

European (direct) patent application



A European application must be filed within 12 months of the priority date if priority is claimed.

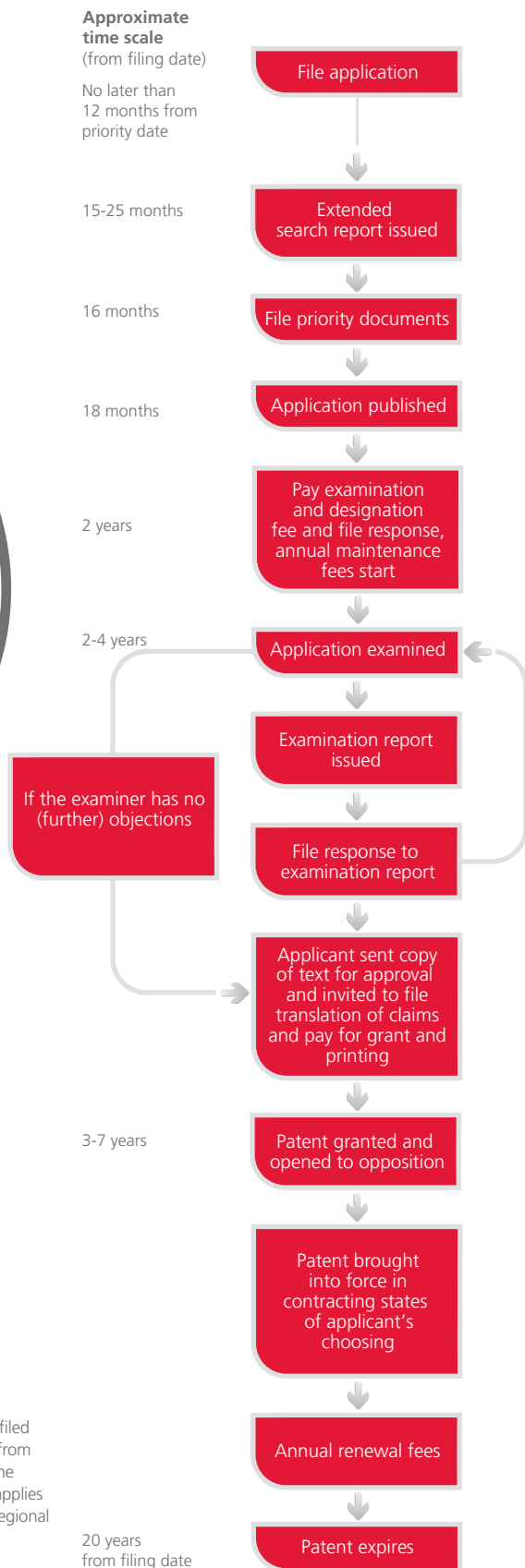
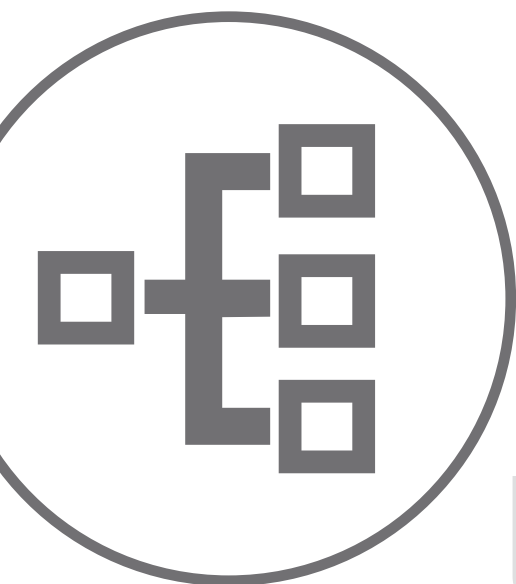
The documents/information/instructions required by us to prepare and file a European patent application are as follows:

- The name and address of the applicant. If the applicant is not the inventor we preferably need the name and address of the inventor and the details of the derivation of the right of the applicant to be granted a patent from the inventor. However, the inventor details can be supplied up to 16 months from the filing date or, if priority is claimed, the priority date.
- A copy of the specification, including a description, claims and an abstract, and drawings and sequence listings if applicable. An editable copy of the specification is preferred.
- Where the language of the specification is not English, French or German a translation into one of the three languages must be provided within 2 months of filing.
- The country of filing, application number and filing date of the priority application if priority is to be claimed.
- Filing and (where applicable) search fees must be paid within 1 month of the filing date. Claims fees for the 16th and subsequent claims and additional pages fees for the 36th and subsequent pages must also be paid within 1 month of filing. However, as we usually pay these fees upon filing, we recommend notifying us if the applicant wishes to reduce the number of claims upon filing to avoid excess claims fees.

The European Patent Office does not require any forms signed by the applicant. It does have the right to request a power of attorney form signed by the applicant, but rarely does.



The prosecution stages of a European patent application (claiming priority*)



Approximate time scale
(from filing date)

No later than 12 months from priority date

15-25 months

16 months

18 months

2 years

2-4 years

3-7 years

20 years from filing date

Notes

The application should include a full specification with claims, drawings, abstract and prior art search request. A surcharge is also levied for claims in excess of 15.

This comprises the results of the European Patent Office prior art search and an opinion on patentability. Multiple independent claims in the same category are generally not searched.

In some cases a certified copy of the earlier priority application must be filed. Increasingly however this can be done electronically by transmission from the office where the priority filing was made.

This is an official publication by the EPO and usually includes the search report. If not available, the search report is later published separately.

A due date of six months after publication of the search report is set for paying examination and designation fees and for filing a response to the search report's opinion on patentability.

If the Examiner's objections to the patentability of the invention in the examination report are not overcome by the response, which may include amendments to the specification and/or arguments, further examination reports may be issued until the application is accepted, abandoned by the applicant or rejected as being unpatentable.

The claims must be translated into French and German and fees for grant and printing paid within four months of receipt of the text the EPO considers allowable for grant.

Third parties may file an opposition to the patent up to nine months after the grant date.

This must happen within three months of grant and may necessitate the filing of a translation of the specification in to the local language (e.g. Spanish, Italian etc.). It is also necessary to pay official fees and appoint a local patent agent. The result is the conversion of the European patent into a bundle of individual national patents.

The annual maintenance fees to the European Patent Office cease on grant and are replaced by renewal fees payable in each country into which the patent was brought into force.

If the annual renewal fees are paid every year the patents will last 20 years from the filing date, otherwise they will expire on non-payment of the renewal fee.

*This chart is for an application which is filed DIRECTLY at the EPO and claims priority from one or more earlier applications, under the Paris Convention. A separate IP process applies for applications entering the European Regional phase from the PCT.

www.boult.com

This information
has been prepared by
Boult Wade Tennant.

For further information
please contact your usual
adviser.

T +44 (0)20 7430 7500

F +44 (0)20 7430 7600

E boult@boult.com

This publication does not necessarily deal with every issue or cover all aspects of
the topics with which it deals. It is not intended to provide legal or any other advice.

www.boult.com
© Boult Wade Tennant LLP 2019

Boult Wade Tennant LLP is a Limited Liability Partnership registered in England and Wales, Registered Number OC421876.

Registered office: Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP

The firm is a European IP practice with a branch office in Berlin and which provides services in Spain via a locally registered company Boult Wade, S.L.

The qualified UK professionals of Boult Wade Tennant LLP are Chartered Patent Attorneys and/or Chartered Trade Mark Attorneys regulated by IPReg (www.ipreg.org.uk)
and/or European Patent Attorneys regulated by The Institute of Professional Representatives before the European Patent Office (<http://www.patentepi.com/en>).

Members of the firm whose primary office is in Germany or Spain are subject to the rules of their local professional regulatory bodies as explained on our website www.boult.com.

A list of members of Boult Wade Tennant LLP is available for inspection at the registered office at Salisbury Square House and on our website.
Offices in: London, Madrid, Berlin, Cambridge, Reading and Oxford and meeting facilities in Munich.