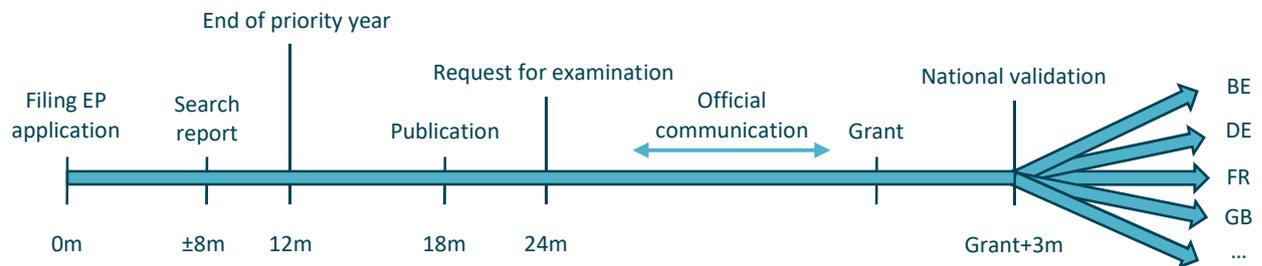


European patent procedure (EPC)



The European patent procedure is a common procedure for a plurality of countries. The common procedure runs up to grant, meaning that a granted patent with same scope of protection is obtained for the different states where the patent is ultimately validated.

Despite the official languages of the EPO being English, French and German, European patent applications can be filed in any language. If not filed in one of the official languages of the EPO, a translation in such language is required.

The first step in the European patent granting procedure is the examination on filing, which involves checking whether all required information has been provided (a.o. identification of applicant, description of the invention) so the application can be accorded a filing date.

After the formalities examination has been carried out, a European search report is drawn up, citing documents which the Examiner considers relevant to the patentability of the invention. The application is published, usually together with the search report. The applicant has 6 months to decide whether or not to pursue the application. If the decision is positive, a request for examination needs to be filed.

The EPO examines whether the patent application and the invention meet the requirements of the EPC, and whether a patent can be granted. If not, an official communication is issued, to which the applicant can reply, either by amending the application, or by arguing.

If the Examining division decides that a patent can be granted, it issues a decision to that effect. Translations of the claims in the two official languages of the EPO different from the language of procedure have to be filed, and a grant and publication fee has to be paid. The patent is granted.

The patent has to be validated in each of the designated states where protection is desired, and this within 3 months from the grant, to retain its protective effect and to be enforceable against infringers.

A granted patent can be opposed by third parties, within 9 months from the grant date.