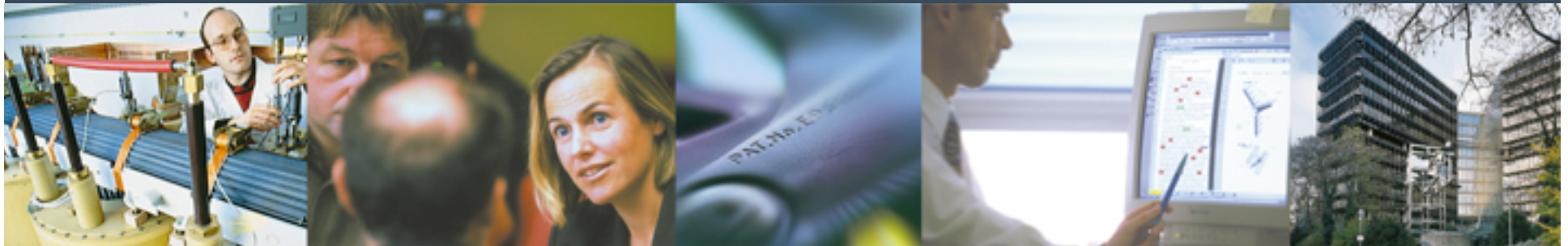




European
Patent Office

The European Patent Office

*Serving industry
and
the public*





The European Patent Office

What is a patent?

The European patent



The European Patent Office

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.





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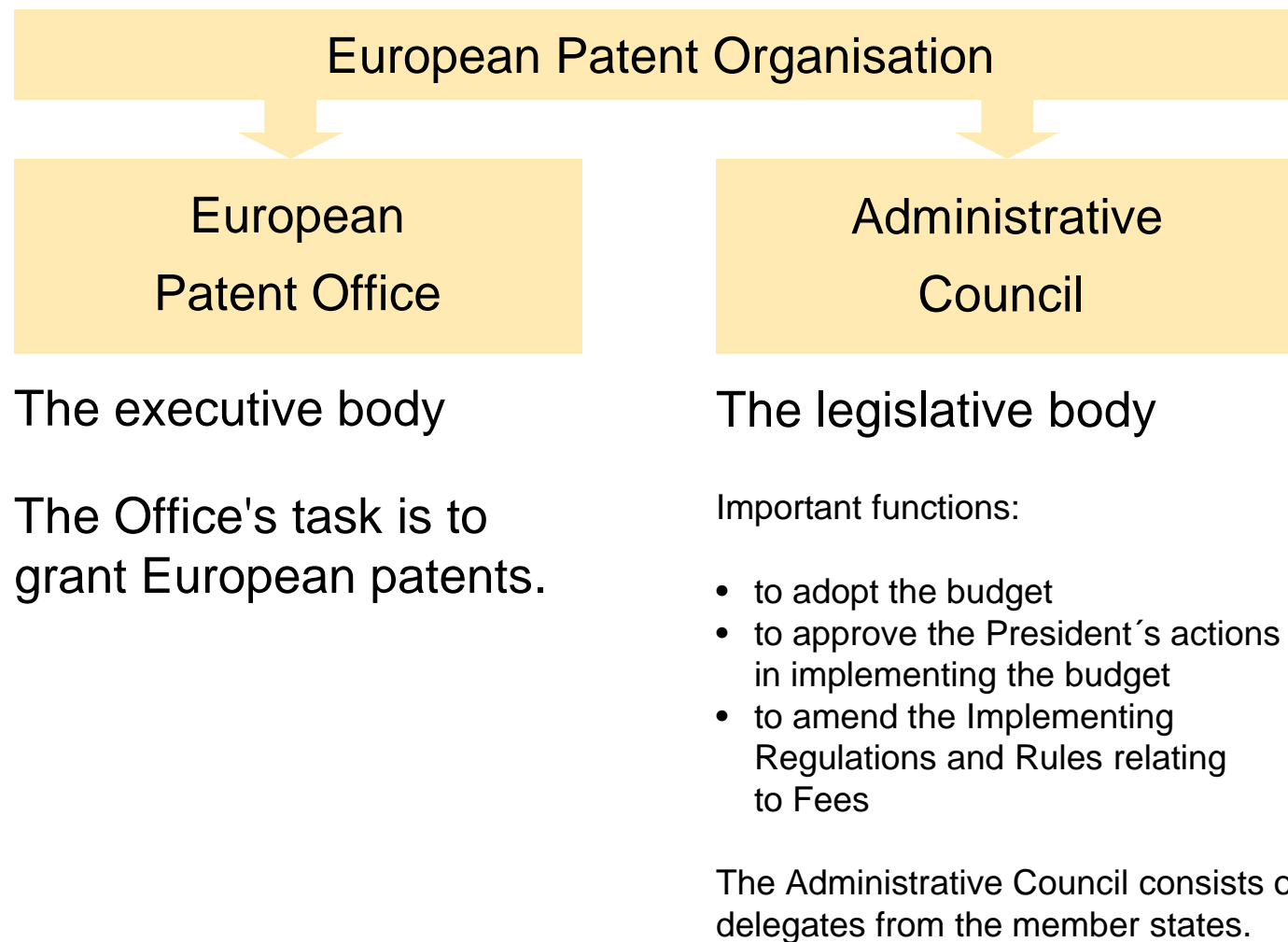
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The European Patent Organisation





The European Patent Convention (EPC)

- 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).



The European Patent Convention (EPC)

- 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.



The European Patent Convention (EPC)

- 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.



The European Patent Convention (EPC)

- 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: [Albania](#), [Bosnia and Herzegovina](#), [Croatia](#), Former Yugoslav [Republic of Macedonia](#), and [Serbia and Montenegro](#) (formerly known as the Federal Republic of Yugoslavia).



Member states

The European
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Member states

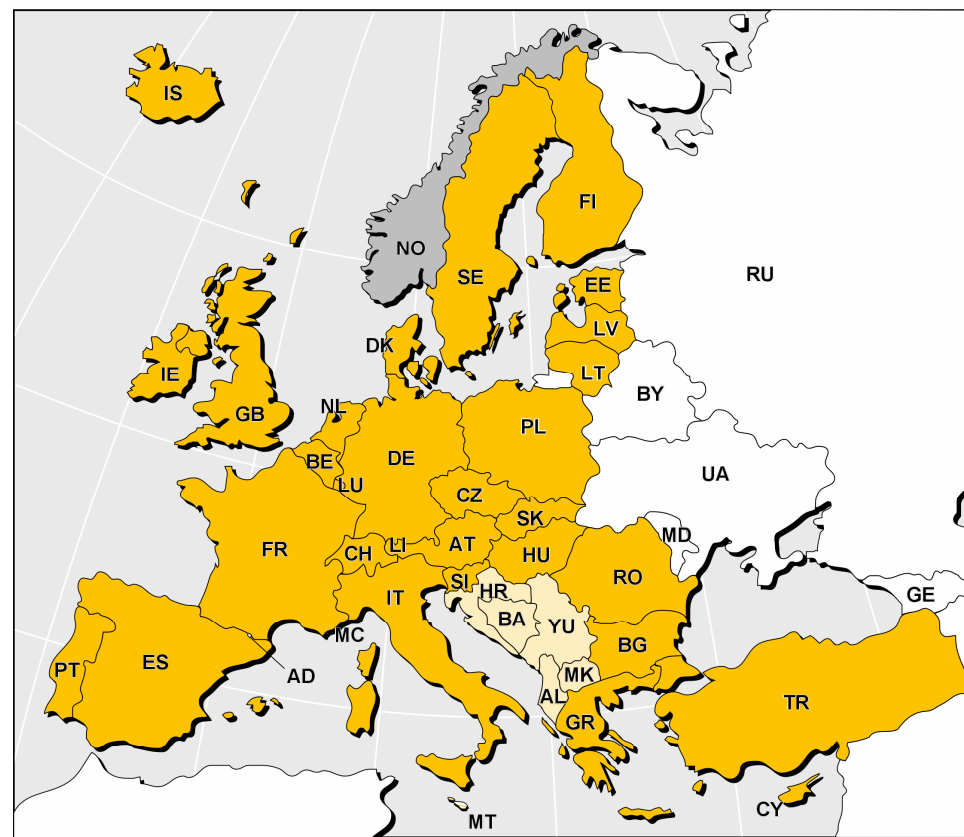
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(07.2005)



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



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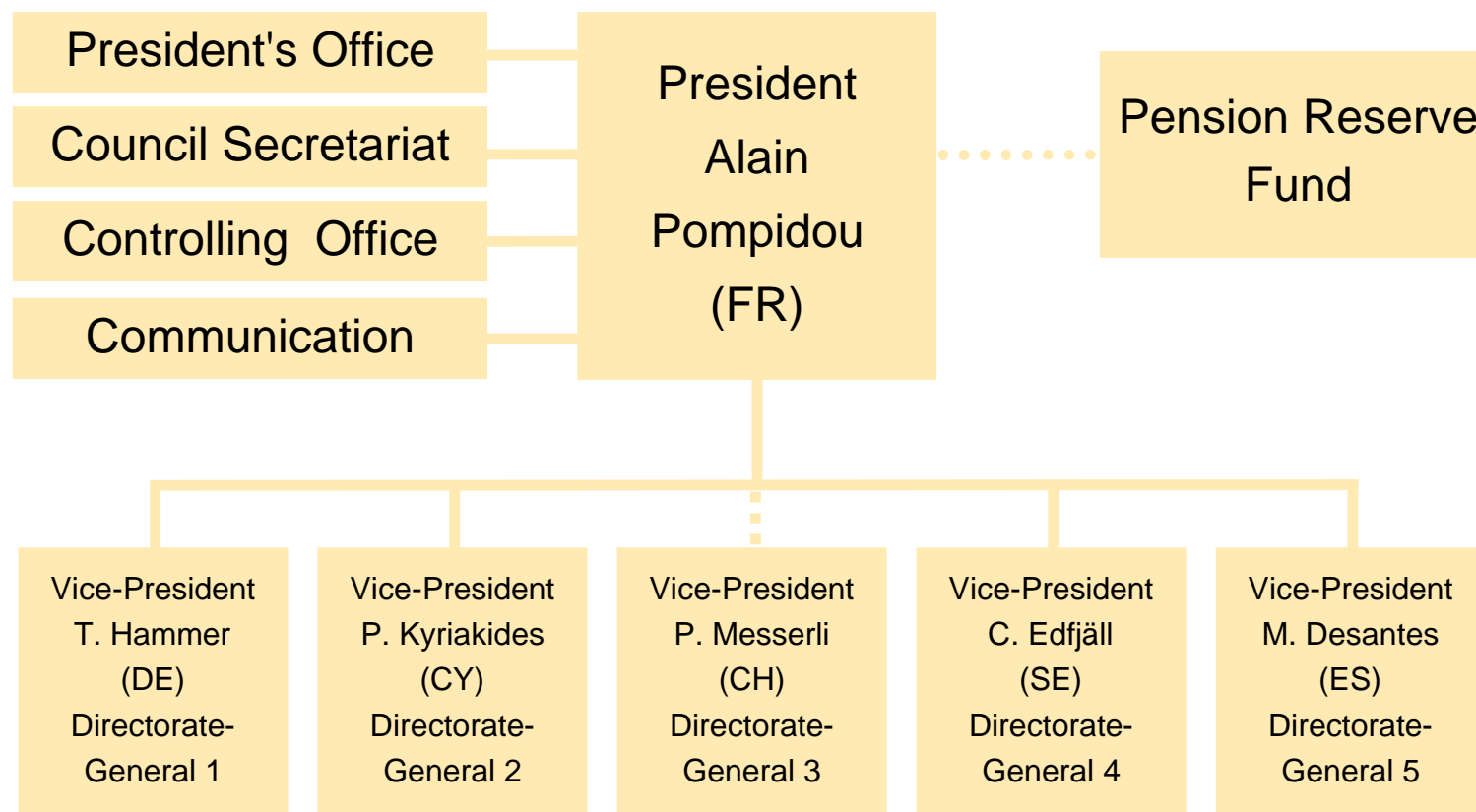
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Organisational structure of the European Patent Office





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Directorate-General 1 Operations

Munich, The Hague and Berlin

Main activities

- Prior art search
- Substantive examination
- Opposition





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Directorate-General 2

Operational Support

Munich, The Hague, Berlin

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



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Directorate-General 3

Appeals Munich

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.





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Administration

Munich, The Hague, Berlin

Main activities

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





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Directorate-General 5 Legal and International Affairs M

Main activities

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



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*Munich
PschorrHöfe*



The Hague



*Headquarters Munich
Isar building*



*Brussels
Bureau*



Vienna



Berlin





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Staff 2004

Munich	3 180
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The Hague	2 349
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Berlin	275
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Vienna	114
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Total	5 918
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Financial independence

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.





What is a patent?

Definition of
a patent

Patentability
criteria

Benefits of patents

What is a patent?





Definition of a patent

What is
a patent?

Definition of
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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

What is
a patent?

Definition of
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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

What is
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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

What is
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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

What is
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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

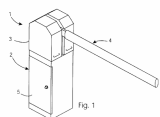
Grant procedure

Fee structure

Cost

Key Figures

The European patent





The European patent

Advantages

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What advantages does a European patent have?

Unitary protection standards in the contracting states

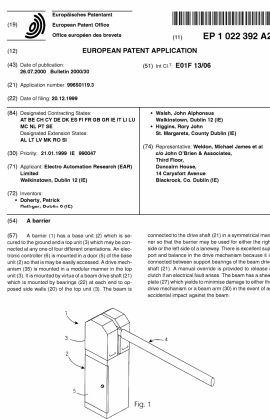
- One application/one language
- “A la carte” market by designation of countries

Cost-effective

- Costs less than 3 separate national patents

Strong

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





The European patent

Advantages

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The European patent grant procedure

Filing the application

Examination on filing/formalities examination

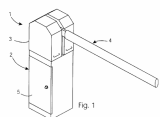
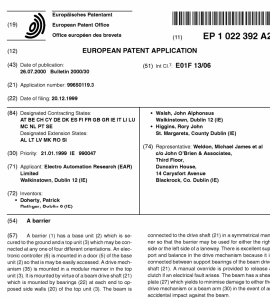
Search

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

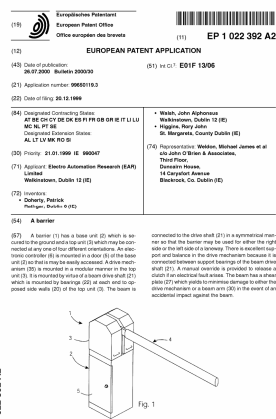
Grant procedure

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Key Figures

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





The European patent

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Cost

Key Figures

Cost of an average European patent ¹⁾

EPO fees	EUR 4 300
<i>Percentage of total</i>	13 %

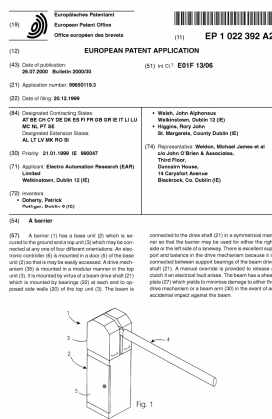
Professional representation before the EPO	EUR 6 100
<i>Percentage of total</i>	20 %

Translation in the contracting states	EUR 11 800
<i>Percentage of total</i>	38 %

National renewal fees	EUR 8 900
<i>Percentage of total</i>	29 %

Total cost	EUR 31 100
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¹⁾ 8 states, 10-year term





The European patent

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Cost breakdown of an average European patent ¹⁾

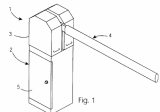
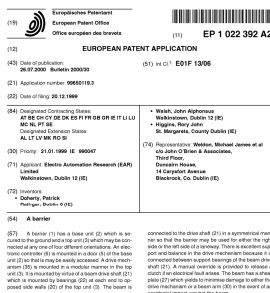
National renewal fees
29%

EPO fees
13%

Professional representation before the EPO
20%

Translation in the contracting states
38%

¹⁾ 8 states, 10-year term





The European patent

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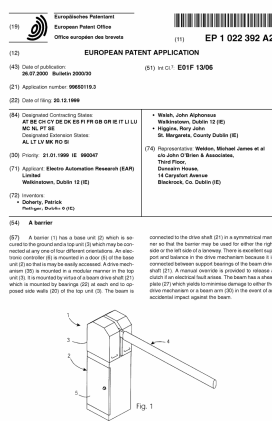
Cost

Key figures

Documentation 2004

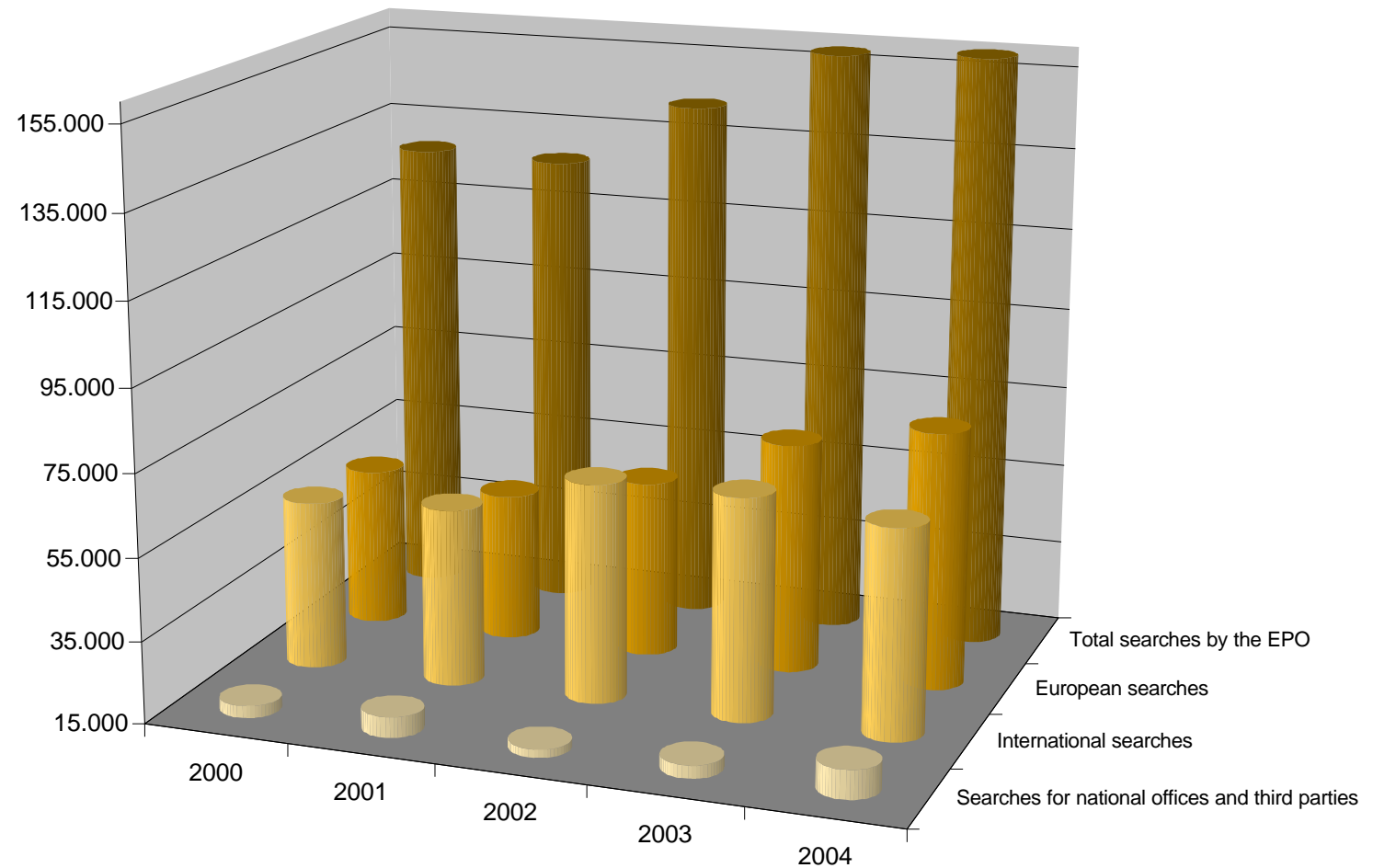
Data resources

- 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





- Advantages
- Grant procedure
- Fee structure
- Cost
- Key figures





Applications

The European patent

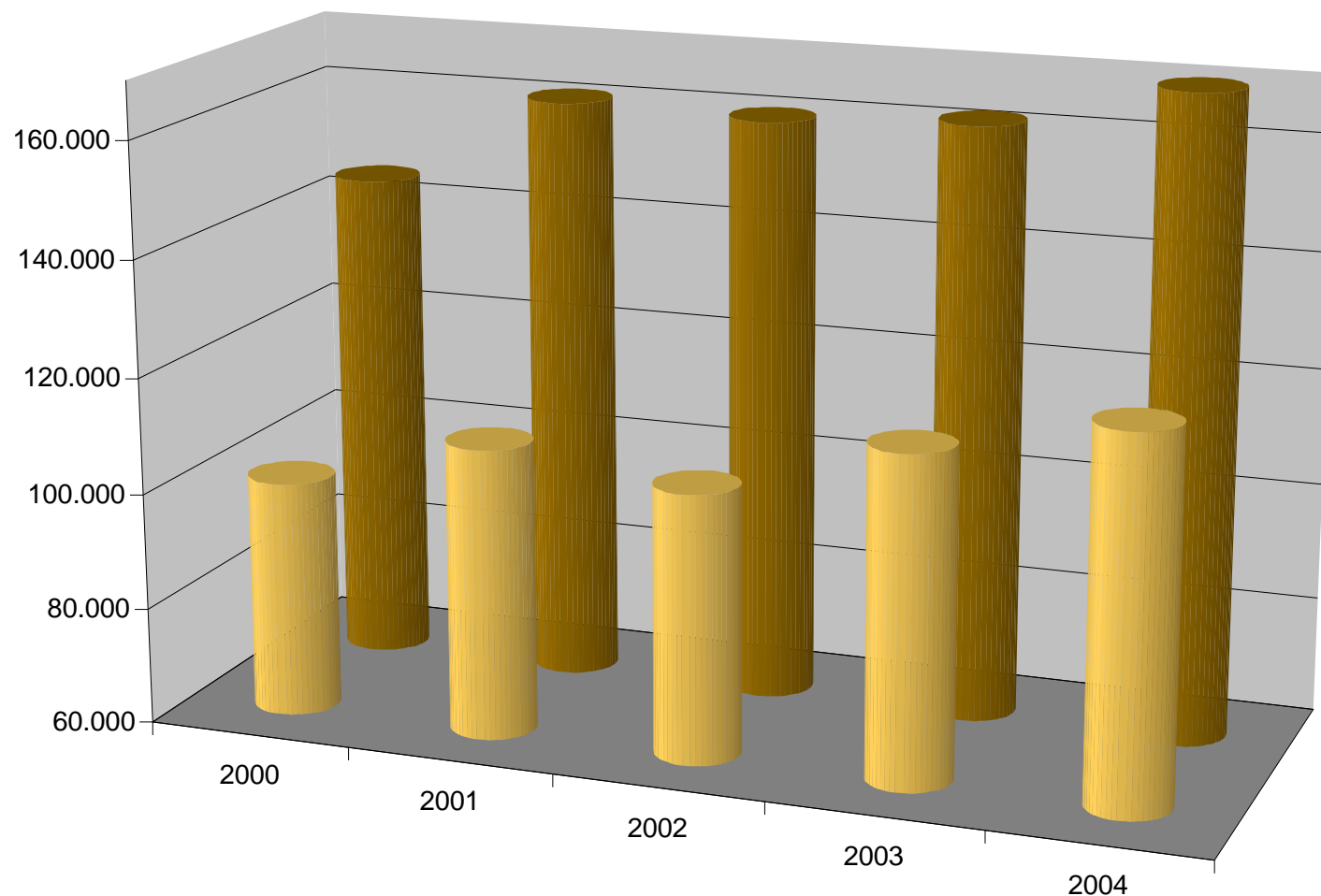
Advantages

Grant procedure

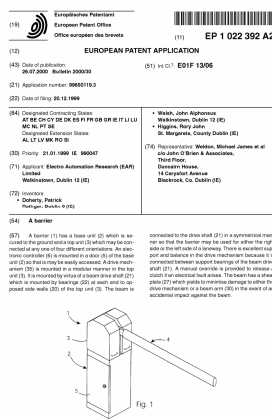
Fee structure

Cost

Key figures



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





The European patent

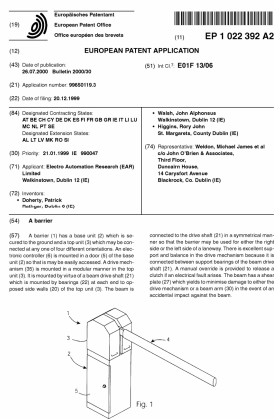
Advantages

Grant procedure

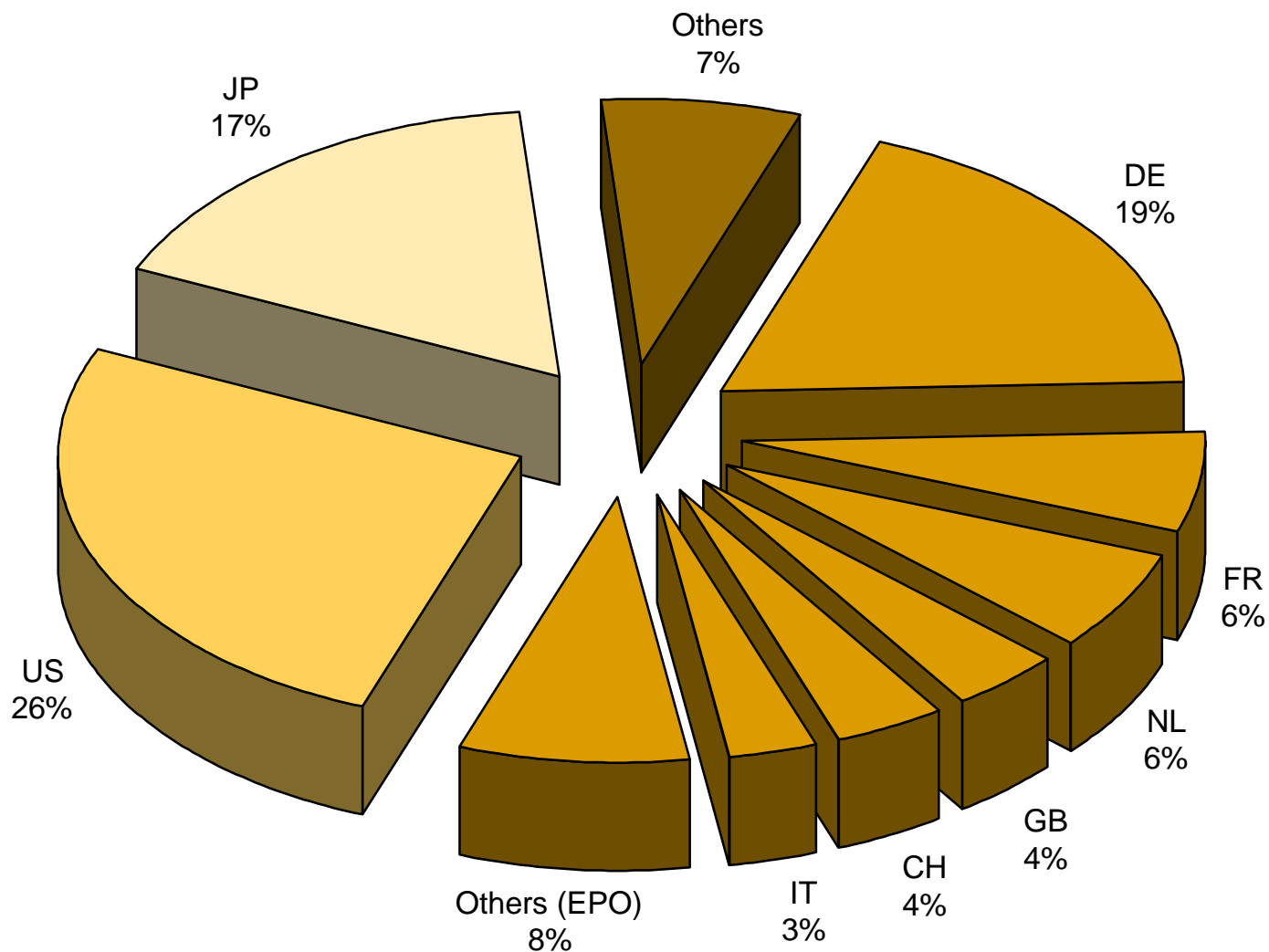
Fee structure

Cost

Key figures



Breakdown of applications by residence of applicants 2004





The European patent

Advantages

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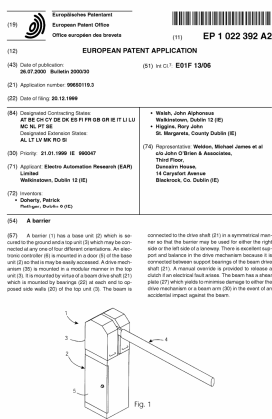
Fee structure

Cost

Key figures

Opposition 2004

Patents opposed	3 110
Decisions in opposition cases	1 979
Patents revoked	30.6 %
Opposition rejected	33.0 %
Patent maintained in amended form	36.5 %





Thank you for your attention

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