Yugoslav <u>Republic of Macedonia</u>, and <u>Serbia and Montenegro</u> (formerly known as the Federal Republic of Yugoslavia).



# Member states

## The European Patent Office

European Patent Organisation

Member states

Organisational structure

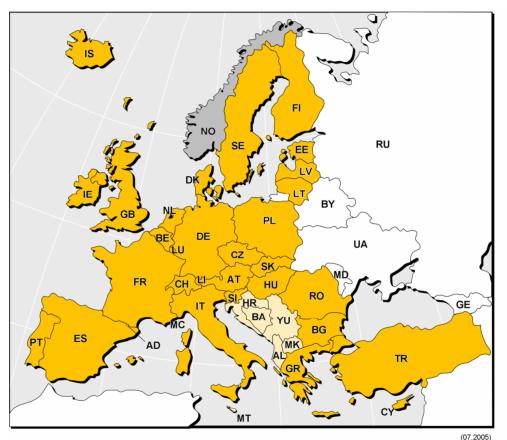
Directorates-General

Locations

Staff

Finances





#### Member states of the European Patent Organisation

AT Austria, BE Belgium, BG Bulgaria, CH Switzerland, CY Cyprus, CZ Czech Republic, DE Germany, DK Denmark, EE Estonia, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, HU Hungary, IE Ireland, IS Iceland, IT Italy, LI Liechtenstein, LT Lithuania, LU Luxembourg, LV Latvia, MC Monaco, NL Netherlands, PL Poland, PT Portugal, RO Romania, SE Sweden, SI Slovenia, SK Slovakia, TR Turkey

#### States entitled to join the European Patent Convention (EPC)

NO Norway



States which have been invited to join the EPC MT Malta



#### States recognising European patents ("EXTension states")

AL Albania, BA Bosnia-Herzegovina, HR Croatia, MK Former Yugoslav Republic of Macedonia (FYROM), YU Serbia and Montenegro



# Organisational structure of the European Patent Office

**European Patent** Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



President's Office

Council Secretariat

Controlling Office

Communication

President Alain Pompidou (FR)

Pension Reserve Fund

Vice-President T. Hammer

(DE)

Directorate-General 1

Vice-President P. Kyriakides (CY) Directorate-

General 2

Vice-President P. Messerli (CH) Directorate-General 3

Vice-President C. Edfjäll (SE) Directorate-General 4

Vice-President M. Desantes (ES) Directorate-General 5



# Directorate-General 1 Operations Munich, The Hague and Berlin

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



## **Main activities**

- Prior art search
- Substantive examination
- Opposition



# Directorate-General 2 Operational Support Munich, The Hague, Berlin

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

Finances



## **Main activities**

- Quality
  - Learning & development
  - Quality management support
  - Practice & procedure
- Patent administration
  - Receipt of applications (Receiving Section)
  - Support staff units
  - Grant publication
  - Technical change management
- Tools/documentation
- Information systems



# Directorate-General 3 Appeals Munich

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

Finances



### **Main activities**

The Legal Board of Appeal and the Technical Boards of Appeal give independent final rulings on appeals against decisions taken during grant and opposition proceedings.

The Enlarged Board of Appeal gives decisions and opinions in order to ensure correct application of the law, or if an important point of law arises.



# Directorate-General 4 Administration Munich, The Hague, Berlin

### European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



## **Main activities**

- Finance
- Personnel
- General administration
- Patent information
- Language service



# Directorate-General 5 Legal and International Affairs M

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



## **Main activities**

- European and International Relations
- Patent law
- Patent administration
- Legal services
- International legal affairs/ Patent Cooperation Treaty (PCT)
- European Patent Academy



# Locations

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

Finances



Munich PschorrHöfe



Headquarters Munich



Isar building

Vienna

The Hague





Brussels Bureau

Berlin



# Staff 2004

## The European Patent Office

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



Munich	3 180
The Hague	2 349
The Hagae	2 0 10
<b>-</b> "	
Berlin	275
Vienna	114
7.66.	
Total	5 918
i otal	0 0 10



# Financial independence

European Patent Organisation

Member states

Organisational structure

Directorates-General

Locations

Staff

**Finances** 



The EPO is wholly self-financing.

Operating and capital expenditure is financed by the procedural fees and a proportion of the renewal fees for granted European patents.

The pension scheme for EPO staff and the European School Munich are also financed from this income.



Definition of a patent

Patentability criteria

Benefits of patents

# What is a patent?





# Definition of a patent

Definition of a patent

Patentability criteria

Benefits of patents

A patent gives its owner the right to prevent others from commercially using his invention.

However, it does not give its owner the right to make use of his invention.





# Patentability criteria

Definition of a patent

Patentability criteria

Benefits of patents

To be patentable, an invention must have technical character and contribute to the state of the art.

It may be a product, a product use, a process or an apparatus, for example.

Three main criteria for patentability:

- novelty
- inventive step
- industrial application





# Benefits of patents

Definition of a patent

Patentability criteria

Benefits of patents



### Patents help you:

- advance technology from its current state
- avoid waste of human and financial resources
- avoid duplication of research in industry and universities



# Benefits of patents

Definition of a patent

Patentability criteria

Benefits of patents



### Patents help you:

- promote creativity and innovation
- develop a prognosis of innovative strengths and technological trends, global and regional
- recognise the lack of advancement in a technology and address improvements



# Benefits of patents

Definition of a patent

Patentability criteria

Benefits of patents



### Patents help you:

- retain your market position
- increase your market share
- introduce new products and processes
- locate new business partners
- provide recognition and motivation for employees
- bring together inventors and investors
- recover R&D investments and safeguard the results



Advantages

Grant procedure

Fee structure

Cost

Key Figures

# The European patent





# What advantages does a European patent have?

#### Advantages

Grant procedure

Fee structure

Cost

Key Figures

#### Unitary protection standards in the contracting states

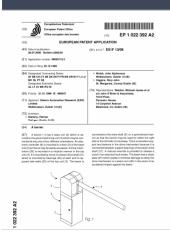
- One application/one language
- "A la carte" market by designation of countries

#### Cost-effective

Costs less than 3 separate national patents

### Strong

- Thorough search 56 million documents
- Substantive examination = sound legal protection





# The European patent grant procedure

Advantages

Grant procedure

Fee structure

Cost

**Key Figures** 

Filing the application

Examination on filing/formalities examination

Search

Publication of application and search report

Substantive examination (grant of patent or refusal of application)

Opposition (in some cases)

Appeal (in some cases)





## EPO fee structure

### The European patent

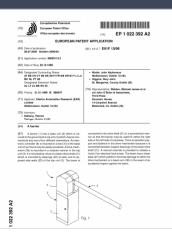
Advantages

Grant procedure

Fee structure

Cost

Filing phase	EUR 800
Examination phase	EUR 2 400
Grant phase	EUR 1 100
EPO fees total	EUR 4 300





# Cost of an average European patent 1)

Advantages

Grant procedure

Fee structure

Cost

	Europhisones Palentarel	
	(19) Exropeen Palant Office Office européen des brevets	m EP 1 022 392 A2
	(12) EUROPEAN PATE	INT APPLICATION
	(43) Date of publication: 26.07.2000 Bulletin 2000/30	(51) Int CU. E01F 13/05
	(21) Application number 99650119.3	
	(22) Date of Ring 20.12.1999	
	(84) Designated Contracting States: AT 8E CHICY DE DK 65 FI FR GB GR IS IT LI LU MC NL PT 9E Designated Extension States: AL LT LV MK RO SI	Walsh, John Alphonsus     Walshestown, Dublin 12 (E)     Higgliss, Pany John     St. Margareta, County Dublin (IE)  (76) Fanceacotative Wedden, Michael James et al.
	(30) Priority: 21.01.1999 IE 990947	alo John O'Brien & Associates, Third Floor.
	(71) Applicant: Electro Automation Research (EAR) Limited Welkinstown, Dublin 12 (IE)	Duncairo House, 14 Caryafort Avenue Blackrock, Co. Dublin (IE)
	(72) Inventors:  Doherty, Patrick Pathyer, Dutels 0 (75)	
	(54) A berrier	
	(57). A brain's IT has a blass until IZ which is so- created bring pound and a rown IVI plankin ray be con- nected all any care of low officers clerations. As ele- tronic consisted if its innerment in a door (2) of the basis until IZ to shall a ray be assay because A drive moti- neers (30) in motion of a modellar amore in this log until IX is innovated by writer of allower drive with IX is posed sale with IX 20 of the log until IX in The basen is	commended in the date what \$2.70 in a symmetrical mem- ner to that the bases may be used for which the right side or the left did in classing. There is excellent cap- port and balances in the date mechanism because it is commended between support because it is oriented between support because of the beam risks and \$2.50. A memory commended is produced to inclose a support of the support because of the beam risks plain \$2.77 which yields to membrate desirage to withor the disks metabolisms of a beam over \$0.50 in the event of an accidental impact against the beam.
1 022 392 A2		9.1

EPO fees	EUR 4 300
Percentage of total	13 %
Professional representation	
before the EPO	EUR 6 100
Percentage of total	20 %
Translation in the contracting states	EUR 11 800
Percentage of total	38 %
National renewal fees	EUR 8 900
Percentage of total	29 %

EUR 31 100

<sup>1) 8</sup> states, 10-year term



# Cost breakdown of an average European patent 1)

Advantages

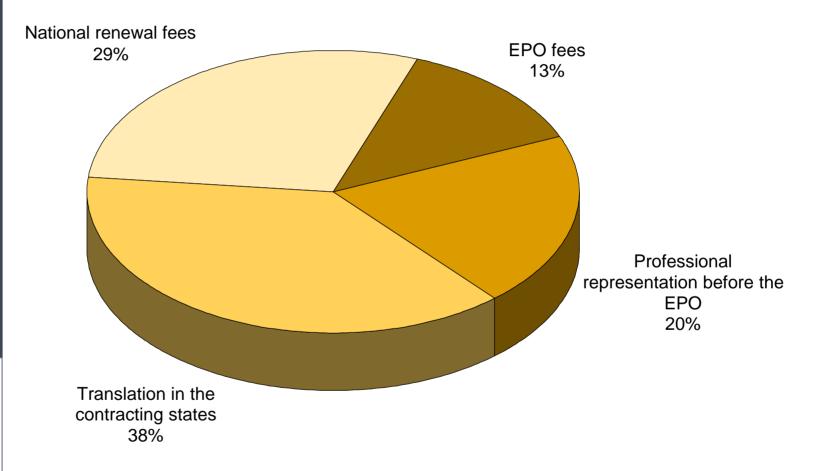
Grant procedure

Fee structure

Cost

Key Figures





1) 8 states, 10-year term



## Documentation 2004

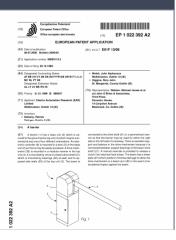
Advantages

Grant procedure

Fee structure

Cost

Key figures



### **Data resources**

- 90 different searchable databases with 237 million records
- 56 million patent records available on DOC-DB, the EPO's master database
- 54 million records with searchable abstracts accessible in non-patent literature databases



# Search

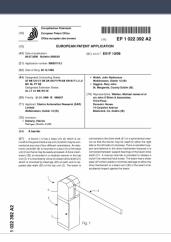
## The European patent

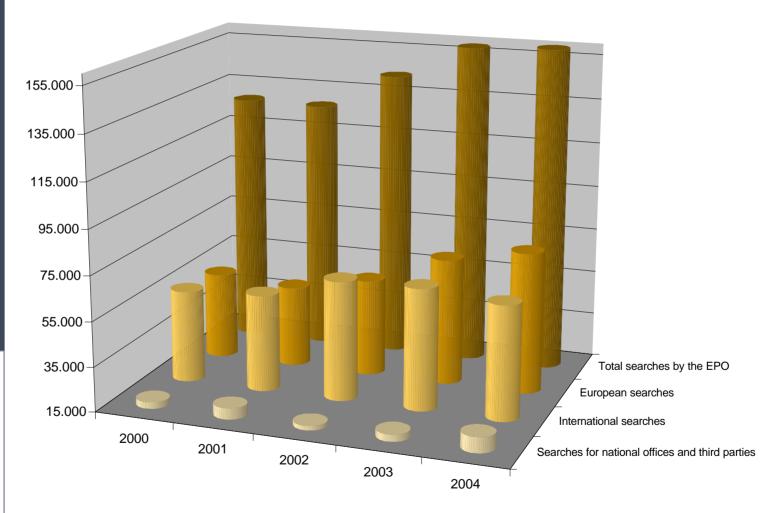
Advantages

Grant procedure

Fee structure

Cost







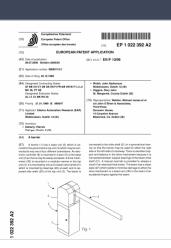
# **Applications**

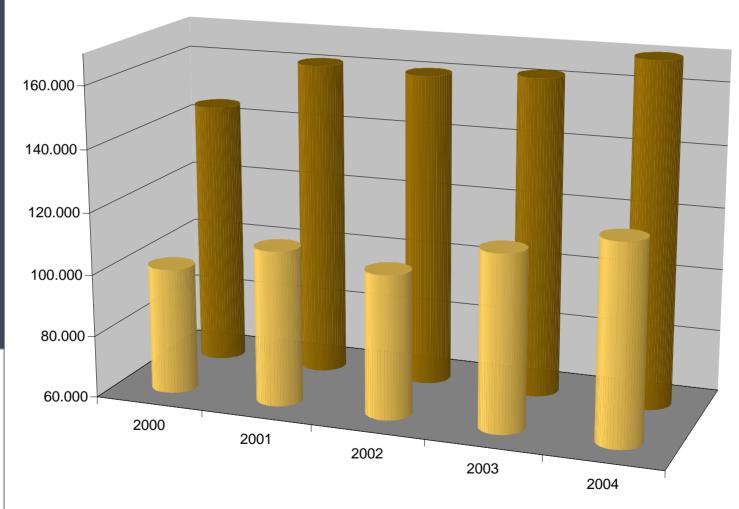
Advantages

Grant procedure

Fee structure

Cost





- European applications filed and Euro-PCT applications entering the European phase
- European applications filed and Euro-PCT applications (international phase)



# Breakdown of applications by residence of applicants 2004

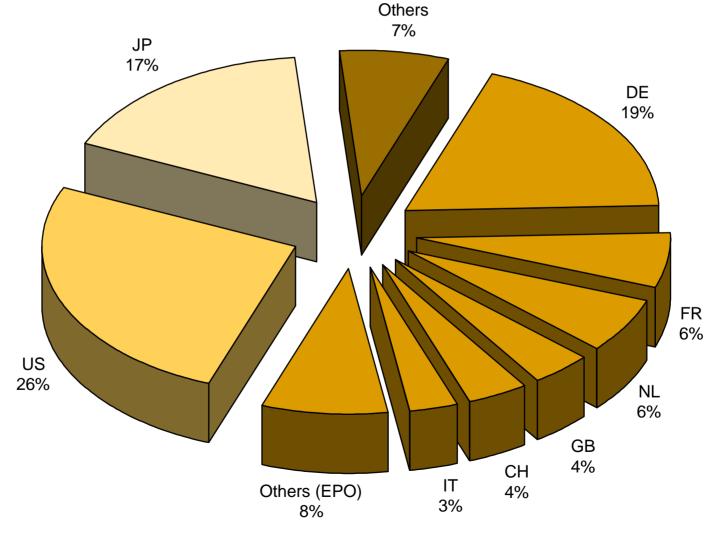
Advantages

Grant procedure

Fee structure

Cost







# Opposition 2004

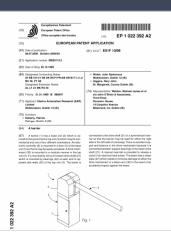
Advantages

Grant procedure

Fee structure

Cost

Patents opposed	3 110
Decisions in opposition cases	1 979
Detente reveled	20 C 0/
Patents revoked	30.6 %
Opposition rejected	33.0 %
- 1 1	
Patent maintained in amended form	36.5 %





# Thank you for your attention

www.epo.org