

# EP law update

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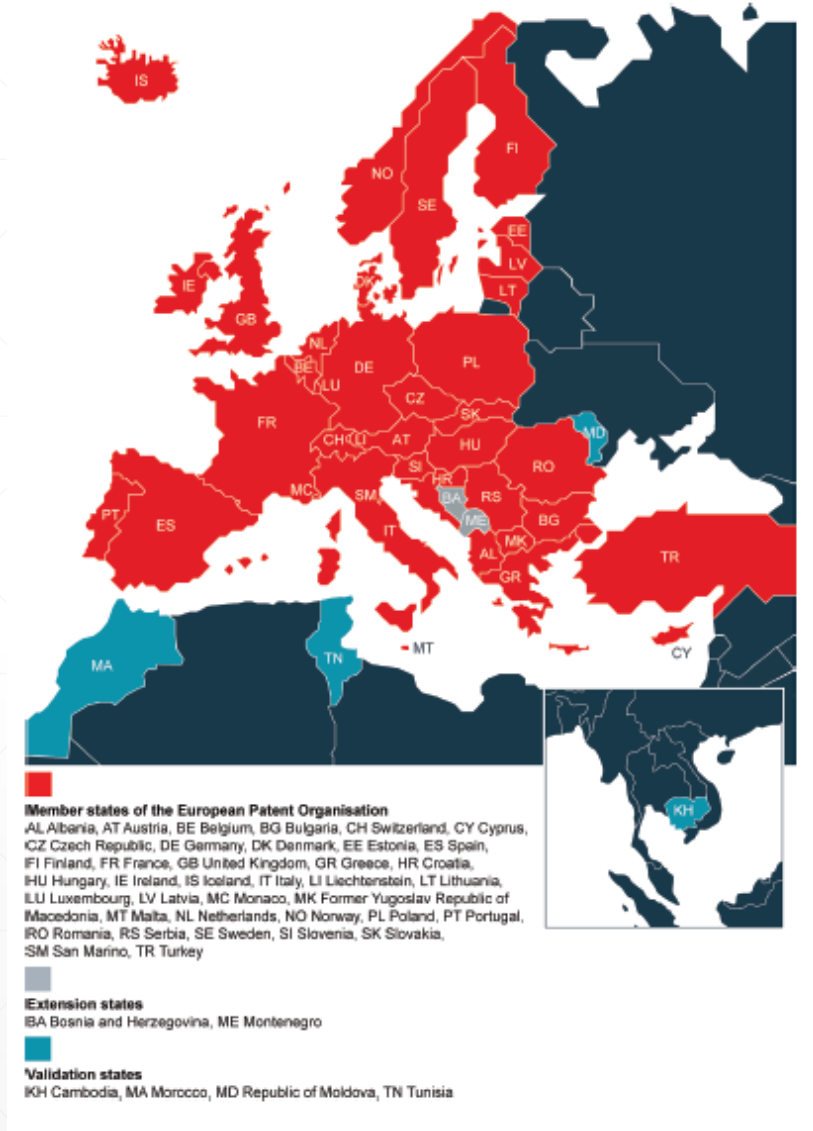
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# EP law update August 2018

- Overview of the EP system
- Future Unitary Patent for the European Union
- News and advice

# EP (European Patent system)

- Run by the European Patent Office
- Regulated by the European Patent Convention
- Follows the Paris Convention (allows claiming priority)
- Is a regional treaty within the Patent Cooperation Treaty (PCT) (can be
- Can be the basis of the future Unitary patent
- 38 contracting states, 2 extension states, 4 validation states
- A European patent application leads to a bundle of national patents



# EP (European Patent system)

Procedure and costs:

- File application in English French or German
- Pay official fees which are:
  - Filing fee 120 Euros
  - Fee for extra pages over 35 pages: 15 Euros per page
  - Claim fees for more than 15 claims 235 Euros per claim up to 50 claims – then 585 Euros per claim
- Search fee 1300 Euros
- Designation fee 585 Euros
- Renewel fee for the 3rd year 470 Euros
- Examination fee 1635 Euros
- Total official fees: Around 4110 Euros if based on a PCT application with no extra pages or claims
- And pay European agents fees – expect at least 800 Euros

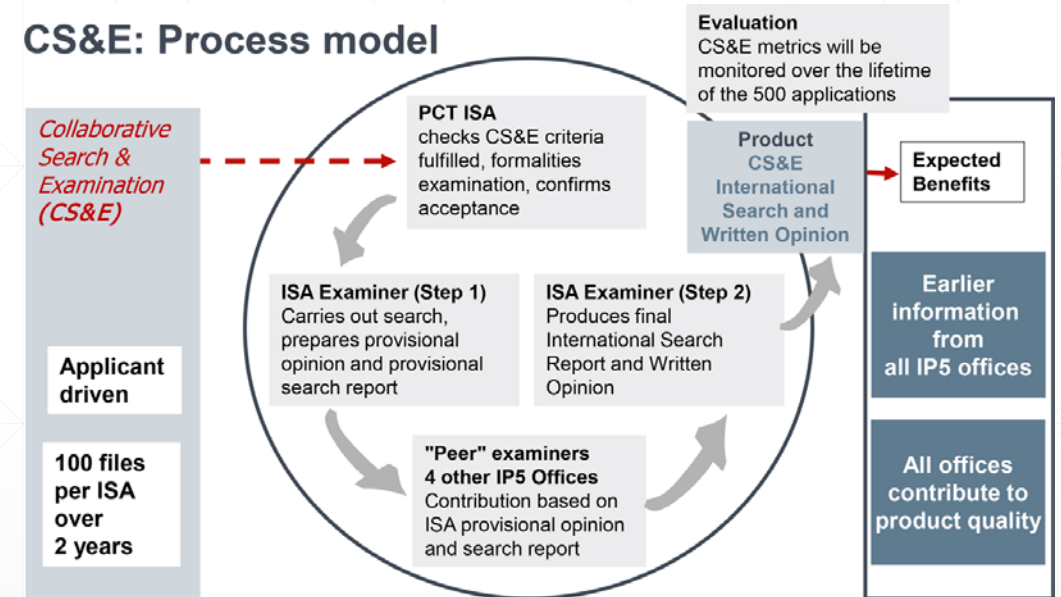
# UP (Unitary Patent system)

- Similar procedure to EP system but it is only valid for European Union (EU) states and it leads to a single European Union-wide patent which can be only maintained or abandoned as a unit.
- Advantages: lower cost as only one maintenance fee equivalent to that of DE, FR, GB and NL. Litigation before the proposed Unified Patent Court (UPC) will have effect over all of the EU. Greater savings if the patent is normally validated in more than these four countries
- Disadvantage: all your eggs are in one basket. If your patent is revoked by the UPC then you have no rights left in the EU. During the 6 year transition period a full translation of the patent required.
- No start date yet!

# News

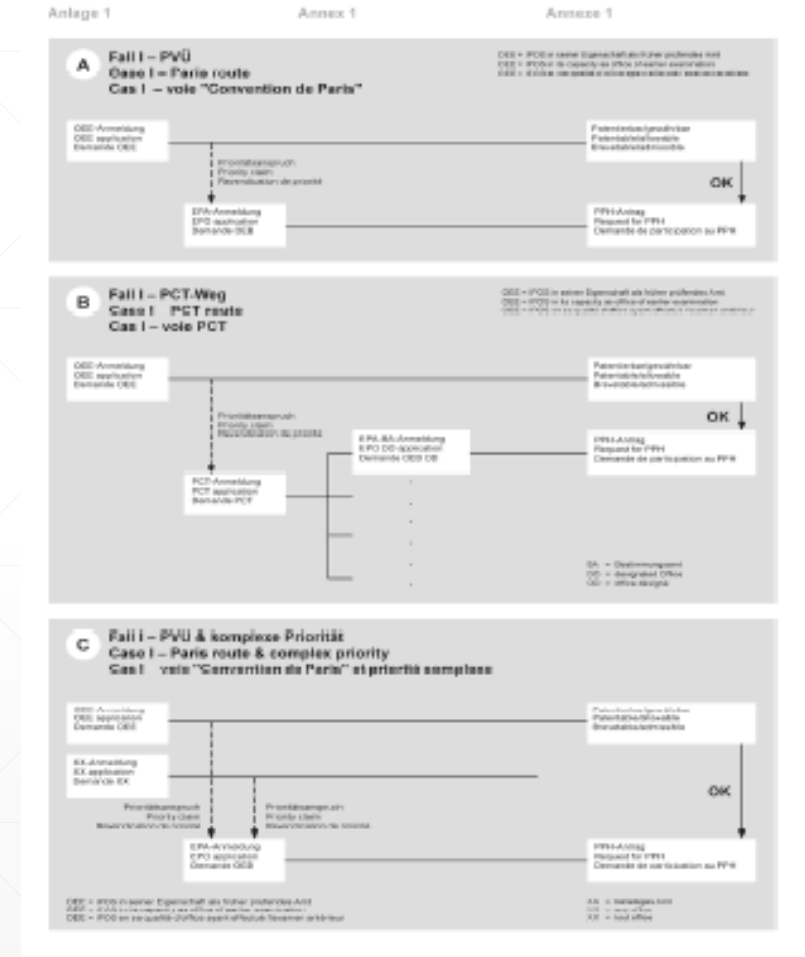
- EP patent can be validated in Cambodia for PCT or EP applications filed after 1 March 2018 (validation costs 180 Euros)
- UK ratified the Agreement of the Unified Patent Court on 26 April 2018 but the agreement cannot come into effect until Germany ratifies it.
- IP5 pilot project on collaborative search and examination under the PCT – EPO KIPO, JPO, SIPO and USPTO examiners work together on examining PCT applications

[http://www.wipo.int/export/sites/www/pct/en/forms/rcse/ed\\_rcse.pdf](http://www.wipo.int/export/sites/www/pct/en/forms/rcse/ed_rcse.pdf)



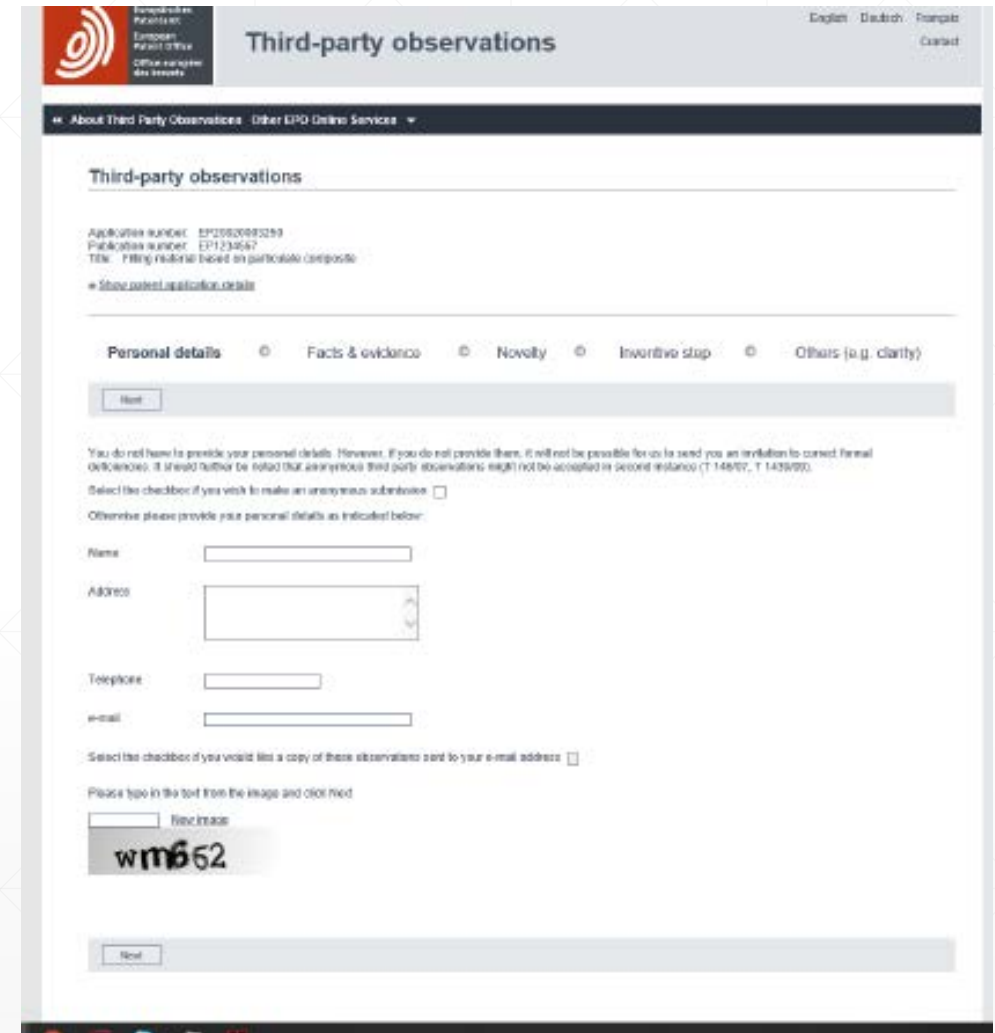
# News

- Patent prosecution highways between the EPO and SIPO, JPO, USPTO, KIPO, CIPO (Canada), ILPO (Israel), IMPI (Mexico), IPOS (Singapore), IPA (Australia), SIC (Columbia), ROSPATENT (Russia), IPOPHL (Philippines), MyIPO (Malaysia), EAPO (Eurasian), INPI (Brazil) and EPO's PACE available for faster prosecution
- Reduction in the appeal fee from 2255 Euros to 1880 Euros for SME and natural persons (SME = less than 250 employees, less than 50 M Euro turnover, not more than 25% owned by a larger company)



# News

- Online filing of third party observations available for pending applications – no fee. Can be easily filed via the EPO register under the link “submit observations”. The EPO examiner must take them into account if relevant in the next communication (normally will be issued within three months).
- Advantages: cheap, quick, easy to do yourself!
- Disadvantage: allows applicant to modify claims to avoid the prior art





# Thank you!

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