

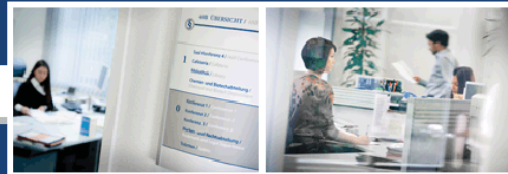


KUHNEN & WACKER

Intellectual Property Law Firm

The European Patent Convention -
A quick orientation through the basics

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The European Patent Convention

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Introduction

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Introduction

Let's assume...

No US (federal) patent, but only a bundle “state” patents available;
However there is a US (federal) patent application which is

filed, examined and granted centrally at the USPTO in Washington
in one of three different official language (English, Spanish, Hawaiian)

States for which a state patent is sought have to be designated

A state patent is only enforceable in the designated
states in which it has been validated

You think that sounds strange?

Then you are right,
but this would be a situation comparable to Europe!

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Introduction

What is the European Patent Convention (EPC)?

The **European Patent Convention** is a **multilateral international* treaty** concluded in **1973**, establishing an **autonomous legal system** according to which **European patents** (so-called **EP patents**) are granted (cp. Article 1 EPC).

The EPC basically provides for a **centralized granting procedure** for patent applications in Europe **before the European Patent Office (EPO)** which went in operation in **1978**.

The EPO has developed to one of biggest patent offices in the world, with **266.000** patent filings in 2013 of which 205.000 were PCT filings and 61.000 direct European filings.

***Nota bene:** The EPC is not part of the European Union (EU) system!

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Introduction



Since 1973 the EPC has grown into

- **38 Contracting States** including **all 28 EU member states** plus Iceland, Liechtenstein, the Former Yugoslav Republic of Macedonia, Monaco, Norway, San Marino, Switzerland, Serbia and Turkey
- **2 Extension States**
Montenegro, Bosnia and Herzegovina
- covering an area with nearly 600 million inhabitants.

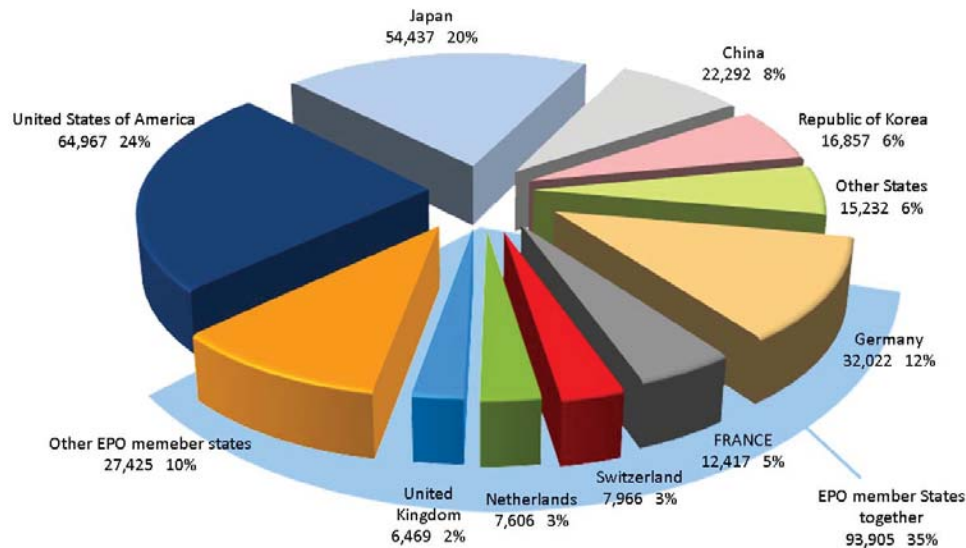
Note: There is no competence of the EU in regard to the EPC
⇒ The EP patent is not an EU patent!

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Introduction

Total European patent filing in 2013
Breakdown by applicant residence



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Introduction

Language Regime

38 EPC contracting states with at least 20 official languages ⇒ Need for a language regime!

Three official languages: English, French and German.

The official language chosen at filing is used as the language in all proceedings before the European Patent Office.

Filing in any other language is possible. A translation into one of the official languages has then to be provided with 2 months.

Important: Throughout the proceedings before the European Patent Office, such translation may be brought into conformity with the application as filed.

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