

EUROPEAN PATENT OFFICE (EPO)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

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

Rfees: Rules relating to Fees (of the European Patent Office)

OJ EPO: Official Journal of the European Patent Office

Euro-PCT Guide (www.epo.org/applying/international.html)

SUMMARY**Designated
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into:	English, French or German
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19 ¹), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary report on patentability (Chapter II) and claims amended under PCT Article 19, if the applicant wishes these amendments to form the basis for the proceedings, together with any statement under PCT Article 19 ¹), abstract
Is a copy of the international application required?	No
National fee:	Currency: Euro (EUR) Filing fee: ^{2, 3} – where the form for entry into the European phase (EPO Form 1200) is filed online: EUR 120 – where the form for entry into the European phase (EPO Form 1200) is not filed online: EUR 210 Additional fee for pages in excess of 35 for the 36 th and each subsequent page: EUR 15 Designation fee for one or more EPO Contracting States designated: ⁴ EUR 585 Extension fee for each extension State (extension of the European patent to Bosnia and Herzegovina or Montenegro): ⁴ EUR 102

[Continued on next page]

¹ Where the applicant furnishes only one translation of the international application, or any part of it, either as originally filed or as amended, the Office will invite the applicant to furnish the missing translation within a reasonable time limit. If the translation of the amended part or of the international application as initially filed is missing and is not furnished, the international application will be considered withdrawn.

² Must be paid within 31 months from the priority date. For claims fees see also paragraph EP.08 of National Chapter EP.

³ See information for users on the availability of DOCX filing and changes to the filing fee, fee for grant and transmittal fee, OJ EPO 2018, A28

⁴ The designation, extension and validation fees are payable within 31 months from the priority date.

SUMMARY**Designated
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP***[Continued]*

National fee (<i>cont'd</i>):	Fee for validation of the European patent in: <ul style="list-style-type: none"> – Cambodia:^{5,6} EUR 180 – Morocco:^{5,7} EUR 240 – Republic of Moldova:^{5,8} EUR 200 – Tunisia:^{5,9} EUR 180 Claims fee: ¹⁰ <ul style="list-style-type: none"> – for the 16th and each subsequent claim up to the limit of 50: EUR 235 – for the 51st and each subsequent claim: EUR 585 Search fee: ¹⁰ <ul style="list-style-type: none"> – for (international) applications filed before 1 July 2005: EUR 885 – for (international) applications filed on or after 1 July 2005: EUR 1,300 Fee for further processing: <ul style="list-style-type: none"> – in the event of late payment of a fee: 50% of the relevant fee – other cases: EUR 255 Fee for late furnishing of a sequence listing: EUR 230 Examination fee: ¹¹ <ul style="list-style-type: none"> – for (international) applications filed before 1 July 2005: EUR 1,825 – for (international) applications filed on or after 1 July 2005 for which no supplementary European search report is drawn up: EUR 1,825 – for all other (international) applications filed on or after 1 July 2005: EUR 1,635 Renewal fee for the third year: ¹² EUR 470
Exemptions, reductions or refunds of fees: ¹³	No search fee is payable <ul style="list-style-type: none"> – where the international search report has been established by the EPO; – where the international application has been filed before 1 July 2005 and the international search report has been established by the Austrian Patent Office, the Spanish Patent and Trademark Office or the Swedish Patent and Registration Office; – where the international application has been filed between 1 April 2005 and 30 June 2005 and the international search report has been established by the Finnish Patent and Registration Office (PRH).

*[Continued on next page]*⁵ See footnote 4.⁶ Validation of the European patent in Cambodia is only available for international applications filed on or after 1 March 2018. See OJ EPO 2/2018, A16.⁷ Validation of the European patent in Morocco is only available for international applications filed on or after 1 March 2015. See OJ EPO 2/2015, A18-A20.⁸ Validation of the European patent in the Republic of Moldova is only available for international applications filed on or after 1 November 2015. See OJ EPO 10/2015, A85.⁹ Validation of the European patent in Tunisia is only available for international applications filed on or after 1 December 2017. See OJ EPO 10/2017, A85.¹⁰ See footnote 2.¹¹ A request for examination must be made and the examination fee must be paid within the time limit applicable under PCT Article 22 or 39(1) and EPC Rule 159(1).¹² This fee is due before the expiration of the month containing the second anniversary (24 months) of the international filing date; it is due within 31 months from the priority date if that 31-month time limit expires later.¹³ See OJ EPO 3/2006, pages 189 and 192, 12/2007, page 692, 1/2008, page 12 and 2/2009, page 96 *et seq.*, 5/2010, page 338 *et seq.*, 12/2011, page 616 *et seq.* and OJ EPO 2017, A94.

SUMMARY**Designated
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP***[Continued]*

Exemptions, reductions or refunds of fees (*cont'd*):¹⁴

The search fee is reduced

- by EUR 1,110¹⁵ for international applications for which the international search report or a supplementary international search report has been established by the Austrian Patent Office, or in accordance with the Protocol on Centralisation by the Finnish Patent and Registration Office (PRH), the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

The search fee is refunded fully or in part where the supplementary European search report is based on an earlier search report prepared by the Office.

The examination fee is reduced by 75% where the international preliminary report on patentability (Chapter II) has been established by the EPO.¹⁶

Furthermore, in certain cases the examination fee is reduced by 30% for language reasons.¹⁶

Special requirements of the Office (PCT Rule 51*bis*):¹⁷

Name and address of the inventor if they have not been furnished in the “Request” part of the international application or in a declaration in accordance with PCT Rule 4.17(i)

Address, nationality and residence of the applicant if they have not been furnished in the “Request” part of the international application

Appointment of an agent if the applicant has neither a residence nor his principal place of business within the territory of one of the Contracting States of the European Patent Convention

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be consulted on the EPO website)¹⁸

Any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter*.2)?

Yes, the Office applies the “due care” criterion to such requests

¹⁴ See footnote 13 and OJ EPO 3/2013, page 153 *et seq.*

¹⁵ See the Decisions of the EPO's Administrative Council dated 16 December 2015 (CA/D 8/15) and 28 June 2017 (CA/D 9/17).

¹⁶ See also paragraph EP.14 of National Chapter EP, OJ EPO 2/2014, A23 and OJ EPO 2018, A4.

¹⁷ If not already complied with within the time limit applicable under PCT Article 22 or 39(1) (31 months from the priority date), the Office will invite the applicant to comply with the requirement within two months. In respect of nucleotide and/or amino acid sequence listings, see also OJ EPO 6/2011, page 372 and OJ EPO 11/2013, page 542.

¹⁸ See www.epo.org/applying/online-services/representatives.html

THE PROCEDURE IN THE NATIONAL PHASE

Detailed information on the procedure before the EPO as designated Office and as elected Office can also be found in the “Euro-PCT Guide” (“PCT procedure before the EPO”), to be ordered from the EPO Customer Service Centre and available on the EPO website www.epo.org/applying/international.html

Euro-PCT Guide, 420 **EP.01 FORM FOR ENTERING THE NATIONAL PHASE.** The EPO has available a special form for entering the national phase (EPO Form 1200—see Annex EP.III).
et seq.

The EPO strongly recommends that applicants use the latest version of this form which contains detailed explanatory notes. The form is also available on the EPO's website: www.epo.org/applying/forms-fees/forms.html. The form may be filed electronically (see OJ EPO 2015, A91). It is also possible to file EPO Form 1200 online via the EPO case management system and the EPO web-form filing service (see OJ EPO 2014, A98 and OJ EPO 2015, A27).

EPC Art. 14
153(4)
Euro-PCT Guide, 418
419

EP.02 LANGUAGE OF PROCEEDINGS. The language of proceedings is one of the EPO official languages (English, French or German). If the international application has been published in one of those languages, this language is the language of proceedings; if not, the language of the translation which must be submitted upon entry into the European phase will be the language of the proceedings. The language of proceedings cannot be changed subsequently.

EPC Rule 3(1), 3(2)
Euro-PCT Guide, 512

In written proceedings, the applicant may use any official language of the EPO. However, amendments (see paragraph EP.18) to the application itself must be filed in the language of the proceedings.

PCT Art. 19(1)
PCT Rules 49.3
70.16
74(1)
Euro-PCT Guide, 517-
521

EP.03 TRANSLATION OF THE APPLICATION. In addition to those elements of the translation which must be furnished within the time limit of 31 months from the priority date (the description, the claims and any text in the drawings as originally filed and the abstract as published), the following elements should also be included:

if the EPO acts as **designated** Office:

- any amendments made to the claims under PCT Article 19 in the form of a translation of the complete set of claims furnished in replacement of all claims originally filed only if the applicant wishes such amendments to form the basis of further proceedings. The amendments must be submitted together with, if submitted to the International Bureau, the statement under PCT Article 19(1) explaining the amendments and, in every case, the accompanying letter under PCT Rule 46.5(b) in an official language of the EPO. If a translation of the complete set of claims submitted under PCT Article 19 is not furnished or not accompanied by a translation of, if submitted to the International Bureau, the statement under PCT Article 19(1) and, in every case, the accompanying letter under PCT Rule 46.5(b), the amendments under PCT Article 19 will be disregarded for the further proceedings. If only the statement under PCT Article 19(1) is not available in an official language, only that document will be disregarded;

- any indication under PCT Rule 13bis.3 and 13bis.4, i.e., separately furnished reference to deposited biological material;

- any nucleotide and amino acid sequence listing under PCT Rule 5.2(a), unless the text in the sequence listing is available to the EPO in English;

- any request for rectification referred to in PCT Rule 91.3(d) as published in accordance with PCT Rule 48.2(a)(vii).

if the EPO acts as **elected** Office:

- translation of any annexes to the international preliminary report on patentability (Chapter II), i.e. regardless of whether protection is sought for the same version of the application documents as was the subject of that report. If any amendments under PCT Article 19 are annexed to the IPRP (Chapter II), a translation of those amendments must also always be filed.

If the applicant wishes the amendments to the claims made before the IB under PCT Article 19 to form the basis of the procedure before the EPO as elected Office, and these amendments are not annexed to the IPRP (Chapter II) (for instance because they were considered reversed by an amendment under PCT Article 34), then these amendments must also be furnished in translated form, as otherwise they will be disregarded for the further proceedings. Any statement under PCT Article 19(1) and, in every case, the letter under Rule PCT 46.5(b) must also be furnished in an official language of the EPO. If only the statement under PCT Article 19(1) is not available in an official language, only that document will be disregarded.

If the translation of all annexes is not filed in due time, the applicant is invited to furnish the missing translation within two months of notification of a communication. If the applicant fails to comply, the Euro-PCT application is deemed to be withdrawn. The applicant may request further processing (or re-establishment of rights under PCT Rule 49.6 if the application is deemed withdrawn because the translation was not filed in due time. However, the fee is higher and stricter requirements apply. Therefore, this remedy has only advantages if the period for requesting further processing has already expired).

EP.04 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

RFees Art. 5

EP.05 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex EP.I. Payments via a deposit account held with the EPO are only accepted if made online, i.e. in an electronically processable format (XML), using, e.g. the electronic EPO filing forms or the Online Fee Payment in Online services. This also applies to automatic debit orders. For more details, see Extract from the Arrangements for deposit accounts (ADA) and their annexes in Annex EP.I and the Supplementary publication 5 to OJ EPO 2017.

PCT Art. 22(1), 39(1)
EPC Art. 78(2)
EPC Rule 159(1)(c)
165
RFees Art. 2(1).1
OJ EPO 2009, 118
Euro-PCT Guide, 534-
536
661

EP.05a FILING FEE. Within the 31-month time limit the European filing fee must be paid. This fee is composed of a basic fee and an additional fee which is due for the 36th and each subsequent page of the application. The additional fee is referred to as the “page fee”. The basic fee is reduced where EPO Form 1200 is filed online, via the EPO case management system or the EPO web-form filing service. If the basic filing fee and/or, where applicable, the page fee, is not paid in full in due time, the application will be deemed withdrawn. In addition, the Euro-PCT application will not be considered as comprised in the state of the art under EPC Article 54(3).

EPC Rule 38(2)
RFees Art. 2(1).1a
OJ EPO 2009, 338
Euro-PCT Guide, 537-
544

EP.05b PAGE FEE. As a general rule, the page fee is based on the international application as published, regardless of the language of publication. The pages of the description, claims and drawings are counted, plus one page in total for any pages with the bibliographic data and the abstract. Amended claims under PCT Article 19 and/or PCT Article 34 are also considered part of the international publication and must be taken into account unless the applicant has indicated that the procedure in the European phase is not to be based on them. If (parts of) the description and/or claims are amended on entry into the European phase, the amended pages of the description and the amended set of claims replace the equivalent pages of the international application as published and, consequently, form then the basis for calculating the page fee.

However, the calculation of the page fee cannot be based on pages of the description or of the claims drafted partly in an official language of the EPO and partly in another language. Thus, special rules for calculating the page fee apply if the international application was not published in one of the official languages of the EPO **and** amendments are filed upon entry into the European phase. Detailed information regarding the correct calculation of the page fee in such case is provided in OJ EPO 2009, 338 and in the Guidelines for Examination in the EPO, A-III, 13.2. Completion of section 6 of EPO Form 1200 and the related table serves applicants to clearly indicate to the EPO the documents on which the further proceedings are to be based and to correctly compute the page fee.

Pages with amendments filed after expiry of the 31-month time limit are not taken into account in calculating the page fee. Furthermore, page fees will not be refunded if the number of pages is reduced during the proceedings before the EPO.

- EPC Art. 79(2)
EPC Rules 39(1)
159(1)(d)
160
RFees Art. 2 No. 3
Euro-PCT Guide, 549
et seq.
- EP.06 EUROPEAN DESIGNATION FEE.** A (flat) designation fee must be paid within six months from the publication by the International Bureau of the international search report or before the expiration of the time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159 (31 months from the filing date or, if priority has been claimed, the earliest priority date), whichever time limit expires later. If the designation fee is not paid in due time, the Euro-PCT application will be deemed withdrawn.
- Euro-PCT Guide, 556
et seq.
- OJ EPO 2009, 603
OJ EPO 2015, A18-20
A84
A85
OJ EPO 2016, A5
A67
OJ EPO 2017, A85
OJ EPO 2018, A16
- EP.07 EXTENSION/VALIDATION.** International applications entering into the national phase at the EPO (European phase) can be extended to or validated in certain States which have concluded an Extension or Validation Agreement to that effect with the European Patent Organisation (they are indicated in the Summary), provided the Extension/Validation Agreement with the EPO was in force at the international filing date, the State concerned was designated for a national patent in the international application and the respective extension/validation fees have been paid, the amount of which is indicated in Annex EP.I. For payment of the extension/validation fee, the provisions for payment of the European designation fees apply *mutatis mutandis*. The request for extension/validation for a state is deemed withdrawn if the extension/validation fee is not paid to the EPO within the time limit laid down in the EPC for the payment of the designation fee (EPC Rule 159(1)(d)). If the designation fee was paid but none of the extension/validation fees, no communication pointing out the failure to observe the time limit for payment of the extension/validation fees is issued. However, the applicant may still pay an extension/validation fee after expiry of the (basic) time limit for payment of the designation fee and the extension/validation fees with a 50% surcharge within a grace period of two months as from expiry of the basic time limit. Furthermore, where in the absence of payment of the designation fee in due time further processing can be requested in respect of the designation fee, the applicant may within two months from notification of the communication of the loss of rights also pay the extension/validation fee(s) with a 50% surcharge (see Guidelines for Examination in the EPO, A-III, 12.2). When an extension State accedes to the EPC, the Extension Agreement remains applicable to international applications filed prior to the date of accession.
- EPC Rule 162
Euro-PCT Guide, 602
et seq.
- EP.08 CLAIMS FEES.** If the application documents on which the European grant procedure is to be based contain more than fifteen claims, a claims fee is payable within the 31-month period in respect of the sixteenth and each subsequent claim. A higher claims fee is payable in respect of the 51st and each subsequent claim. The claims fees must be calculated on the basis of the number of claims specified to form the basis for the further proceedings on entry into the national phase (that is, where amendments have been filed, the claims as amended under PCT Article 19 or 34(2) or the claims as submitted by the applicant under PCT Article 28 or 41 upon entering the national phase), unless the applicant uses the opportunity to amend the claims in response to the communication pursuant to EPC Rules 161 and 162 referred to in paragraph EP.18, the claims thus amended being then used as the basis for calculation of the claims fee and for the further proceedings. Where the applicant fails to pay the correct amount of the claims fees within the 31-month time limit, the EPO will invite him to pay the missing amount within the non-extendable six-month time limit set in the communication under EPC Rules 161 and 162. Where the number of claims changes as a consequence of a later (further) amendment filed in response to the communication pursuant to Rules 161 and 162, that number is to be used as the basis for calculating the amount of the claims fees to be paid. Where a claim fee is not paid in due time, a noting of loss of rights (EPC Rule 112(1)) is issued, giving the applicant the opportunity to request further processing (EPC Article 121) by paying the missing claims fee(s) together with the applicable fee for further processing within a period of two months from notification of the communication. If not paid within that period, the claim(s) concerned shall be deemed to be abandoned. Features of a claim deemed to have been abandoned and which are not otherwise to be found in the description or drawings cannot subsequently be reintroduced into the application and, in particular, the claims.
- EPC Rule 163(1), (6)
Euro-PCT Guide, 608-610
- EP.09 DESIGNATION OF THE INVENTOR.** For details, see the form for such designation in Annex EP.IV. Legalization is not required. For time limits, see the Summary.

- EPC Art. 133
134
EPC Rules 152
163(5), (6)
OJ EPO 2007, Special
Edition No. 3,
page 128 *et seq.*
Euro-PCT Guide, 459
et seq.
- EP.10 APPOINTMENT OF AN AGENT AND POWER OF ATTORNEY.** Natural and legal persons having either their residence or their principal place of business within the territory of one of the EPC contracting states may act on their own behalf in proceedings before the EPO (EPC Article 133(1)). Natural and legal persons not having either a residence or their principal place of business within the territory of one of the EPC contracting states must be represented by a professional representative and act through him in all proceedings established by the EPC (see the Summary, “Who can act as agent?”). In case of failure to appoint the required professional representative, the applicant will be invited by the EPO to do so within two months. If the deficiency is not corrected in due time, the application is refused. Nevertheless, the applicant may act on his own behalf within the 31-month time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159(1). Under no circumstances, however, may the applicant act through his agent appointed during the international phase if the latter is not an agent entitled to practice before the EPO. Payments can be made by anybody. A power of attorney (“Authorisation” or “General Authorisation”, see samples given in Annexes EP.V and EP.VI, respectively), generally, need not be filed by an agent who is a professional representative entered on the list maintained by the EPO. It is, however, necessary that he informs the EPO of his appointment. This applies even if the professional representative was appointed for the international phase, unless he was at the same time also explicitly appointed for the European phase before the EPO acting as Receiving Office. Legal practitioners entitled to practice before the EPO and employees representing an applicant under EPC Article 133(3) who are not professional representatives must always file a signed authorization or a reference to a general authorization already on file (for details, see the Decision of the President of the EPO dated 12 July 2007 on the filing of authorizations, OJ EPO 2007, Special edition No. 3, 128 *et seq.*). Only where the EPO acted as receiving Office and the authorization expressly empowered the legal practitioner or employee to act before the EPO in the national phase, is a new authorization not required. In the cases where a power of attorney is required, the EPO will invite the applicant or agent to file it within a period to be specified. If the authorization is not filed in due time, any procedural steps taken by the agent will be deemed not to have been taken.
- EPC Art. 86(1)
and (2)
EPC Rules 51
159(1)(g)
RFees Art. 2 No. 4, 5
Euro-PCT Guide, 599-
601
[OJ EPO 2018, A2](#)
- EP.11 RENEWAL FEES.** They are payable for the third and each subsequent year following the international filing date. Payment must be made before the expiration of the month containing the anniversary of the international filing date. Payment can then still be made, together with a 50% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. It is to be noted that a renewal fee which is due within the 31-month time limit applicable under PCT Articles 22(3) and 39(1)(b) can be paid without surcharge up to the expiration of the 31-month time limit. The renewal fee can still validly be paid within six months after the expiration of the 31-month time limit, subject to the payment of the 50% surcharge. If the renewal fee is not paid within the six-month period, the application is deemed to be withdrawn. The failure to meet the time limit for paying the renewal fee with surcharge may be remedied by filing a request for re-establishment of rights (EPC Article 122, EPC Rule 136). The amounts of the renewal fees are indicated in Annex EP.I. For the calculation of aggregate time limits, see OJ EPO 1993, 229, point II-3. [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.](#)
- EPC Art. 94
Euro-PCT Guide, 587-
589
- EP.12 REQUEST FOR EXAMINATION.** A European patent will be granted only if the substantive examination of the application shows it to meet the requirements of the EPC. Examination will only start upon explicit request. The request may be made by using the form referred to in paragraph EP.01 (see pre-crossed box 4.1 of EPO Form 1200, Annex EP.III). The request for examination is not deemed to be filed until after the examination fee has been paid.
- EPC Art. 94(2)
EPC Rule 159(1)(f)
Euro-PCT Guide, 590
- EP.13 TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within six months from the publication by the International Bureau of the international search report or before the expiration of the time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159(1) (31 months from the filing date or, if priority has been claimed, from the earliest priority date), whichever time limit expires later.

- EPC Art. 94(1)
RFees Art. 14(2)
OJ EPO 2018, A4
- Euro-PCT Guide, 595
- EP.14 **FEE FOR EXAMINATION.** The request for examination is only effective if the examination fee has been paid. That fee must therefore be paid within the time limits set out in paragraph EP.13. The amount of the said fee is indicated in Annex EP.I.
- (i) It is reduced by 75% where an international preliminary report on patentability (Chapter II) has been established by the EPO. If the report was established on certain parts of the international application, the reduction is allowed only if examination is to be performed on subject matter covered by the report.
- (ii) Furthermore, a 30% reduction in the examination fee is available to SMEs, natural persons, non-profit organizations, universities or public research organizations having their residence or principal place of business in a EPC contracting state with an official language other than English, French or German if they file the request for examination in an official language of that state (“admissible non-EPO language”) and declare themselves to be entitled to do so (EPC Rule 6(6)). Since the request for examination is only effective if the examination fee has been paid, the request for examination in an admissible non-EPO language may still be filed up until the examination fee is paid. If the request for examination in an admissible non-EPO language is filed subsequently, it must be accompanied by a translation of the request for examination in the procedural language. See also Annex EP.III, page 2, box 4.
- (iii) If the conditions for both reductions are fulfilled, the examination fee is first reduced by 75%. The 30% reduction is applied to the resulting total and not to the full fee. Therefore, the total reduction in relation to the full fee is 82.50%.
- The examination fee is refunded in full if the application is withdrawn, refused or deemed to be withdrawn before substantive examination has begun. Fifty percent of the examination fee is refunded if the application is withdrawn, refused or deemed to be withdrawn after the examining division has begun but before expiry of the time limit for replying to the first invitation under Article 94(3) EPC issued by the examining division, or if no such invitation has been issued, before the date of the communication under Rule 71(3) EPC.
- RFees Art. 11
Euro-PCT Guide, 596
OJ EPO 2013, 153
- RFees Art. 11(a), (b)
Euro-PCT Guide, 580-581
OJ EPO 2016, A48, A49
- EP.15 **CONSEQUENCES OF NON-FULFILMENT OF CERTAIN REQUIREMENTS.** EPC Rule 160 provides that if either the translation of the international application or the request for examination is not filed in due time or if the filing fee, including any additional fee for pages exceeding 35, the search fee, the examination fee or the designation fee is not paid in due time, the European patent application is deemed withdrawn. In these circumstances, the applicant will be informed of the deemed withdrawal and EPC Rule 112(2) shall apply. However, the loss of rights shall be deemed not to have occurred if, within two months of the EPO notification, further processing is requested by payment of the respective fee(s) for further processing and the omitted act is completed.
- If the applicant neither filed the request for examination nor paid the examination fee in due time, further processing must be requested in respect of both omissions, i.e. in respect of filing the request for examination and payment of the examination fee. It follows that the applicant must file the request for examination and pay the examination fee itself together with two fees for further processing: a flat fee for further processing in respect of the request for examination and 50% of the examination fee.
- EPC Art. 121
EPC Rules 135
160
Euro-PCT Guide, 521
545-548
553-555
585-586
597-598
- EP.16a **SUPPLEMENTARY EUROPEAN SEARCH.** As a rule, a supplementary European search must be performed for each international application entering the European phase and a search fee must be paid.
- The supplementary European search will be based on the last set of (amended) claims available to the EPO on the date of expiry of the time limit set under EPC Rule 161(2). Thus, any amendment to the claims which has been filed up to that date will be taken into account (see paragraph EP.18).
- EPC Art. 153(7)
EPC Rules 70
70a
161
Euro-PCT Guide, 569
et seq.
- OJ EPO 2015, A94
- Where the request for examination was filed before transmittal of the supplementary European search report, which is usually the case, the EPO invites the applicant, after transmittal of the supplementary European search report, to indicate whether he wishes to proceed further with the application before the EPO. The applicant may waive the right to receive such communication by informing the EPO thereof in due time.

– If the applicant does not wish to proceed further, he may withdraw the application or he may simply refrain from answering the invitation within the time limit fixed in it and the application is deemed to be withdrawn. If the applicant wishes to proceed further, he must notify the EPO accordingly. He may, at the same time, respond to the supplementary European search report by filing amendments and/or comments on his application. The applicant is required to reply to a search opinion within the time limit set by the EPO in its communication under EPC Rule 70a(2) if the EPO has issued a negative written opinion (see Guidelines for Examination in the EPO, B-XI, 8 and EP.18).

No supplementary European search performed:

Euro-PCT Guide, 574-576 Dispensation applies and no search fee is to be paid if the international search report (or supplementary international search report)¹ was established by the EPO. In this case the applicant will be invited to comment on the written opinion of the ISA or on the IPRP (Chapter II), or on the supplementary international search report and to correct, if appropriate, any deficiencies noted therein and to amend the application within six months² from notification of the invitation (EPC Rule 161(1)); see Guidelines for Examination in the EPO, E-IX, 3.2 for more details.

Euro-PCT Guide, 582-583
OJ EPO 2016, A2, A20
OJ EPO 2017, A57 EP.16b **SEARCH FEE.** If a supplementary European search report is to be established, the search fee must be paid within the 31-month time limit, and may be reduced as follows:

by EUR 1,110 where the international search report was drawn up by the Austrian Patent Office, the Finnish Patent and Registration Office, the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute. This reduction also applies when a supplementary international search was established by the Austrian Patent Office, the Finnish Patent and Registration Office, the Nordic Patent Institute, the Swedish Patent and Registration Office, the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

OJ EPO 2017, A94
Euro-PCT Guide, 584 If the application claims the priority of an earlier application for which a search was carried out by the EPO, (a part of) the fee paid for the supplementary European search may be refunded. The level of any refund depends on the type of the earlier search and the extent to which the EPO benefits from the earlier search report when carrying out the supplementary search.

EPC Rules 30
163(3)
Euro-PCT Guide, 527-533
OJ EPO 11/2013, 542 EP.17 **NUCLEOTIDE AND AMINO ACID SEQUENCES.** If a Standard-compliant sequence listing in TXT format is contained in the international application under PCT Rule 5.2, furnished to the EPO acting as ISA/SISA or IPEA under PCT Rule 13ter.1(a) or made accessible to the EPO by other means, the applicant does not have to submit the Standard-compliant sequence listing again in TXT format on entry into the regional phase before the EPO as designated or elected Office.

Where, however, a Standard-compliant sequence listing in TXT format is not available to the EPO on the expiry of the period under Rule 159(1) EPC, the applicant will be invited to file a Standard-compliant sequence listing in TXT format within a non-extendable period of two months from the invitation and to pay the late furnishing fee. EPC Rule 30(2) and (3) and Article 1 of the Decision of the President of the European Patent Office dated 28 April 2011 on the filing of sequence listings (OJ EPO 6/2011, 372) are to be applied accordingly (see EPC Rule 163(3) in conjunction with Article 5 of the above-mentioned decision of the President).

If any deficiencies are not remedied in due time after such an invitation – this also applies to the payment of the late furnishing fee – the application will be refused (EPC Rule 30(3)). The applicant may request further processing of the application under EPC Article 121 EPC (see also Notice from the European Patent Office dated 18 October 2013 concerning the filing of sequence listings, OJ EPO 11/2013, 542 *et seq.*).

¹ Applicable as from 1 July 2010 (see OJ EPO 12/2009, 594).

² Applicable as from 1 May 2011 (see OJ EPO 12/2010, 634).

Furthermore, the applicant must enclose, together with the late filed sequence listing in TXT format, a declaration to the effect that the sequence listing does not extend beyond the content of the application as originally filed (see EPO Form 1200, Section 9.2). The filing of the sequence listing on paper / in PDF format is not required. However, if the sequence listing is also filed on paper / in PDF format, the applicant has to submit a statement that the sequence listing in electronic form and on paper or in PDF format are identical.

EPC Rule 161(1), (2)
OJ EPO 2010, 634
Euro-PCT Guide, 483-508

EP.18 AMENDMENT OF THE APPLICATION; TIME LIMITS. For the purpose of the procedure before the EPO as designated/elected Office the applicant may always file (voluntary) amendments within the 31-month time limit, and if he subsequently changes his mind he may file (further) amendments until expiry of the time limit set in the combined communication under EPC Rules 161 and 162. The applicant may also be required to file (mandatory) amendments to and/or comments on the application within the time limit set in the communication under EPC Rules 161 and 162. Whether or not a response is mandatory is clearly stated in the communication, its wording thus differing depending on the case (EPO Forms 1226AA, 1226BB or 1226CC).

The communication under EPC Rules 161 and 162 is issued for each application promptly once the application has entered the European phase and on condition that the ISR is available to the EPO. This means that it is also issued if the applicant has already filed, with Form 1200 or thereafter, amendments and/or comments to form the basis for the procedure in the European phase. Pursuant to EPC Rules 161 and 162 the time limit set in the communication is six months. This time limit cannot be extended.

Euro-PCT Guide, 442-489-491
OJ EPO 2015, A94

In order to accelerate the grant procedure the applicant can waive his right to the Rule 161/162 communication by crossing the box in Section 12.2, first checkbox, of EPO Form 1200. The waiver will only be effective if any claims fees due for the set of claims indicated as the basis for the procedure in the European phase have been paid and any mandatory substantive response to the WO-ISA / the IPRP (Chapter II) / the SISR, established by the EPO, was filed on entry into the European phase.

EPC Rule 70a(2)
70a(3)
137(3)
Euro-PCT Guide, 493-503

After expiry of the six-month time limit further possibilities for amending the application are limited. If no supplementary European search is carried out, it is at the discretion of the examining division to allow amendments. If a supplementary European search is carried out, the applicant always has one further opportunity to submit amendments upon receipt of the report. Thus, after issuance of the supplementary European search report the applicant may, first of all, comment on both the report and the search opinion and file (voluntary) amendments to the description, claims and drawings within the period specified in the communication under EPC Rule 70a(2) for indicating whether he wishes to proceed further with the application. Secondly, if any deficiencies are noted in the search opinion, the applicant will be required under EPC Rule 70a(2) to respond to the objections made. The application will be deemed withdrawn if the applicant does not submit a substantive reply to the communication under EPC Rule 70a(2) ("mandatory response"). The loss of rights can be remedied by requesting further processing. Amendments made thereafter require the consent of the examining division.

EPC Art. 123(2)

Amendments may under no circumstances go beyond the disclosure in the international application as filed.

EPC Rule 137(4)

Whenever amendments are filed, the applicant must identify them and indicate their basis in the application as filed. If he fails to do so, the examining division may issue a communication requesting correction of the omission within a non-extendable time limit of one month. If the deficiency is not remedied in due time, the application will be deemed withdrawn under EPC Art. 94(4). The loss of rights can be remedied by requesting further processing.

EPC Art. 97(1)
EPC Rule 71(3)-(6)

EP.19 GRANTING OF THE EUROPEAN PATENT. Prior to the decision to grant the European patent, the applicant will receive a communication containing both the text in which the Examining Division intends to grant the European patent and an invitation to pay the grant and printing fees and supply a translation of the claims in the two other official languages of the EPO. Performance of these acts implies approval of the text.³ If applicable, the communication will also include an invitation to pay additional claims fees.

³ For information concerning amended Rule 71 and new Rule 71a EPC, see the Notice from the European Patent Office dated 13 December 2011, OJ EPO 2/2012, 52.

- EPC Rule 71(3) **EP.20 FEE FOR GRANT, INCLUDING FEE FOR PUBLISHING AND CLAIMS FEE.** The amounts of the fees are indicated in Annex EP.I. They must be paid within four months from the communication pursuant to EPC Rule 71(3) referred to in paragraph EP.19.
- EPC Rule 71(3) **EP.21 TRANSLATION OF CLAIMS.** Within the same period, the claims must be translated into the two official languages of the EPO which are not the language of proceedings (see paragraphs EP.02 and EP.19).
- PCT Art. 23(2)
40(2)
EPC Rule 159(1)
Euro-PCT Guide, 427-440 **EP.22 EARLY PROCESSING OF NATIONAL PHASE.** If the applicant wishes the processing and the examination of his application to start earlier than the expiration of the time limit applicable under PCT Article 22(3) or 39(1)(b), he must file an express request for early processing. The request can be made by ticking the checkbox in section 12.1 of EPO Form 1200. Moreover, the applicant must fulfill the requirements for entry into the European phase as if the 31-month time limit provided for in EPC Rule 159(1) expired on the date he requests early processing (see OJ EPO No. 3/2013, 156 *et seq.*).
- PCT Art. 25
PCT Rule 51
82bis
EPC Rule 159(2)
Euro-PCT Guide, 637-639 **EP.23 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. At the request of the applicant, the EPO may review whether a refusal by the receiving Office to accord a filing date, or a declaration on the part of the receiving Office that a Euro-PCT application or the designation of a state is considered withdrawn, or a finding by the International Bureau under PCT Article 12(3) is the result of an error or omission on the part of the authority concerned, in which case the Euro-PCT application can proceed as a European application.
- To obtain such a review by the EPO as designated/elected Office, applicants must, within the two-month time limit under PCT Rule 51.1, request the International Bureau under PCT Art. 25(1) to send copies of documents in the files promptly to the EPO as designated Office. Furthermore, the filing fee under EPC Rule 159(1)(c) must be paid and, where required, a translation of the Euro-PCT application furnished within the same two-month time limit (PCT Rule 51.3).
- Applicants are recommended to undertake the remaining steps for entry into the European phase under EPC Rule 159(1) at the same time.
- EPC Art. 106
108 If, upon review under PCT Article 25, the EPO denies an error or omission on the part of the receiving Office or the International Bureau, a notice of appeal against this decision may be lodged within two months from the date of receipt of the decision. Within the same two-month time limit, a fee for appeal must be paid (for the amount, see Annex EP.I). Within four months from the date of receipt of the decision, grounds substantiating the notice of appeal must be filed. The Board of Appeal will then decide on the appeal.
- PCT Art. 24(2)
48(2)
PCT Rule 82bis
Euro-PCT Guide, 640 **EP.24 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.028 of the National Phase and to paragraph EP.15.
- EPC Art. 121
EPC Rule 135 **EP.25 FURTHER PROCESSING.** Further processing of the application may be requested where the applicant has missed a time limit during the international or the national phase in respect of which further processing is not ruled out under Rule 135(2). If the request is granted, this has the effect that the legal consequence of the failure to observe the time limit is deemed not to have ensued. It must be made by completing the omitted act(s), as applicable, and payment of the fee(s) for further processing, the amount of which is indicated in Annex EP.I, within two months of the notification of the noting of loss of rights (EPC Rule 112(1)). The fee for further processing varies depending on whether the loss of rights occurred due to an omitted act (flat rate fee) or the late payment of a fee (50% of that fee). In some cases, both fees for further processing have to be paid, e.g. if further processing is requested for the late filing of the request for examination and the late payment of the examination fee (see paragraph EP.15).
- PCT Rule 82bis
EPC Art. 122
EPC Rule 136 **EP.26 RE-ESTABLISHMENT OF RIGHTS.** Re-establishment of rights may be requested where the applicant lost any right because, in spite of all due care required by the circumstances having been taken, he was unable to observe a time limit during the international or the national phase. An application for re-establishment must be filed in writing within two months from the removal of the cause of non-compliance with the time limit(s) but not later than one year from the expiration of the time limit(s) which have not been observed. Within the said two months, the omitted act(s) must be completed, the respective fee(s) for re-

establishment of rights (see Annex EP.I) must be paid and the request must state the grounds on which it is based and must set out the facts on which it relies. However, reestablishment of rights is ruled out in respect of any period for which further processing under EPC Article 121 is available. See Guidelines for Examination in the EPO, E-VIII, 3 for more details.

EPC Rule 53(2)
OJ EPO 8-9/2012, 492
Euro-PCT Guide, 613-623

EP.27 PRIORITY DOCUMENTS. Where the priority of an earlier application is claimed for a Euro-PCT application, the priority document is sent by the International Bureau to the EPO, if the International Bureau received the priority document from the receiving Office or directly from the applicant or was able to retrieve it from a digital library. Where for any reason the priority document has not been submitted by the time of entry into the national phase, the applicant will be invited to furnish the missing document(s) within two months from the date of a notification under EPC Rule 163(2). This time limit cannot be extended. If the priority document or the application number is not submitted within that time limit, the priority right is lost. The loss of rights may be remedied by requesting further processing.

OJ EPO 2007 Special Edition No. 3, A.3
OJ EPO 2014, A98
OJ EPO 2015, A27, A91

A priority document may be filed in electronic form with the EPO only if it is digitally signed by the issuing authority and the signature is accepted by the EPO. A priority document cannot be filed by fax.

No obligation to furnish the priority document:

The EPO as designated/elected Office will include a copy of the priority document free of charge in the file of a Euro-PCT application even without having received a copy from the International Bureau on condition that the applicant has informed the EPO of the application number and only if the priority application is:

- a European patent application;
- an international application filed with the EPO as receiving Office;
- a Chinese patent or utility model application;
- a Japanese patent or utility model application;
- a Korean patent or utility model application;
- a United States provisional or non-provisional application.⁴

EPC Rule 53(3)
OJ EPO 2013, 150
Euro-PCT Guide, 624-629

Where the language of priority documents is not one of the official languages of the EPO (English, French or German) and the validity of the priority claim is relevant to the determination of the patentability of the invention concerned, the applicant is invited to file, within the time limit specified by the EPO, a translation in one of these three languages or a declaration that the international application is a complete translation of the priority application. Failure to comply with this invitation will result in the loss of the right of the relevant priority. For further information see Guidelines for Examination in the EPO, A-III, 6.8.

PCT Rule 49ter.1 and .2
EPC Art. 122
OJ EPO 2007, 692
Euro-PCT Guide, 630-636

EP.28 RESTORATION OF PRIORITY. If the international application was filed more than 12 months from the filing date of the earlier application whose priority is claimed, the applicant may file a request for restoration of priority with the EPO as designated/elected Office.

A request for restoration of the right of priority under PCT Rule 49ter.2 may be granted provided the following requirements are met:

- the filing date is within two months from the date on which the priority period expired (PCT Rule 26bis.2(c)(iii));
- the failure to claim the right of priority within the priority period occurred in spite of due care required by the circumstances having been taken; thus, the requirement of due care is applied by the EPO in accordance with its standing practice under EPC Article 122;
- a request for restoration of priority is filed within one month from the date on which the 31-month time limit for entry into the European phase expired (PCT Rule 49ter.2(b)(i));

⁴ See the Notice from the European Patent Office dated 27 June 2007 concerning practical aspects of the electronic exchange of priority documents between the EPO and the USPTO in OJ EPO 8-9/2007, 473 *et seq.*

– the fee for restoration of priority levied by the EPO is duly paid within the same time limit (PCT Rule 49*ter*.2(b)(iii));

– the request for restoration of priority is accompanied by a statement of reasons for the failure and is preferably accompanied by any declaration or other evidence in support of the statement of reasons (PCT Rule 49*ter*.2(b)(ii)).

EPC Art. 82
EPC Rule 164
OJ EPO 2014, A70
Euro-PCT Guide, 644-
649

EP.29 LACK OF UNITY. If upon expiry of the time limit set in the communication under EPC Rules 161 and 162 for filing amendments, the documents that serve as the basis for the supplementary European search or for examination contain claims relating to an invention that was not searched by the EPO, and the application documents do not meet the requirement of unity of invention, the procedure under EPC Rule 164 applies (see OJ EPO 2014, A70).

Euro-PCT Guide, 650-
655

The EPO did not act as (S)ISA:

– In this case the EPO draws up a partial supplementary European search report on those parts of the application which relate to the invention first mentioned in the claims and informs 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 two months.

The EPO acted as (S)ISA:

– Where the supplementary European search report is dispensed with (see EP.16a) and the examining division considers that in the application documents which are to serve as the basis for examination an invention is claimed which was not searched by the EPO as (S)ISA, the examining division shall 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.

FEES**(Currency: Euro)¹**

Filing fee: ²	
– where the form for entry into the European phase (EPO Form 1200) is filed online	120
– where the form for entry into the European phase (EPO Form 1200) is not filed online	210
Additional fee for pages in excess of 35: for the 36 th and each subsequent page	15
Additional fee in the case of a divisional application filed in respect of any earlier application which is itself a divisional application	
– fee for a divisional application of second generation	210
– fee for a divisional application of third generation	425
– fee for a divisional application of fourth generation	635
– fee for a divisional application of fifth or any subsequent generation	850
Designation fee for one or more EPO Contracting States designated.	585
Extension fee for each extension State (extension of the European patent to certain States which are not EPO Contracting States—see Summary)	102
Fee for validation of the European patent in:	
– Cambodia: ³	180
– Morocco: ⁴	240
– Republic of Moldova: ⁵	200
– Tunisia: ⁶	180
Claims fee:	
– for the 16 th and each subsequent claim up to the limit of 50	235
– for the 51 th and each subsequent claim	585
Search fee in respect of a European or supplementary European search:	
– for international applications filed before 1 July 2005	885
– for international applications filed on or after 1 July 2005	1,300
Fee for further processing:	
– in the event of late payment of a fee	50% of the relevant fee
– in the event of late performance of the acts under Rule 71(3) EPC	255
– other cases	255
Fee for late furnishing of a sequence listing	230
Examination fee:	
– for international applications filed before 1 July 2005	1,825
– for international applications filed on or after 1 July 2005 for which no supplementary European search report is drawn up	1,825
– for all other international applications filed on or after 1 July 2005	1,635
Renewal fees for European patent applications: ⁷	
– for the 3 rd year counted from the international filing date	470
– for the 4 th year counted from the international filing date	585
– for the 5 th year counted from the international filing date	820

¹ This list is based on the Schedule of fees and expenses of the European Patent Office. For the currently valid version of this Schedule reference is made to the Guidance for the payment of fees and expenses, in the latest issue of the OJ EPO on to the EPO's website.

² See information for users on the availability of DOCX filing and changes to the filing fee, fee for grant and transmittal fee, OJ EPO 2018, A28

³ Validation of the European patent in Cambodia is only available for international applications filed on or after 1 March 2018.

⁴ Validation of the European patent in Morocco is only available for international applications filed on or after 1 March 2015.

⁵ Validation of the European patent in the Republic of Moldova is only available for international applications filed on or after 1 November 2015.

⁶ Validation of the European patent in Tunisia is only available for international applications filed on or after 1 December 2017.

⁷ The obligation to pay renewal fees to the EPO ceases with the payment of the renewal fee due in respect of the year during which the grant of the European patent has been published in the *European Patent Bulletin*.

– for the 6 th year counted from the international filing date	1,050
– for the 7 th year counted from the international filing date	1,165
– for the 8 th year counted from the international filing date	1,280
– for the 9 th year counted from the international filing date	1,395
– for the 10 th and each subsequent year counted from the international filing date	1,575
Additional fee for late payment of a renewal fee	50% of the relevant fee
Fee for grant, ^{8,9} including fee for printing the European patent specification:	
– where the application documents to be printed comprise Not more than 35 pages	925
– where the application documents to be printed comprise More than 35 pages	925
– plus for the 36 th and each subsequent page	15
Fee for grant, ^{9,10} including fee for publication of the European patent specification	925
Fee for reestablishment of rights/fee for requesting restoration/fee for reinstatement of rights	640
Fee for appeal ¹¹ for an appeal filed:	
– by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5	1,880
– by any other entity	2,255

Extract from the Rules Relating to Fees

Article 5

Payment of fees

- (1) The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.
- (2) 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

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
 - (a) 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 and
 - (b) paid a surcharge of 10% on the relevant fee or fees, but not exceeding EUR 150; no surcharge is payable if a condition according to sub-paragraph (a) has been fulfilled not later than ten days before the expiry of the period for 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(a) was fulfilled and, where required, pay the surcharge referred to in

⁸ Applicable to international applications entering the regional phase before 1 April 2009.

⁹ See footnote 2.

¹⁰ Applicable to international applications entering the regional phase on or after 1 April 2009.

¹¹ See OJ EPO 2018, A4 and A5.

paragraph 3(b), within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, or if the required surcharge is not paid in due time, the period for payment shall be considered not to have been observed.

Article 8

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) 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) 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 11

Refund of examination fee

The examination fee shall be refunded:

- (a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before 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 14

Reduction of fees

- (1) The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.
- (2) 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.

Extract from the Arrangements for deposit accounts which may be used for the settlement of fees or the cost of publications and other services payable to the EPO¹²

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, expenses and prices 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. He must provide all the necessary particulars about his person, occupation and address. This is done by completing and submitting the online request form on the EPO website under “Applying for a patent -> Forms and fees -> Making payments”.

¹² Arrangements for deposit accounts (ADA) and their annexes (valid as from 1 December 2017): See Supplementary publication 5, OJ EPO 2017.

If his contact details change, the account holder must inform the EPO accordingly, also using the online request form.

2.2 A deposit account may be closed at the signed written request of the deposit account holder or his successors in title, filed by email attachment sent to support@epo.org, or by completing and submitting the online form available on the EPO website under “Applying for a patent -> Forms and fees -> Making payments” together with the signed written request. From the request it must be evident 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.

2.5 A deposit account can be re-opened at the request of the original account holder, made by crossing the appropriate box in the online request form referred to in point 2.1.

3. Replenishments, repayments and transfers between deposit accounts

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 his 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 into the EPO's bank account.¹³ 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. They are credited to the deposit account as of the date on which the payment is actually entered in the EPO bank account.

5. Debiting the account

Subject to point 8, deposit accounts may be debited only in respect of fees, expenses and prices payable to the EPO in connection with European and PCT proceedings.

5.1. Types of debit orders and accepted means of filing

5.1.1 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,¹⁴ or authentication with smart card if payment is made via Online Fee Payment in Online services.

The debit order may be:

- a debit order for individual fees for one or more applications, i.e. a single or a batch debit order, or
- an automatic debit order¹⁵ for a specific European or international patent application, authorising the EPO to debit fees automatically as the proceedings progress.

5.1.2 The debit order must be filed in an electronically processable format (XML) via one of the following:

- EPO Online Filing or the EPO Case Management System (CMS), using EPO Forms 1001E, 1200E, 2300E or 1038E;
- the EPO Online Filing software or PCT-SAFE, CMS and ePCT using the PCT fee calculation and payment feature;¹⁶
- Online Fee Payment in Online services.

5.1.3 Debit orders submitted in any other way, e.g. on paper, by fax, via the web-form filing service or using a different format such as a PDF attachment, are invalid and thus will not be carried out. The EPO will inform the party to the proceedings accordingly, as a courtesy service. The legal consequence of filing an invalid debit order is laid down in point 5.4.2.

¹³ The following account with the Commerzbank in Germany is available for payments and transfers from all member states: 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.

¹⁴ For further details, see the decision of the President dated 15 November 2015 concerning the electronic filing of documents (OJ EPO 2015, A91).

¹⁵ See point 7 ADA, the Arrangements for automatic debiting (Annex A.1 in this supplementary publication) and information from the EPO concerning the automatic debiting procedure (Annex A.2, loc. cit.).

¹⁶ The payment of all fees related to PCT proceedings at the EPO may be indicated via the online filing PCT-SFD plug-in.

5.4 Payment date

5.4.2 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 proceedings¹⁷ may make use of any of the legal remedies available under the EPC or the PCT.

5.5 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 5.1.2 is not available at the EPO, 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 communication 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.

7. 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).¹⁸

Extract from the decision of the President of the European Patent Office concerning the payment of fees by credit card¹⁹

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

Credit card as a method of fee payment

Fees due to the EPO may be paid by credit card under the conditions set forth in the present decision.

Article 2

Conditions for use

Payments by credit card must be made in euro via the EPO's credit card fee payment service, using a credit card accepted by the EPO.

Article 3

Date of payment

Payment by credit card is deemed to have been made on the date on which the transaction is approved. This date is indicated in the transaction confirmation made available to the payer.

Article 5

Entry into force

This decision enters into force on 1 December 2017.

¹⁷ 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.

¹⁸ 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.

¹⁹ Decision of the President and Notice from the European Patent Office dated 22 August 2017 concerning the payment of fees by credit card: See OJ EPO 2017, A72 and A73.



Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration

**An das Europäische Patentamt
To the European Patent Office
A l'Office européen des brevets**

Tag des Eingangs / Date of receipt / Date de réception

Eintritt in die europäische Phase (EPA als Bestimmungsamt oder ausgewähltes Amt)

Entry into the European phase (EPO as designated or elected Office)

Entrée dans la phase européenne (l'OEB agissant en qualité d'office désigné ou élu)

Europäische Anmeldenummer oder, falls nicht bekannt, PCT-Aktenzeichen oder PCT-Veröffentlichungsnummer

European application number or, if not known, PCT application or PCT publication number

Numéro de la demande de brevet européen ou, à défaut, numéro de dépôt PCT ou de publication PCT

Zeichen des Anmelders oder Vertreters (max. 15 Positionen)

Applicant's or representative's reference (max. 15 keystrokes)

Référence du demandeur ou du mandataire (15 caractères ou espaces au maximum)

1.

Anmelder

Applicant

Demandeur



Die Angaben über den (die) Anmelder sind in der internationalen Veröffentlichung enthalten oder vom Internationalen Büro nach der internationalen Veröffentlichung vermerkt worden.

Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication.

Les indications concernant le(s) demandeur(s) figurent dans la publication internationale ou ont été enregistrées par le Bureau international après la publication internationale.



Änderungen, die das Internationale Büro noch nicht vermerkt hat, sind auf einem Zusatzblatt angegeben.

Changes which have not yet been recorded by the International Bureau are set out on an additional sheet.

Les changements qui n'ont pas encore été enregistrés par le Bureau international sont indiqués sur une feuille additionnelle.



Fehlende Angaben über den oder die Anmelder sind auf einem Zusatzblatt angegeben.

Indications missing for the applicant(s) are given on an additional sheet.

Les indications manquantes concernant un ou plusieurs demandeurs sont mentionnées sur une feuille additionnelle.

Zustellanschrift
(siehe Merkblatt II, 1)

Address for correspondence
(see Notes II, 1)

Adresse pour la correspondance
(voir notice II, 1)

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

2.	Vertreter	Representative	Mandataire
	Name und Geschäftsanschrift (Nur einen Vertreter oder den Namen des Zusammenschlusses angeben, der in das Europäische Patentregister einzutragen ist und an den zugestellt wird)	Name and address of place of business (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)	Nom et adresse professionnelle (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)
	Telefon / Telephone / Téléphone		Fax / Téléfax

<input type="checkbox"/> Weitere(r) Vertreter auf Zusatzblatt	Additional representative(s) on additional sheet	Autre(s) mandataire(s) sur feuille supplémentaire
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3.	Vollmacht	Authorisation	Pouvoir
	<input type="checkbox"/> Vollmacht ist beigefügt.	Authorisation is attached.	Un pouvoir est joint.
	<input type="checkbox"/> Allgemeine Vollmacht ist registriert unter Nr:	General authorisation is registered under No.:	Un pouvoir général est enregistré sous le n° :

<input type="checkbox"/> Allgemeine Vollmacht ist 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.
<input type="checkbox"/> Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.	The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	Le pouvoir déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT inclut expressément la phase européenne.

4.	Prüfungsantrag	Request for examination	Requête en examen
4.1	<input checked="" type="checkbox"/> Hiermit wird die Prüfung der Anmeldung gemäß Artikel 94 EPÜ beantragt. Die Prüfungsgebühr wird (wurde) entrichtet.	Examination of the application under Article 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.	Il est demandé par la présente que soit examinée la demande de brevet conformément à l'article 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen.
	<u>Prüfungsantrag</u> in einer zugelassenen Nichtamtssprache	<u>Request for examination</u> in an admissible non-EPO language	<u>Requête en examen</u> dans une langue non officielle autorisée

<input type="checkbox"/> 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.
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5.	Abschriften	Copies	Copies
	<input type="checkbox"/> Zusätzliche Abschriften der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke werden beantragt.	Additional copies of the documents cited in the supplementary European search report are requested.	Prière de fournir des copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne.
	Anzahl der zusätzlichen Sätze von Abschriften	Number of additional sets of copies	Nombre de jeux supplémentaires de copies

Zeichen des Anmelders / Applicant's reference / Référence du demandeur	<input style="width: 100%;" type="text"/>
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6.	Für das Verfahren vor dem EPA bestimmte Unterlagen	Documents intended for proceedings before the EPO	Pièces destinées à la procédure devant l'OEB
6.1	<p>Dem Verfahren vor dem EPA als Bestimmungsamt (PCT I) sind folgende Unterlagen zugrunde zu legen:</p> <p><input type="checkbox"/> die vom Internationalen Büro veröffentlichten Anmeldeunterlagen; falls die Veröffentlichung einen geänderten Anspruchssatz gemäss Artikel 19 PCT enthält, ersetzt dieser die ursprünglich eingereichten Ansprüche</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen.</p> <p><input type="checkbox"/> Stellungnahmen zu dem vom EPA als Internationaler Recherchenbehörde erstellten schriftlichen Bescheid und/oder Bemerkungen bzw. Stellungnahmen zu den Erläuterungen in dem vom EPA als mit der ergänzenden internationalen Recherche beauftragten Behörde erstellten ergänzenden internationalen Recherchenbericht (Regel 45 bis.7 e) PCT)</p> <p><i>Soweit erforderlich, sind weitere Angaben auf einem Zusatzblatt einzureichen.</i></p>	<p>Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents:</p> <p>the application documents published by the International Bureau; where the publication includes a set of claims amended under Article 19 PCT, the latter replaces the originally filed claims</p> <p>unless replaced by the amendments enclosed.</p> <p>Comments on the written opinion established by the EPO as the International Searching Authority and/or observations or, where applicable, on the explanations given in the Supplementary International Search Report established by the EPO as the Supplementary International Searching Authority (Rule 45 bis.7(e) PCT)</p> <p><i>Where necessary, further details should be submitted on an additional sheet.</i></p>	<p>La procédure devant l'OEB agissant en qualité d'office désigné (PCT I) doit se fonder sur les pièces suivantes :</p> <p>les pièces de la demande publiées par le Bureau international; lorsque la publication contient des revendications modifiées conformément à l'article 19 PCT, ces dernières remplacent les revendications telles que déposées initialement</p> <p>dans la mesure où elles ne sont pas remplacées par les modifications jointes.</p> <p>Commentaires sur l'opinion écrite établie par l'OEB agissant en qualité d'administration chargée de la recherche internationale et/ou observations, ou, le cas échéant, commentaires sur les explications figurant dans le rapport de recherche internationale supplémentaire établi par l'OEB agissant en qualité d'administration chargée de la recherche internationale supplémentaire (règle 45 bis.7e) PCT)</p> <p><i>Le cas échéant, des informations complémentaires doivent être fournies sur une feuille additionnelle.</i></p>
6.2	<p><input type="checkbox"/> Dem Verfahren vor dem EPA als ausgewähltem Amt (PCT II) sind folgende Unterlagen zugrunde zu legen: die dem internationalen vorläufigen Prüfungsbericht zugrunde gelegten Unterlagen, einschließlich etwaiger Anlagen</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen.</p> <p><input type="checkbox"/> Stellungnahmen zu dem vom EPA als mit der internationalen vorläufigen Prüfung beauftragter Behörde erstellten internationalen vorläufigen Prüfungsbericht und/oder Bemerkungen sind beigefügt.</p> <p><i>Soweit erforderlich, sind weitere Angaben auf einem Zusatzblatt einzureichen.</i></p>	<p>Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:</p> <p>the documents on which the international preliminary examination report is based, including any annexes</p> <p>unless replaced by the amendments enclosed.</p> <p>Comments on the international preliminary examination report established by the EPO as the International Preliminary Examining Authority and/or observations are enclosed.</p> <p><i>Where necessary, further details should be submitted on an additional sheet.</i></p>	<p>La procédure devant l'OEB agissant en qualité d'office élu (PCT II) doit se fonder sur les pièces suivantes :</p> <p>les pièces sur lesquelles se fonde le rapport d'examen préliminaire international, y compris ses annexes éventuelles</p> <p>dans la mesure où elles ne sont pas remplacées par les modifications jointes.</p> <p>Les commentaires sur le rapport d'examen préliminaire international établi par l'OEB agissant en qualité d'administration chargée de l'examen préliminaire international et/ou les observations sont joints.</p> <p><i>Le cas échéant, des informations complémentaires doivent être fournies sur une feuille additionnelle.</i></p>
	<p><input checked="" type="checkbox"/> Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragter Behörde Versuchsberichte zugegangen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.</p> <p>Anmerkung zu den Feldern 6.1 und 6.2: Bei Anmeldungen, die mehr als 35 Seiten umfassen, sollen in der Tabelle auf Seite 8 Angaben betreffend die Berechnung der Zusatzgebühren gemacht werden.</p>	<p>If the EPO as International Preliminary Examining Authority has received test reports, these may be used as the basis of proceedings before the EPO.</p> <p>Note on sections 6.1 and 6.2: For applications comprising more than 35 pages, indications regarding the calculation of the additional fee should be given in the table on page 8.</p>	<p>Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des rapports d'essais, ceux-ci peuvent être utilisés comme base dans la procédure devant l'OEB.</p> <p>Remarque concernant les rubriques 6.1 et 6.2 : pour les demandes comportant plus de 35 pages, des indications relatives au calcul de la taxe additionnelle doivent figurer dans la table de la page 8.</p>
6.3	<p><input type="checkbox"/> Eine Kopie der Recherchenergebnisse der Behörde, bei der die frühere(n) Anmeldung(en), deren Priorität beansprucht wird, eingereicht wurde(n), ist beigefügt (Regel 141 (1) EPÜ).</p> <p>Zeichen des Anmelders / Applicant's reference / Référence du demandeur</p>	<p>For each of the previous applications whose priority is claimed a copy is attached of the search results produced by the authority with which the application was filed (Rule 141(1) EPC).</p>	<p>Il est joint une copie des résultats de toute recherche effectuée par l'administration auprès de laquelle la (les) demande(s) antérieure(s) dont la priorité est revendiquée a (ont) été déposée(s) (règle 141(1) CBE).</p>

7.	Übersetzungen	Translations	Traductions
	<p>Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):</p> <p><i>a) Im Verfahren vor dem EPA als Bestimmungsamt oder ausgewähltem Amt (PCT I + II):</i></p>	<p>Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:</p> <p><i>(a) In proceedings before the EPO as designated or elected Office (PCT I + II):</i></p>	<p>Vous trouverez, ci-joint, les traductions cochées ci-après dans l'une des langues officielles de l'OEB (allemand, anglais, français) :</p> <p><i>a) Dans la procédure devant l'OEB agissant en qualité d'office désigné ou élu (PCT I + II) :</i></p>
7.1	<input type="checkbox"/> Übersetzung der internationalen Anmeldung in der ursprünglich eingereichten Fassung (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung und etwaiger Angaben über biologisches Material nach Regel 13bis.3 und 13bis.4 PCT	<p>Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material</p>	<p>Traduction de la demande internationale telle que déposée initialement (description, revendications, textes figurant éventuellement dans les dessins), de l'abrégé publié et de toutes indications visées aux règles 13bis.3 et 13bis.4 PCT concernant le matériel biologique</p>
7.2	<input type="checkbox"/> Übersetzung der prioritätsbegründenden Anmeldung(en) (nur nach Aufforderung durch das EPA, Regel 53 (3) EPÜ)	<p>Translation of the priority application(s) (to be filed only at the EPO's request, Rule 53(3) EPC)</p>	<p>Traduction de la (des) demande(s) dont la priorité est revendiquée (à produire seulement sur invitation de l'OEB, règle 53(3) CBE)</p>
7.3	<input type="checkbox"/> Es wird hiermit erklärt, dass die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 53 (3) EPÜ). <i>b) Zusätzlich im Verfahren vor dem EPA als Bestimmungsamt (PCT I):</i>	<p>It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 53(3) EPC).</p> <p><i>(b) In addition, in proceedings before the EPO as designated Office (PCT I):</i></p>	<p>Il est déclaré par la présente que la demande internationale telle que déposée initialement est une traduction intégrale de la demande antérieure (règle 53(3) CBE).</p> <p><i>b) De plus, dans la procédure devant l'OEB agissant en qualité d'office désigné (PCT I) :</i></p>
7.4	<input type="checkbox"/> Übersetzung der nach Artikel 19 PCT geänderten Ansprüche nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6). <i>c) Zusätzlich im Verfahren vor dem EPA als ausgewähltem Amt (PCT II):</i>	<p>Translation of amended claims and any statement under Article 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).</p> <p><i>(c) In addition, in proceedings before the EPO as elected Office (PCT II):</i></p>	<p>Traduction des revendications modifiées et de la déclaration faite conformément à l'article 19 PCT, si la procédure devant l'OEB doit être fondée sur les revendications modifiées (voir la rubrique 6).</p> <p><i>c) De plus, dans la procédure devant l'OEB agissant en qualité d'office élu (PCT II) :</i></p>
7.5	<input type="checkbox"/> Übersetzung der Anlagen zum internationalen vorläufigen Prüfungsbericht	<p>Translation of any annexes to the international preliminary examination report</p>	<p>Traduction des annexes du rapport d'examen préliminaire international</p>
8.	Biologisches Material	Biological material	Matière biologique
	<input type="checkbox"/> Die Erfindung verwendet und/oder bezieht sich auf biologisches Material, das nach Regel 31 EPÜ hinterlegt worden ist.	<p>The invention uses and/or relates to biological material deposited under Rule 31 EPC.</p>	<p>L'invention utilise et/ou concerne de la matière biologique déposée conformément à la règle 31 CBE.</p>
	<input type="checkbox"/> Die Angaben nach Regel 31 (1) c) EPÜ (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) vom Hinterleger zugeteilte(n) Bezugszeichen [Nummer, Symbole usw.]) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf Seite(n)/Zeile(n): <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<p>The particulars referred to in Rule 31(1) (c) EPC (if not yet known, the depository institution and the identification reference(s) [number, symbols, etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on page(s)/line(s):</p>	<p>Les indications visées à la règle 31(1)c) CBE (si elles ne sont pas encore connues, l'autorité de dépôt et la (les) référence(s) d'identification [numéro ou symboles etc.] du déposant) figurent dans la publication internationale ou dans la traduction produite conformément à la rubrique 7 à la/aux page(s)/ligne(s) :</p>
	<p>Die Empfangsbescheinigung(en) der Hinterlegungsstelle</p>	<p>The receipt(s) of deposit issued by the depository institution</p>	<p>Le(s) récépissé(s) de dépôt délivré(s) par l'autorité de dépôt</p>
	<input type="checkbox"/> ist (sind) beigefügt.	<p>is (are) enclosed.</p>	<p>est (sont) joint(s).</p>
	<input type="checkbox"/> wird (werden) nachgereicht.	<p>will be filed later.</p>	<p>sera (seront) produit(s) ultérieurement.</p>
	<input type="checkbox"/> Verzicht auf die Verpflichtung des Antragstellers nach Regel 33 (2) EPÜ auf gesondertem Schriftstück	<p>Waiver of the right to an undertaking from the requester pursuant to Rule 33(2) EPC attached</p>	<p>Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 33(2) CBE</p>
	<p>Zeichen des Anmelders / Applicant's reference / Référence du demandeur</p>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

9.	Nucleotid- und Aminosäuresequenzen	Nucleotide and amino acid sequences	Séquences de nucléotides et d'acides aminés			
9.1	<input type="checkbox"/> Die nach den Regeln 5.2 und 13ter PCT sowie den Regeln 30 und 163 (3) EPÜ erforderlichen Unterlagen liegen dem EPA bereits vor.	The items pursuant to Rules 5.2 and 13ter PCT, Rules 30 and 163(3) EPC are already with the EPO.	Les pièces requises conformément aux règles 5.2 et 13ter PCT et aux règles 30 et 163(3) CBE ont déjà été déposées auprès de l'OEB.			
9.2	<input type="checkbox"/> Das Sequenzprotokoll wird anliegend in elektronischer Form gemäß den Regeln 30 und 163 (3) EPÜ nachgereicht. <input type="checkbox"/> Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Form hinaus.	The sequence listing is furnished herewith in electronic form in accordance with Rules 30 and 163(3) EPC. The sequence listing does not include matter which goes beyond the application as filed.	Le listage des séquences sous forme électronique est fourni ci-joint conformément aux règles 30 et 163(3) CBE. Le listage des séquences ne s'étend pas au-delà du contenu de la demande telle qu'elle a été déposée.			
10.	Benennung von Vertragsstaaten Alle <u>Vertragsstaaten</u> , die dem EPÜ bei Einreichung der internationalen Patentanmeldung angehören, gelten als benannt (siehe Artikel 79 (1) EPÜ), soweit sie in der internationalen Anmeldung bestimmt sind.	Designation of contracting states All the <u>contracting states</u> party to the EPC at the time of filing of the international patent application and designated in the international application are deemed to be designated (see Article 79(1) EPC).	Désignation d'Etats contractants Tous les <u>Etats contractants</u> qui sont parties à la CBE lors du dépôt de la demande de brevet internationale et sont désignés dans la demande internationale sont réputés désignés (voir article 79(1) CBE).			
11.	Erstreckung/Validierung Diese Anmeldung gilt als Antrag, die europäische Patentanmeldung und das darauf erteilte europäische Patent auf alle in der internationalen Anmeldung bestimmten Nichtvertragsstaaten des EPÜ zu erstrecken, mit denen am Tag der Einreichung der internationalen Anmeldung Erstreckungs- oder Validierungsabkommen in Kraft waren. Der Antrag gilt jedoch als zurückgenommen, wenn die Erstreckungs- bzw. die Validierungsgebühr nicht fristgerecht entrichtet wird.	Extension/Validation 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 designated in the international application with which extension or validation agreements were in force on the date on which the application was 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.	Extension/Validation 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 qui sont désignés dans la demande internationale et avec lesquels des accords d'extension ou de validation étaient 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.			
11.1	Es ist beabsichtigt, die Erstreckungsgebühr(en) für folgende Staaten zu entrichten: 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.	It is intended to pay the extension fee(s) for the following state(s): 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.	Il est envisagé de payer la(les) taxe(s) d'extension pour les Etats suivants : Veillez 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.			
	<input type="checkbox"/> BA Bosnien und Herzegowina	Bosnia and Herzegovina	Bosnie-Herzégovine			
	<input type="checkbox"/> ME Montenegro	Montenegro	Monténégro			
	<input type="checkbox"/> <table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 60px;"></td></tr></table>					
	<input type="checkbox"/> <table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 60px;"></td></tr></table>					
	<i>(Platz für in der internationalen Anmeldung bestimmte Staaten, mit denen Erstreckungsabkommen am Anmeldetag der internationalen Anmeldung in Kraft waren)</i>	<i>(Space for states which were designated in the international application and with which extension agreements existed on the date of filing of the international application)</i>	<i>(Espace prévu pour des Etats désignés dans la demande internationale avec lesquels des accords d'extension existaient à la date de dépôt de la demande internationale)</i>			

11.2	<p>Es ist beabsichtigt, die Validierungsgebühr(en) für folgende Staaten zu entrichten:</p> <p>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.</p>	<p>It is intended to pay the validation fee(s) for the following state(s):</p> <p>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.</p>	<p>Il est envisagé de payer la(les) taxe(s) de validation pour les Etats suivants :</p> <p>Veillez 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.</p>
	<p><input type="checkbox"/> KH Kambodscha</p>	<p>Cambodia</p>	<p>Cambodge</p>
	<p><input type="checkbox"/> MA Marokko</p>	<p>Morocco</p>	<p>Maroc</p>
	<p><input type="checkbox"/> MD Republik Moldau</p>	<p>Republic of Moldova</p>	<p>République de Moldavie</p>
	<p><input type="checkbox"/> TN Tunesien</p>	<p>Tunisia</p>	<p>Tunisie</p>
	<p><input type="checkbox"/></p>	<p></p>	<p></p>
	<p><i>(Platz für in der internationalen Anmeldung bestimmte Staaten, mit denen Validierungsabkommen nach Drucklegung dieses Formblatts in Kraft treten)</i></p>	<p><i>(Space for states which were designated in the international application and with which validation agreements enter into force after this form has been printed)</i></p>	<p><i>(Espace prévu pour des Etats désignés dans la demande internationale avec lesquels des accords de validation entreront en vigueur après l'impression du présent formulaire)</i></p>

12. Beschleunigung des Verfahrens	Acceleration of procedure	Accélération de la procédure
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12.1 Vorzeitige Bearbeitung	Early processing	Traitement anticipé
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<p><input type="checkbox"/> Hiermit wird die vorzeitige Bearbeitung der Anmeldung gemäß Artikel 23 (2) / 40 (2) PCT beantragt („vorzeitiger Bearbeitung in die europäische Phase“).</p> <p>→ Bitte beachten Sie die Erfordernisse, die für einen wirksamen Antrag auf vorzeitige Bearbeitung erfüllt werden müssen, sowie dessen rechtliche Konsequenzen (s. „Merkblatt zum Formblatt EPA 1200“).</p>	<p>Early processing of the application pursuant to Article 23(2) / 40(2) PCT is hereby requested ("early entry into the European phase").</p> <p>→ Please take note of the further requirements for the request to be effective and the legal consequences (see "Notes on EPO Form 1200").</p>	<p>Par la présente, le traitement anticipé de la demande selon les articles 23(2)/40(2) PCT est demandé (« entrée anticipée dans la phase européenne »).</p> <p>→ Prière de noter les conditions requises à remplir pour qu'une requête en traitement anticipé soit valable, ainsi que les conséquences juridiques (voir la « Notice concernant le formulaire OEB 1200 »).</p>
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12.2 Verzichtserklärungen	Waivers	Renoncations
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<p><input type="checkbox"/> Der Anmelder verzichtet auf die Mitteilung nach Regel 161 (1) oder (2) und 162 EPÜ.</p>	<p>The applicant waives his right to the communication under Rules 161(1) or (2) and 162 EPC.</p>	<p>Le demandeur renonce au droit de recevoir la notification émise en vertu des règles 161(1) ou (2) et 162 CBE.</p>
<p><input type="checkbox"/> Der Anmelder verzichtet auf die Aufforderung nach Regel 70 (2) EPÜ, zu erklären, ob die Anmeldung aufrechterhalten wird.</p>	<p>The applicant waives his right to be asked under Rule 70(2) EPC whether he wishes to proceed further with the application.</p>	<p>Le demandeur renonce à être invité, conformément à la règle 70(2) CBE, à déclarer s'il souhaite maintenir sa demande.</p>

13. Zahlungen	Payment	Paiement
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<p>Bezüglich der Gebührenerichtung, insbesondere über das laufende Konto, wird auf Abschnitt 13 des Merkblatts zum Formblatt für den Eintritt in die europäische Phase (EPA als Bestimmungsamt oder ausgewähltes Amt) (Formblatt EPA/EPO/ OEB 1200) verwiesen.</p>	<p>With regard to the payment of fees, in particular via deposit account, reference is made to Section 13 of the Notes on Form EPA/EPO/OEB 1200 for entry into the European phase (EPO as designated or elected Office).</p>	<p>En ce qui concerne le paiement des taxes, en particulier via un compte courant, il est fait référence à la rubrique 13 de la notice concernant le formulaire EPA/EPO/ OEB 1200 relatif à l'entrée dans la phase européenne (OEB agissant en qualité d'office désigné ou élu).</p>
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14. Etwaige Rückzahlungen sollen auf das unten stehende beim EPA geführte laufende Konto erfolgen	Any refunds should be made to the EPO deposit account below	Les remboursements éventuels doivent être effectués sur le compte courant ci-dessous ouvert auprès de l'OEB
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<p>Nummer und Kontoinhaber</p>	<p>Number and account holder</p>	<p>Numéro et titulaire du compte</p>

<p>Zeichen des Anmelders / Applicant's reference / Référence du demandeur</p>	
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15.	Unterschrift(en) des (der) Anmelder(s) oder Vertreter	Signature(s) of applicant(s) or representative	Signature(s) du (des) demandeur(s) ou du mandataire
	Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen und bei juristischen Personen auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft angeben.	Under signature please print name and, in the case of legal persons, position within the company.	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.
	Für Angestellte (Art. 133 (3) EPÜ) mit allgemeiner Vollmacht Nr.:	For employees (Art. 133(3) EPC) with general authorisation No.:	Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général n° :
	Ort / Datum	Place / Date	Lieu / Date

**Tabelle zu Feld 6
des Formblatts 1200.3**

**Table for section 6
of Form 1200.3**

**Tableau afférent
à la rubrique 6
du formulaire 1200.3**

Der Berechnung der Zusatzgebühr zugrunde zu legende Unterlagen (Art. 2, Nr. 1a, GebO):¹ / Documents on which the calculation of the additional fee is based (Art. 2, item 1a, RFees):¹ / Pièces fondant le calcul de la taxe additionnelle (art. 2, point 1bis RRT) :¹		Seite(n) von ... bis ...² / Page(s) from ... to ...² / Page(s) ... à ...²	Anzahl der Seiten³ / Number of pages³ / Nombre de pages³
Veröffentlichte Fassung der internationalen Anmeldung / International application as published / Demande internationale telle que publiée	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
	Zusammenfassung / abstract / abrégé		1
Geänderte Ansprüche nach Art. 19 PCT (veröffentlicht mit der internationalen Anmeldung oder gesondert veröffentlicht) / Amended claims under Art. 19 PCT (published with the international application or published separately) / Revendications modifiées en vertu de l'art. 19 PCT (telles que publiées avec la demande internationale ou telles que publiées séparément)			
Änderungen nach Art. 34 PCT / Amendments under Art. 34 PCT / Modifications en vertu de l'art. 34 PCT	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
Beim Eintritt in die europäische Phase eingereichte Änderungen / Amendments filed on entry into European phase / Modifications présentées lors de l'entrée dans la phase européenne	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
Anzahl der Seiten insgesamt / Total number of pages / Nombre total de pages			
Gebührenfreie Seiten (Art. 2 Nr. 1a GebO) / Fee-exempt pages (Art. 2, item 1a, RFees) / Pages exemptes de taxes (art. 2, point 1bis RRT)			- 35
Anzahl der gebührenpflichtigen Seiten / Number of pages to be paid for / Nombre de pages soumises au paiement de la taxe			
(x 15 EUR pro Seite) / (x EUR 15 per page) / (x 15 euros par page)			
Zu entrichtender Gesamtbetrag / Total amount payable / Montant total exigible en euros		EUR	

Fußnoten	Footnotes	Notes de bas de page
<p>1 Zu Fällen, in denen die internationale Anmeldung nicht in einer Amtssprache des EPA veröffentlicht wurde, siehe die Mitteilung zur Ergänzung der Mitteilung des Europäischen Patentamts vom 26. Januar 2009 über die Gebührenstruktur 2009 (ABI. EPA 2009, 338).</p>	<p>For cases where the international application has not been published in an official language of the EPO, see the Notice supplementing the Notice from the European Patent Office dated 26 January 2009 concerning the 2009 fee structure (OJ EPO 2009, 338).</p>	<p>Pour les cas où à la demande internationale n'a pas été publiée dans une langue officielle de l'OEB, cf. Communiqué complétant le communiqué de l'Office européen des brevets, en date du 26 janvier 2009, relatif à la structure des taxes 2009 (JO OEB 2009, 338).</p>
<p>2 In dieser Spalte sind nur die Seiten anzugeben, die der Berechnung der Zusatzgebühr (Art. 2, Nr. 1a GebO) zugrunde zu legen sind. Verbleibende Seiten/Teile der veröffentlichten Fassung der Anmeldung und/oder der gemäß Artikel 19 PCT und/oder Artikel 34 PCT geänderten Anmeldung, die zu ersetzen sind, sind nicht in dieser Spalte anzugeben.</p>	<p>Only those pages to be taken into account for the calculation of the additional fee (Art. 2, item 1a, RFees) shall be indicated in this column. Any remaining pages/parts of the application as published and/or amended under Article 19 PCT and/or Article 34 PCT which are to be replaced shall not be indicated in this column.</p>	<p>Il convient de n'indiquer dans cette colonne que les pages devant être prises en considération pour le calcul de la taxe additionnelle (art. 2, point 1bis RRT). Si la demande telle que publiée et/ou modifiée au titre de l'article 19 PCT et/ou de l'article 34 PCT contient d'autres pages/parties qui doivent être remplacées, prière de ne pas mentionner les pages/parties en question dans cette colonne.</p>
<p>3 In dieser Spalte ist nur die Zahl der Seiten anzugeben, die der Berechnung der Zusatzgebühr (Art. 2, Nr. 1a GebO) zugrunde zu legen sind.</p>	<p>Only the number of pages to be taken into account for the calculation of the additional fee (Art. 2, item 1a, RFees) shall be indicated in this column.</p>	<p>Il convient de n'indiquer dans cette colonne que le nombre de pages devant être prises en considération pour le calcul de la taxe additionnelle (art. 2, point 1bis RRT).</p>



Notes on EPA/EPO/OEB Form 1200 for entry into the European phase (EPO as designated or elected Office)

I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 1200. To file international applications under the Patent Cooperation Treaty (PCT) Form PCT/RO/101 should be used. The appropriate form to request the grant of a European patent is EPA/EPO/OEB Form 1001.

The requirements for entry into the European phase are laid down in the European Patent Convention (EPC) and its Implementing Regulations. Further information on entry into the European phase can be obtained from the Euro-PCT Guide: PCT procedure at the EPO (10th edition, January 2017), in particular Section E: Euro-PCT procedure before the EPO as a designated (PCT Chapter I) or elected (PCT Chapter II) Office.

Forms and brochures

Forms, brochures, schedules of fees and legal texts can be downloaded from the EPO's website at www.epo.org.

Accelerated prosecution

For those seeking faster search or examination for their applications, the "PACE" programme for accelerated prosecution of European patent applications ([OJ EPO 2015, A93](#)) offers effective options for shortening the processing time.

However, PACE requests filed before the end of the international phase will not be effective unless accompanied by an express request for early processing under Article 23(2) or 40(2) PCT (see point 12.1).

For other ways to expedite the European grant procedure, see Notice from the EPO dated 30 November 2015 ([OJ EPO 2015, A94](#)) and point 12.

Entry into the European phase – Form 1200

Under Rule 159(1) EPC, on entry into the European phase before the EPO as designated or elected Office applicants must perform the acts specified in Rules 159(1)(a) to (h) and 162(1) EPC within 31 months of the filing date or, if priority has been claimed, the (earliest) priority date.

Use of Form 1200 is recommended. The form should be typewritten or printed (Rule 50(2) EPC) to ensure that it is machine-readable.

If there is not enough space for the required information, an additional sheet should be filed, indicating the number and heading (e.g. "2 - Additional representative(s)"; "6 - Documents intended for proceedings before the EPO") of each section continued in this way.

Filing of documents

Form 1200 and attachments must be filed direct with the EPO.

(a) Online

Form 1200, attached translations and amendments to the application documents may be filed in electronic form (OJ EPO 2015, A91), i.e. via EPO online filing, via the EPO case management system (CMS, also referred to as new online filing) or via the EPO web-form filing service. For more details go to www.epo.org. The online filing fee is less than the fee for filing in person, by post or by fax.

(b) By fax

The above documents 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

Form 1200 need only be filed in one copy. The same applies to attached translations and amendments to the application documents. Special rules apply to sequence listings (see II.9).

II. Filling in the form

The numbering below corresponds to the sections of the form.

1. Applicant

If on entry into the European phase the address, nationality, or country of residence or of place of business is missing for any applicant (as may occur under Rule 26.2bis(b) PCT), this information must be filed on a separate sheet.

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. Addresses for correspondence accepted for proceedings in the international phase but which do not fulfil those conditions will not be accepted in proceedings before the EPO in the European phase (see OJ EPO 2014, A99).

2. Representative (Articles 133 and 134 EPC)

Applicants not having their residence or principal place of business in an EPC contracting state must be represented by a professional representative and act through him in all proceedings established by the EPC (Article 133(2) EPC).

3. Authorisation (Rule 152 EPC)

Under Rule 152(1) to (3) EPC 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 professional representative under Article 134(8) EPC or an employee acting for an applicant under Article 133(3), first sentence, EPC who is not a professional representative must file a signed authorisation unless an authorisation which expressly empowers him to act in proceedings established by the EPC has previously been filed with the EPO as receiving Office.

If an association registered with the EPO is appointed as representative (Rule 152(11) EPC) (see OJ EPO 2013, 535), the association's registered name and registration number must be indicated.

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.

4. Request for examination (Articles 150(2) and 94 and Rule 70 EPC)

4.1 First check box

The request for examination is not deemed to be filed until the examination fee has been paid (Article 94(1) and Rule 70(1) EPC). The box for the request is pre-crossed in section 4.1 of Form 1200.

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 (Article 14(4) EPC), using the space provided.

4.1 Second check box

For applicants who file the request for examination in an admissible non-EPO language in addition to the (pre-crossed) request in 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) EPC, Article 14(1) RFees).

Under Rule 6(6) EPC, applicants wishing to benefit from the fee reduction must declare that they are an entity or natural person covered by Rule 6(4) EPC. They must file this declaration at the latest by the time of payment of the fee in question, either by crossing this box or separately (for this purpose, non-mandatory EPA/EPO/OEB Form 1011 is available from the EPO website). If there are multiple applicants, for the reduction to apply each one must be an entity or a natural person within the meaning of Rule 6(4) EPC and entitled to file documents in an admissible non-EPO language (Article 14(4), Rule 6(3) EPC). For more details see Notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO, 2014, A23).

The request for examination is available in all admissible non-EPO languages on the EPO website.

The request for examination (i.e. written request plus payment of the examination fee) must be filed either up to six months from the date on which the international search report (or the declaration under Article 17(2)(a) PCT) was published (Article 153(6) EPC) or within 31 months from the filing date or, where applicable, the (earliest) priority date, whichever period ends later. In practice this means that the request for examination must be submitted within the 31-month period (Rule 159(1)(f) EPC), unless the international search report was published late.

5. Additional copies of the documents cited in the supplementary European search report

One or more additional sets of copies of the documents cited in the supplementary European search report (see Rule 65 EPC) can be ordered against payment of the flat-rate fee(s).

6. Documents intended for proceedings before the EPO (Rule 159(1)(b) EPC) and response to the written opinion established by the EPO (Rule 161(1) EPC)

When an application enters the European phase applicants must specify the application documents, as originally filed or as amended, on

which the European grant procedure is to be based (Rule 159(1)(b) EPC). Section 6 allows them to clarify whether they wish to proceed with

- the **published documents**, whereby any amended claims filed with the International Bureau under Article 19 PCT replace the originally filed claims, unless expressly stated to the contrary – in proceedings before the EPO as **designated Office** without PCT Chapter II (section 6.1), or
- the documents on which the **international preliminary examination report is based** –in proceedings before the EPO as **elected Office** under PCT Chapter II (section 6.2).

Sections 6.1 and 6.2 also provide the possibility to indicate that amended documents filed on entry into the European phase are to form the basis for the grant procedure.

For Euro-PCT applications where a supplementary European search report will not be prepared, the following applies (see Guidelines for Examination in the EPO, E-IX, 3.2, for details):

Where the EPO has acted as the International Searching Authority (ISA) and, if a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority (IPEA), or as the Supplementary International Searching Authority (SISA), the applicant will be required to respond to any negative written opinion (WO-ISA) prepared by the EPO as ISA, or, where applicable, to the negative international preliminary examination report (IPER) prepared by the EPO as IPEA, or to the objections raised in the explanations given in the Supplementary International Search Report (SISR) under Rule 45bis.7(e) PCT, as the case may be. The time limit for response is six months from the invitation under Rule 161(1) EPC (see OJ EPO 2010, 634). Failure to respond in due time will lead to the application being deemed to be withdrawn (Rule 161(1) EPC).

New amendments (Articles 28 and 41 PCT) and/or comments which are filed on entry into the regional phase before the EPO will be considered to constitute a response to the WO-ISA, or to the IPER or the explanations given in the SISR, as the case may be, if the applicant indicates on Form 1200 that such amendments and/or comments are to form the basis for further prosecution of the application. Similarly, amendments under Article 19 and/or 34 PCT filed in the international phase and maintained on entry into the European phase by making the appropriate entries on Form 1200 may constitute a response, subject to certain requirements (see Guidelines for Examination in the EPO, C-III, 2.2, and E-IX, 3, for details).

The applicant must therefore clearly indicate the documents which are to form the basis for further prosecution of the application by crossing the appropriate boxes in section 6.1 or 6.2 as applicable.

In all cases, the applicant should specify in the **table on page 8** of Form 1200 the documents which are to be used for the European phase and therefore form the basis for calculation of any additional fee. Any exceptional circumstances which may need further explanation must be clarified on an **additional sheet**.

The applicant can also amend the application at any time within a non-extendable period of six months from the communication (Forms 1226AA, 1226BB, 1226CC) under Rule 161(1) and (2) EPC, which is issued shortly after effective entry into the European phase.

Pages of amendments filed during the six-month period under Rule 161 EPC are not taken into account in the calculation of the additional fee as part of the filing fee. Consequently, if amendments are filed at this stage which reduce the number of pages already paid for, no refund of the additional fee will be made.

If application documents filed on entry into the European phase contain handwritten amendments, an invitation to remedy this deficiency will be issued, and in case of non-compliance the application will be refused (see Notice from the EPO dated 8 November 2013 concerning application of Rules 49 and 50 EPC to handwritten amendments, OJ EPO 2013, 603).

Whenever amendments are filed, the applicant must identify them and indicate the basis for them in the application as filed (Rule 137(4) EPC) (see Guidelines for Examination in the EPO, E-VIX, 3.4, and H-III, 2.1 and 2.1.1). If he fails to do so, the examining division may issue a communication under Rule 137(4) EPC requesting the correction of the deficiency within a non-extendable period of one month. If he then fails to reply within that period, the application will be deemed to be withdrawn under Article 94(4) EPC.

If the applicant has supplied **test reports** in proceedings before the EPO as International Preliminary Examining Authority, the EPO assumes that it may also use them in the European grant proceedings.

6.3 Copies of the search results (Rule 141(1) EPC)

For each of the previous applications whose priority is claimed, a copy of the search results produced by the authority with which the application was filed (Rule 141(1) EPC) has to be supplied. This obligation applies to European patent applications and international applications

filed on or after 1 January 2011 (see OJ EPO 2010, 410, OJ EPO 2011, 64, and OJ EPO 2013, 217).

This box is to be crossed only if the copies of the documents are indeed supplied when filing the form for entry into the European phase. If, however, a copy of the search results is included in the file by the EPO, no action is required on the part of the applicant (see OJ EPO 2016, A19).

7. Translations

7.1 Translation of the international application

If the international application was **not** published in an EPO official language, the applicant must furnish the EPO with a translation of that application in such a language within 31 months of the filing date or, where applicable, the (earliest) priority date.

The proceedings in the European phase will be conducted in the language of the translation. The translation must include the description, the claims as originally filed, any text in the drawings, and the abstract. It must also include any indications under Rule 13*bis*.3 and 13*bis*.4 PCT in the case of inventions relating to biological material and any published request for rectification (Rule 91.3(d) PCT).

7.2 Translation of the priority application

Under Rule 53(3) EPC, applicants may be invited by the EPO to file a translation of the previous (priority) application (see also OJ EPO 2013, 150).

Alternatively, they can submit a declaration under Rule 53(3) that the European patent application is a complete translation of the previous application. They can do this by crossing the box in section 7.3. In this case, no invitation to file a translation of the priority application will be issued.

7.4 Claims amended under Article 19 PCT

If the applicant wishes the subsequent proceedings to be based on the claims as amended under Article 19 PCT, the translation must also include those claims, together with any explanatory statement (Rule 49.5(a)(ii), 49.5(c) and (c-*bis*) PCT) and, in any event, the accompanying letter under Rule 46.5(b) PCT.

7.5 Translation of annexes

Where **PCT Chapter II** applies, applicants must prepare and file translations of all annexes to the international preliminary examination report (Article 36(2)(b) and (3)(b), Rule 70.16(a) PCT, Rule 74.1 PCT), regardless of whether they are seeking patent protection for the same version of the application documents as was the subject of that report.

8. Biological material

To enable the EPO to check compliance with Rule 31 EPC, the receipt issued by the depositary institution is to be submitted to the EPO. Applicants are strongly advised to submit the receipt when filing this form.

Waiver under Rule 33(1) and (2) EPC

Applicants may waive their right under Rule 33(1) and (2) EPC to an undertaking from the requester to issue a sample of the biological material, provided that they are the depositor of the biological material concerned. This waiver must be expressly declared to the EPO in the form of a separate, signed statement. It must specify the biological material concerned (depositary institution and accession number or depositor's reference number as shown in the application documents). It may be submitted at any time.

9. Nucleotide and amino acid sequences

9.1 If the application discloses one or more nucleotide and/or amino acid sequences, a sequence listing in electronic form complying with the Administrative Instructions under the PCT (WIPO Standard ST.25) is normally available to the EPO as designated/elected Office if such sequence listing was contained in the international application in accordance with Rule 5.2(a) PCT, furnished to the EPO as International Authority under Rule 13*ter*.1(a) PCT, or otherwise made available to it, e.g. by WIPO.

9.2 If the application discloses one or more nucleotide and/or amino acid sequences and a sequence listing in electronic form complying with the Administrative Instructions under the PCT (WIPO Standard ST.25) is not available to the EPO as designated/elected Office, a standardised electronic sequence listing must be filed on entry into the European phase; otherwise, the EPO will invite the applicant to file the sequence listing (Rule 163(3) EPC). In this case, a late furnishing fee is payable. For further information, see Rules 163(3) and 30(3) EPC, as well as the decision of the President of the EPO dated 28 April 2011 and the Notice from the EPO dated 18 October 2013 concerning the filing of sequence listings (OJ EPO 2011, 372, and OJ EPO 2013, 542).

If the standardised sequence listing is submitted on entry into the European phase, the applicant must declare that the subsequently filed sequence listing does not include matter which goes beyond the content of the application as originally filed. The declaration can be made by crossing the relevant box in section 9.2.

10. Designation of contracting states

All the contracting states designated in the international patent application and party to the EPC at the time of its filing are deemed to be designated (see Article 79(1) EPC). Thus the EPC

contracting states that can be validly designated on entry into the European phase are already specified in the international phase (Rule 4.9(a) PCT). For international applications entering the regional phase on or after 1 April 2009, payment of the flat-rate designation fee covers all the EPC contracting states, unless individual designations are expressly withdrawn (Article 2, item 3, RFees) (see OJ EPO 2009, 118).

11. Extension/validation

The application and the European patent granted in respect of it are extended or validated, in accordance with section 11 of Form 1200, to those non-EPC contracting states designated for a national patent in the international application with which extension or validation agreements were in force at the time of filing of the international application.

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 limit laid down in the EPC for paying the designation fee (Rule 159(1)(d) EPC) (see Guidelines for Examination in the EPO, A-III, 12).

- 11.1** Extension of European patent applications and the resulting European patents may be requested for countries with which the EPO has extension agreements (as at March 2018: Bosnia and Herzegovina and Montenegro).
- 11.2** Validation of European patent applications and the resulting European patents may be requested for countries with which the EPO has validation agreements (as at March 2018: 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.

12. Acceleration of procedure

The ways in which the European grant procedure can be expedited in addition to the "PACE" request are listed in the Notice from the EPO dated 30 November 2015 (OJ EPO 2015, A94). The options available on entry into the European phase are gathered together in this section for ease of selection.

12.1 Early processing

Request for the early start of processing in the European phase ("early entry")

Applicants who wish the EPO as designated or elected Office to start processing an application before expiry of the 31-month time limit under Rule 159(1) EPC must file an express request for early processing. The request can be made by crossing box 12.1.

A request for early processing is effective on the date of its filing only if the requirements of Rule 159(1) EPC applicable on that date have been complied with. The nature of the requirements to be met depends on the date on which the request for early processing is filed (see Notice from the EPO dated 21 February 2013 concerning the request for early processing, [OJ EPO 2013, 156](#), II.7 and 8).

Applicants must take note of the **consequences** of an effective request for early processing (see OJ EPO 2013, 156, III.9 and 10). Crossing box 12.1 must therefore be carefully considered.

An effective request for early processing **terminates the international phase** in respect of the EPO as designated/elected Office. This means that the application will be processed **immediately** as a European application as from the date the request for early processing is effective, and reversion to the 31-month time limit is excluded. This implies, for instance, that the time limits for filing the request for examination and paying the examination fee, the designation fee and the third renewal fee are those applying to a European application, and are no longer deferred to expiry of the 31-month time limit under Rule 159(1) EPC.

The automatic debiting of all relevant fees is available for requests for early processing filed on or after 1 November 2017 (see Arrangements for the automatic debiting procedure (AAD, Annexes A.1 and A.2 to the ADA)). However, automatic debiting can only be performed if the documents referred to in Article 20 PCT are available to the EPO, so that it can establish whether or not a page fee for the 36th and each subsequent page must be debited. These documents are normally available to the EPO if

- the international application has already been published,
- the EPO is the receiving Office, or
- the EPO acts as (S)ISA or IPEA.

In all other cases, if they want the request to take effect immediately, applicants must pay the relevant fees due on filing the request for early processing by a means of payment other than automatic debiting. Otherwise the request will only take effect on the day on which the EPO receives the documents referred to in Article 20 PCT from the IB in accordance with Rule 47.4 PCT.

Applicants are recommended to read the Notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156). Further information is available in the Guidelines for Examination in the EPO, E-IX, 2.8, and the Euro-PCT Guide, 10th edition, 427-440.

12.2 Waivers

Waiver of communication pursuant to Rules 161 and 162 EPC

The time limit under Rules 161 and 162 EPC is **six months** (see OJ EPO 2010, 634).

In order to accelerate the European grant procedure applicants can, in addition to filing a "PACE" request, expressly **waive their right to the communication under Rules 161(1) or (2) and 162 EPC** by crossing the first box in section 12.2.

The EPO will not issue a communication under Rules 161(1) or (2) and 162 EPC only if, in addition to the "waiver", on entry into the European phase the applicant has also fulfilled all the requirements of Rules 161 and 162 EPC (i.e. payment of any claims fees due and, where required, submission of a response under Rule 161(1) EPC) for the application to proceed directly to the supplementary European search or to examination. To accelerate the processing of the application further, the applicant can request accelerated search or examination under the PACE programme (see Notice from the EPO dated 30 November 2015 concerning the programme for accelerated prosecution of European patent applications ("PACE"), OJ EPO 2015, A93).

Where the right to the communication under Rules 161(1) or (2) and 162 EPC has not been validly waived, the communication will be issued and the application will be processed only after expiry of the six-month period provided for under those rules, even if a request under the PACE programme has been filed.

See also Notices from the EPO dated 5 April 2011 and 30 November 2015 (OJ EPO 2011, 354 and OJ EPO 2015, A94).

Waiver of the invitation under Rule 70(2) EPC

Applicants who file the request for examination before receiving the supplementary European search report are asked by the EPO, after the search report has been sent, to confirm within a six-month period that they wish to proceed further with the application (Rule 70(2) EPC). Where they also have to respond to the search opinion, their response is required within this same period (Rule 70a(2) EPC). To accelerate the procedure, they can waive their right to be asked for such confirmation by crossing the second box in

section 12.2, in which case confirmation is deemed to be given when the supplementary European search report is transmitted to them. With regard to the legal consequences, see Guidelines for Examination in the EPO, C-VI, 3.

13. 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, see "[Making payments](#)" 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 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

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 "[European \(EPC\) fees](#)".

14. Refunds

Any refunds due to an applicant who has a deposit account with the EPO may be credited to that account. Applicants who wish this to be done must indicate the account number and the account holder's name in this section. If the account is held by a representative, refunds will be made to him. Refunds will not be made to third-party payers, except for the fee for file inspection or at the express request of a party to proceedings.

See also Guidelines for Examination in the EPO, A-X, 10.4.

III. Table for section 6 of Form 1200.3 – Documents intended for proceedings before the EPO

The table is used for calculating the additional fee for applications comprising more than 35 pages (Article 2, item 1a, RFees). For further information see the Euro-PCT Guide, part E-VII.



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

(max. 15 Positionen / max. 15 spaces / 15 caractères au maximum)

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 undersigned¹ / En ce qui concerne la demande de brevet européen susmentionnée, le(s) soussigné(s)¹

als Erfinder²: / 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 erlangt³ / The applicant(s) has (have) acquired the right to the European patent³ /
 Le(s) demandeur(s) a (ont) acquis le droit au brevet européen³

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.

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 Name(n), Vorname(n) und vollständige Anschrift(en) des Erfinders (der Erfinder) gemäß Regel 19 (1) EPÜ.
- 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 full address(es) of the inventor(s) in accordance with Rule 19(1) EPC.
- 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 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 dont elles relèvent doivent figurer sous leur désignation officielle.
- 2 Nom(s), prénom(s) et adresse(s) complète(s) de l'(des) inventeur(s), conformément à la règle 19(1) CBE.
- 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.



Vollmacht¹
Authorisation¹
Pouvoir¹

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
 (max. 15 Positionen / max. 15 spaces / 15 caractères au maximum)

Anmelde-/Patentnummer / Application/Patent No. /
 N° de la demande (du brevet)

Ich (Wir)² /
 I (We)² /
 Je (Nous)²

bevollmächtigte(n) hiermit³ /
 do hereby authorise³ /
 autorise (autorisons) par la présente³

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-dessus⁵.

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.

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), 1^{ère} 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 professionnelle 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; président, directeur, fondé de pouvoir). 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, à l'égard 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.



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.

2 I (We)

Full name and address of authorisor(s)

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1 General authorisation No.
(for official use only)

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.
- 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.**

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).