



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

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!

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!

Introduction



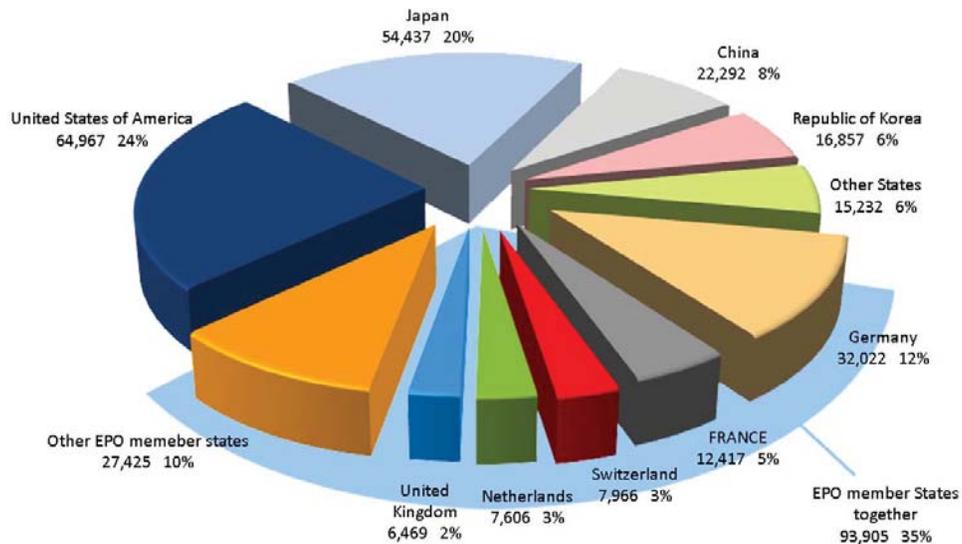
Since 1973 the EPC has grown into

- **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!

Introduction

Total European patent filing in 2013
Breakdown by applicant residence



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.