The European Patent Office
Role of the EPO in the patent system

Belgrade, 15 November 2010
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- What we do
- Co-operation
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The European Patent Office

Mission
As the patent office for Europe, we support innovation, competitiveness and economic growth across Europe through a commitment to high quality and efficient services delivered under the European Patent Convention.

- Second largest intergovernmental institution in Europe
- Not an EU institution
- Self-financing, i.e. revenue from fees covers operating and capital expenditure
The European Patent Convention

- The European Patent Convention (EPC)
  - provides the legal framework for the granting of European patents via a centralised procedure
  - establishes the European Patent Organisation

- 1973 – Diplomatic Conference in Munich ➤ signature of the EPC by 16 countries

- 1977 – Entry into force of the EPC in 7 countries  - marked as follows

[Flags of the 7 countries that signed the EPC in 1973]
38 member states

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

European patent applications and patents can also be extended at the applicant’s request to the following states:

Bosnia-Herzegovina • Montenegro
Accession stages to the EPC of Republic of Serbia

- **1 November 2004** - Serbia (and Montenegro) extension state of the EPC
- **October 2005** - Serbia (and Montenegro) receive observer status to the AC
- **June 2008** - Invitation from our member states to Serbia to join the Organisation
- **1 October 2010** - Serbia joins EPO
Republic of Serbia joins EPO

1 October 2010

- Serbia will be able to actively participate in the shaping the future of the European patent system
- Serbia becomes part of the European Patent Network co-operation schemes
- Serbia will have the opportunity to exchange experiences and best practices with other member states
- Serbia will benefit from EPO's financial support for the implementation of co-operation projects
- all European patent applications will automatically include the designation of Serbia
- Serbian businesses and enterprises can protect their own inventions throughout the European market by filing a single patent application with the EPO
- Serbia has gained access to the one of the most effective systems for technology transfer
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Our role in the European patent system

- We provide patent protection in up to 40 European countries based on a single application in one of the three official languages (German, English, French)

  European patent applications can be filed:
  - direct with the EPO
  - via the national patent offices of the contracting states
  - based on an international (PCT) application

- We are also responsible for
  - limitation and revocation proceedings by patentees
  - opposition proceedings by third parties
  - appeal proceedings before the Boards of Appeal
Overview of European patent grant procedure (I)

Applicant

- European patent application

EPO

- Filing and formalities examination
- Search and search report together with preliminary opinion on patentability
- Substantive examination
- Grant of European patent

Public domain

- Publication of application and search report
  - Online access to application file and legal status information
  - Observations by third parties possible
- Validation in designated states
- Refusal or withdrawal of application

Public domain

- Publication of patent specification
Overview of European patent grant procedure (II)

- Applicant
  - Refusal of application
  - Substantive examination
  - Grant of European patent
    - Opposition by third parties possible
    - Opposition proceedings
    - Limitation or revocation proceedings
    - Appeal proceedings

- EPO

- Public domain
Our role in the international (PCT) system

- We process international patent applications
  - we act as a receiving office for international applications (PCT)
  - we carry out international search and preliminary examination procedures
Applications filed

- Direct European filings
  - 2008: 63,077
  - 2009: 55,896

- Euro-PCT applications entering the regional phase
  - 2008: 83,567
  - 2009: 78,646
Patent Information

Patent documents on the Internet

Esp@cenet database makes patent information available to the public via the internet. Today the EPO's worldwide patent search database gives users free access to approximately 70 million patent documents (mostly patent applications).
Other services

- **Free online services**
  - filing
  - fee payment
  - file inspection
  - tracking of legal status of applications

- **Free patent information services**
  - online access to all European patent documents (updated weekly)
  - simple online searches in our database of over 70 million patent applications
  - helpdesk staffed by experts on the Japanese, Chinese and Korean patent systems

- **Training**
  - conferences
  - workshops and seminars
  - e-learning
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EPO - EU - Serbia co-operation in the field of IPR

- Co-operation activities with EPO in the framework of a series of EU funded projects which brought further improvements to IP protection in Serbia

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CARDS: Community Assistance for Reconstruction, Development and Stabilisation
IPA: Instrument for Pre-accession assistance
The European Patent Network

- European Patent Network (EPN) = Network having as partners the European Patent Office and the National Patent Offices of the Member States
- Close links to EU and other international institutions
- A new way of interacting among the partners based on:
  - complementarity
  - exchange
  - partnership
with the aim to make optimum use of the resources and competences available among the partners through spreading of:
  - best practices
  - NPO's know-how
  - existing tools
## Existing co-operation projects with member states

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Co-operation between the largest offices

2008

The five largest intellectual property offices in the world set up a forum to improve the efficiency of the examination process for patents worldwide. The objective was to address the ever-increasing backlog by reducing their duplication of work at each of these offices on families of patent applications.
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Four key ingredients

- Highly skilled examiners
- Rigorous controls and commitment to improvement
- Thorough and consistent procedures
- Comprehensive search documentation
Thank you for your attention!

Mr Helge Rasmussen
Principal Director
European Patent Academy
and Qualification