



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

The European Patent System



Overview

- What is a patent ?
- How to get a patent in Europe ?
- How is a European patent application processed ?
- Possibility to oppose a granted patent before the EPO
- The European Patent Office as an employer

What is a patent ?

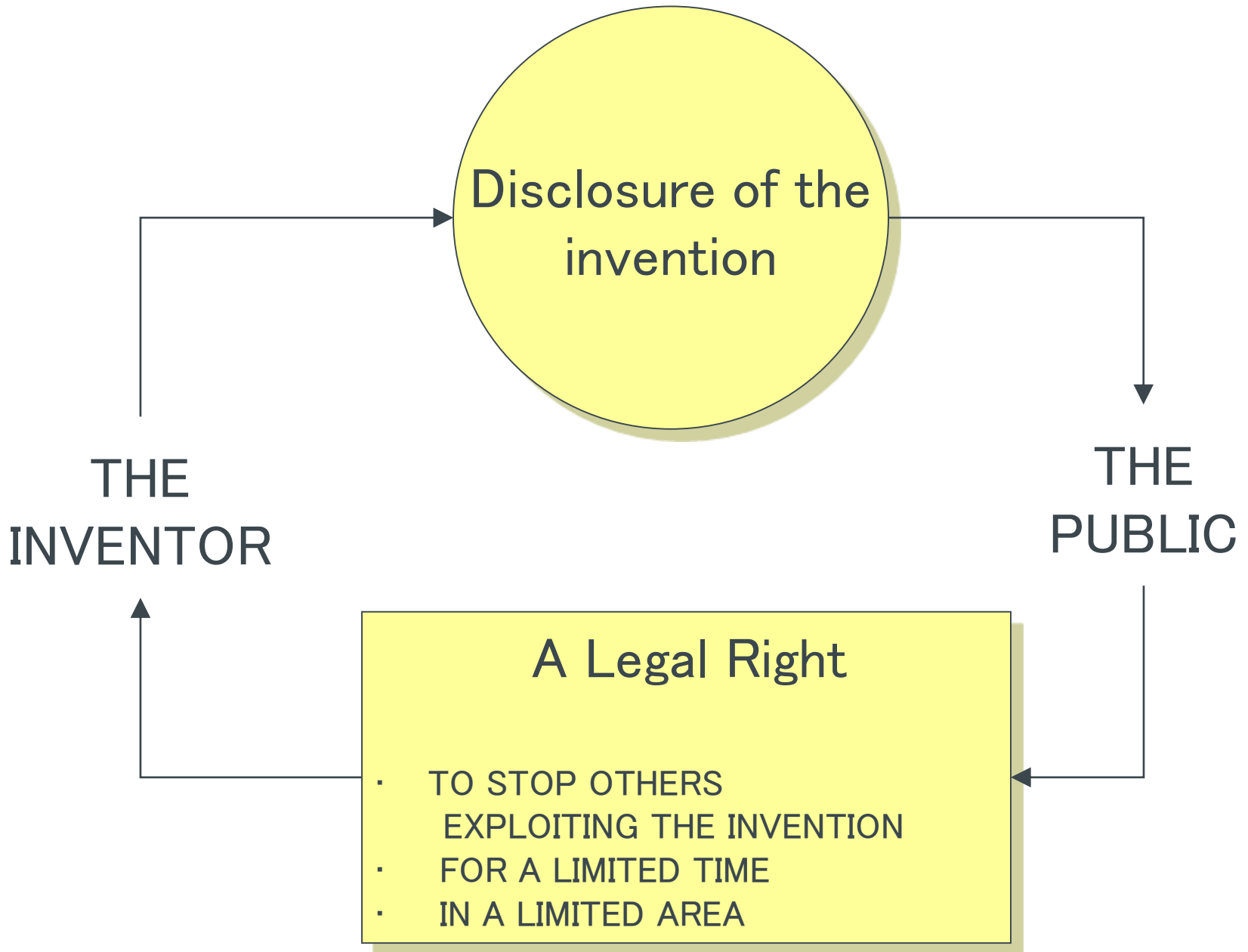
- a patent =

a property right valid

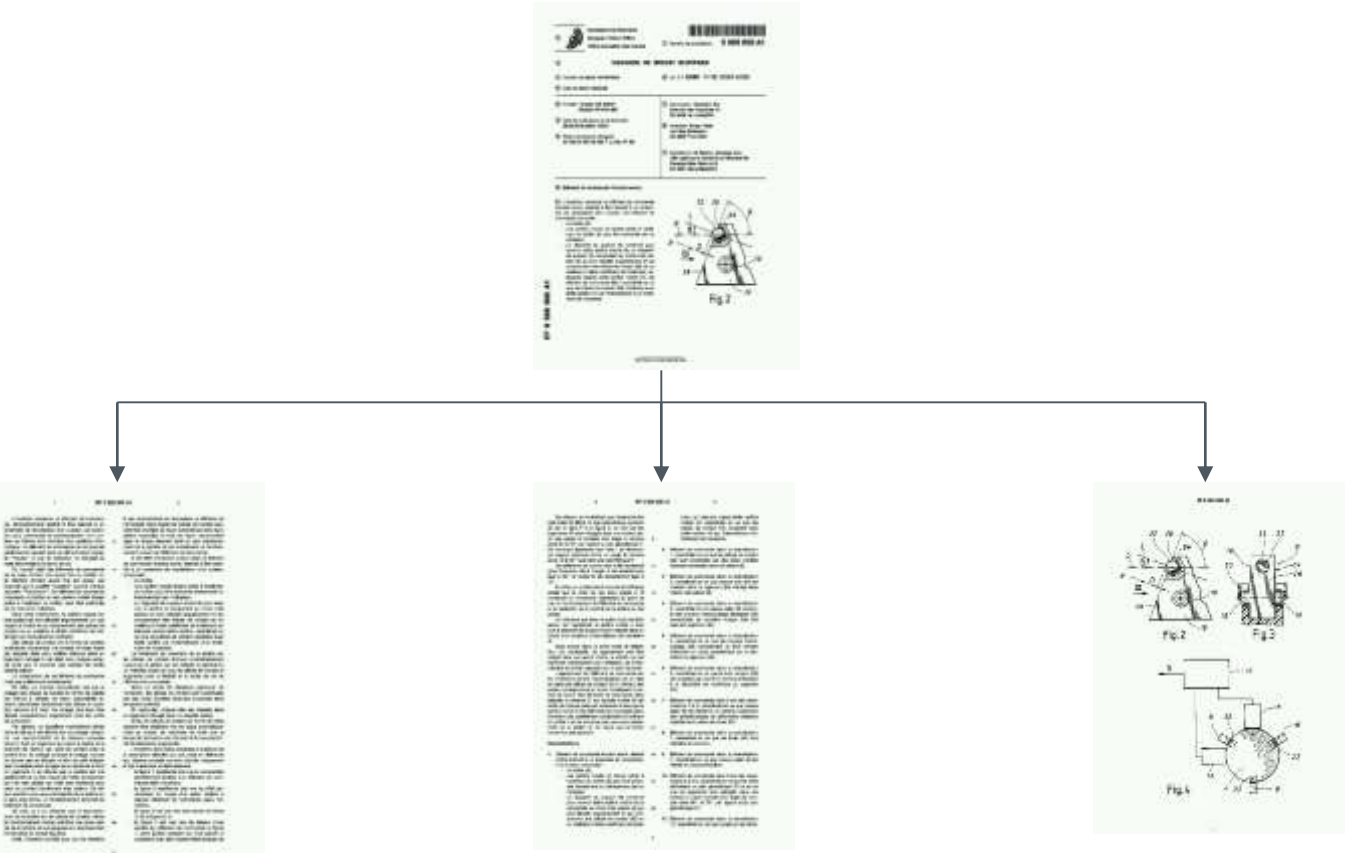
for a certain territory and for a specific period,

giving the owner the right to prevent third parties from exploiting an invention for commercial purposes without authorisation

- period : valid for normally 20 years
- territory : patent in a certain state does not influence rights and monopolies in other states
- a patent is an Intellectual Property Right (other IPRs are for example Trademarks and Copyrights)
- It is a passive right, which means that:
 - the inventor can prevent others from using the patent
 - ... but s/he can not always be sure that s/he will be allowed to use it him/herself.



Essential Parts of a Patent



Description

Claim(s)

Drawing(s)

Goals of the patent system :

- to promote innovation by attracting capital investment in Research and Development
- the full disclosure/publication of the invention inspires further inventions and at the same time helps to prevent duplication of R&D

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How to get a patent in Europe ?

- granting of patents can be done at the a national level, which results in a national patent valid in that state (national route)
- if the applicant wants protection in more then one state, he will have to go through the granting process in each country, and what is granted may vary form one country to another

- to make the patent system in Europe more cost-effective and to increase legal certainty, international cooperation was sought, which resulted in a treaty called the

European Patent Convention (EPC).

The European Patent Convention (EPC)

- is the international treaty which
- contains the legal basis for a new organization, the European Patent Office, in charge of the granting process for European Patents and
- contains the law on European patents (national law of members states can not deviate from this law)
- under the responsibility of the Member States (Diplomatic Conference and Adm. Council)

- **ADVANTAGE** compared to the national route:

filing at the European Patent Office gives possibility for patent protection in about 40 European Countries in one centralised procedure in one language (English, French or German)

Map showing the geographic coverage of European patents as of 1 December 2017

■ Member states (38)

Albania	Luxembourg
Austria	Former Yugoslav Republic of Macedonia
Belgium	Malta
Bulgaria	Monaco
Croatia	Netherlands
Cyprus	Norway
Czech Republic	Poland
Denmark	Portugal
Estonia	Romania
Finland	San Marino
France	Serbia
Germany	Slovakia
Greece	Slovenia
Hungary	Spain
Iceland	Sweden
Ireland	Switzerland
Italy	Turkey
Latvia	United Kingdom
Liechtenstein	
Lithuania	

■ Extension states (2)

Bosnia-Herzegovina
Montenegro

■ Validation states (3)

Republic of Moldova
Morocco
Tunisia



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Summary of the procedure

- applicant files application documents with description (+figures if helpful) and claims
- the EPO looks for relevant state of the art and communicates this to the applicant in the form of a search report with accompanying letter (opinion)
- the EPO publishes the application documents

Summary of the procedure (continued)

- based on the search report and the opinion of the EPO, the applicant decides if he wants to continue
- the EPO communicates with the applicant in order to amend the application documents, in particular the claims, in such a way that all the requirements of the EPC are fulfilled.
- a patent is granted or the application is refused.

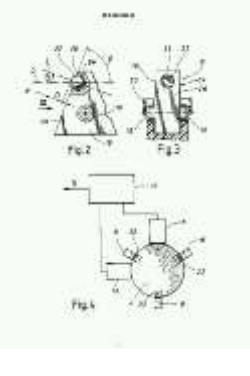
Essential Parts of a Patent Application



Description

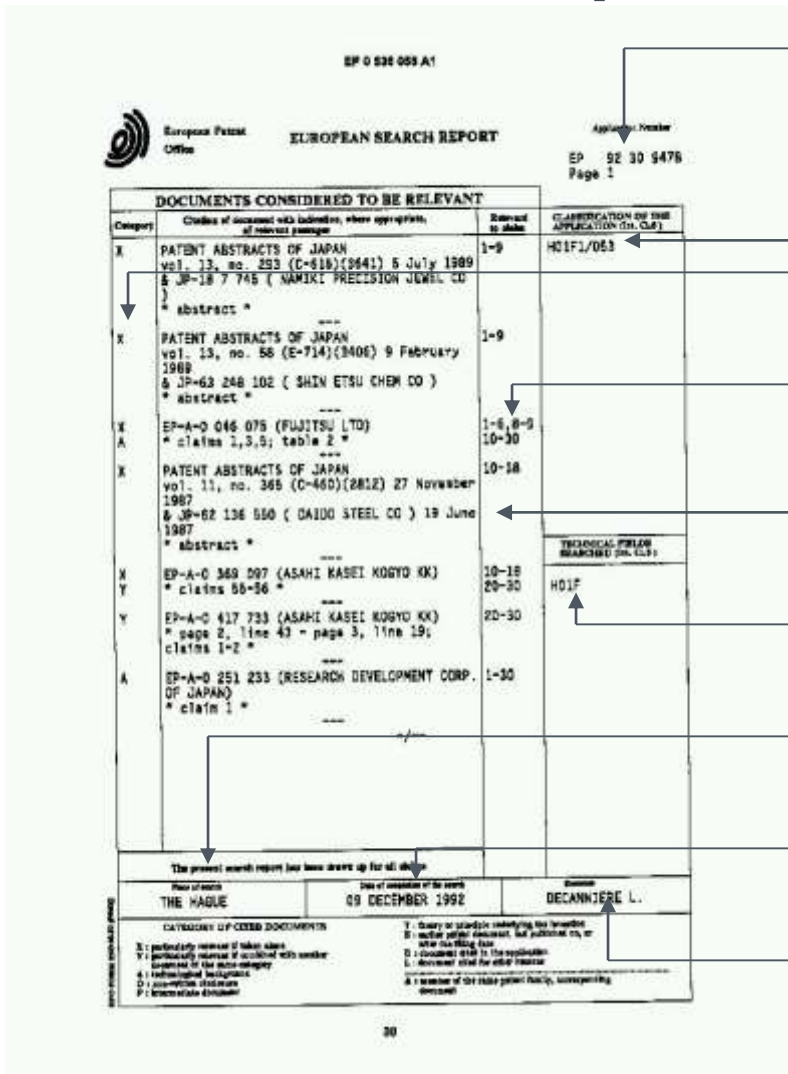


Claim(s)



Drawing(s)

The Search Report



Application number

International Patent Classification

Category X, Y, A

Relevant to Claim ...

Cited documents

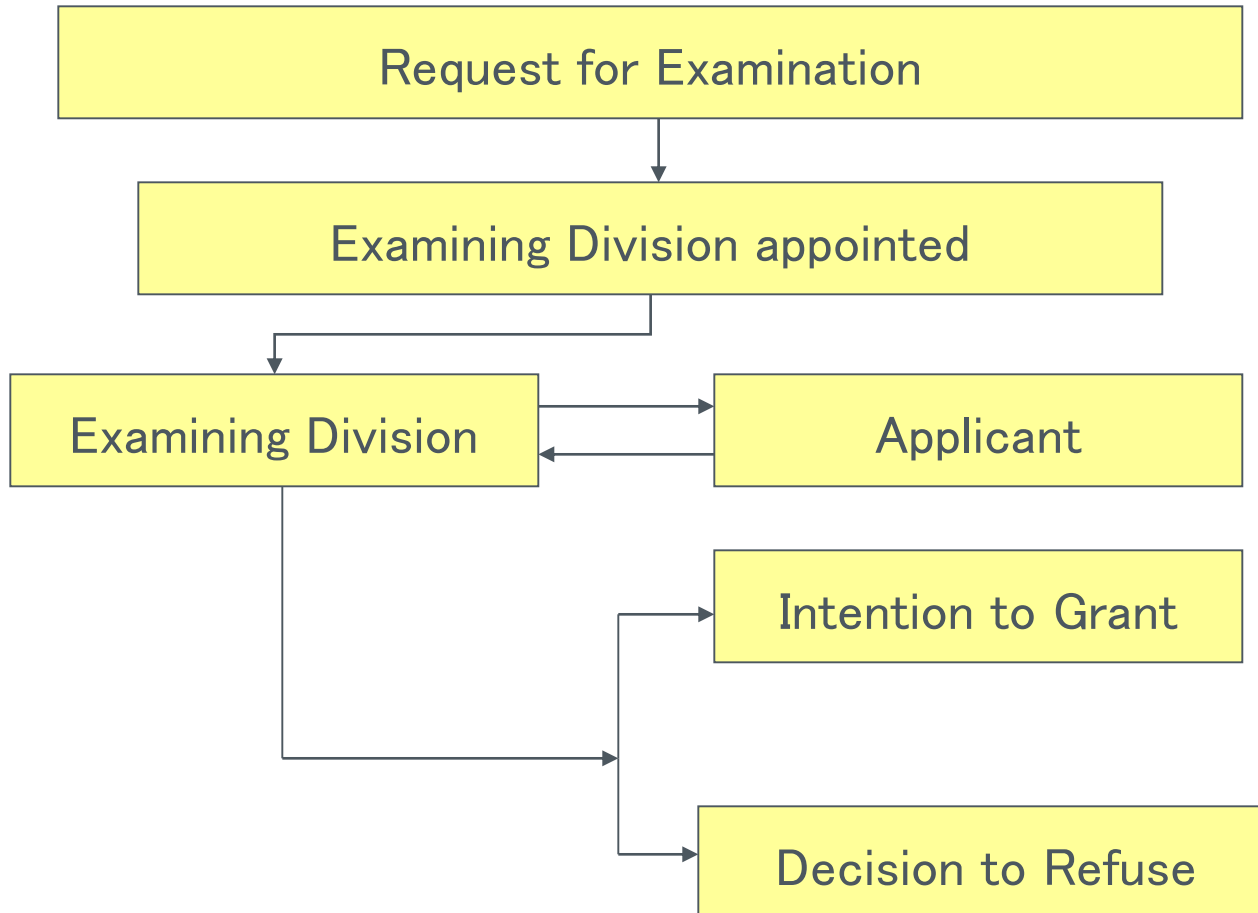
Technical Fields Searched

Place of Search

Date of Completion of the Search

Examiner

Based of the SR the applicant decides if he wants to continue...



Possibility of opposing a granted patent

- Anyone can oppose a granted patent in a centralised procedure in front of the EPO in a nine month period after the grant of the patent.
- So it might be worth keeping an eye on the patents that are granted in your field !

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The European Patent Office as employer



- **Second-largest intergovernmental institution** in Europe
- Not an EU institution
- **Self-financing**, i.e. revenue from fees covers operating and capital expenditure
- **EPC** – patent prosecution for 38 contracting states

Our five locations in Europe



Our staff



Munich

3 772

The Hague

2 682

Berlin

247

Vienna

96

Brussels

4

Total

6 801

Around 60% are patent examiners

Source: EPO data on 31.12.2016

A multicultural working environment



- Over 30 different nationalities
- Three languages for working in and for communicating with applicants:
 - English
 - French
 - German

We are recruiting engineers and scientists



Working as a patent examiner

Who can apply?

Engineers and scientists who are nationals of EPO member states and who have the necessary language skills

In which technical fields?

Opportunities exist in a whole range of technical fields

More information on epo.org/jobs



www.epo.org

Thank you for your attention!

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