

# International Prosecution

-Tips on how to prepare a global filing  
with considerations for Europe

Tim Graham  
tim.graham@uk.ibm.com

# Agenda

---

- European patent system
- European national patents
- Tips for preparation for European filings

---

## European Patent System

## European Patent System

---

- **Separate National patents in each country**
- **European Patent Convention**
  - **38 member states, + 6 extension/validation states**
  - **Not to be confused with the European Union (27 Countries)**
  - **operated by European Patent Organisation and its regional patent office:**
    - **Central examination of applications + 3<sup>rd</sup> party opposition**
    - **Granted EPC patent results in bundle of national patents (or your choosing)**
    - **Can be more cost effective than separate filings**
    - **Granted cases litigation subject to national and EU law**
  - **Attempts to establish Unitary Patent and Unified Patent Court for EU is still ongoing**

---

## European National Patents

## European national patents

---

- **First-to-file system**
- **One type of patent**
  - Inventions
  - there are also Design Rights under national or EU law
- **Four ways of filing**
  - Direct filing
  - Paris convention filing
  - PCT filing designating EPO
  - PCT filing designating countries

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: International Prosecution

Also available as part of the eCourse

[2020 Advanced Patent Law \(Austin\) eConference](#)

First appeared as part of the conference materials for the  
25<sup>th</sup> Annual Advanced Patent Law Institute session  
"International Prosecution"