

PATENT ADMINISTRATORS COURSE 2009/10 FINAL EXAMINATION

Thursday 29th April 2010

Exam Starts: 2.00pm

Reading Time: 2.00 pm – 2.15 pm

Writing Time: 2.15 pm – 5.15 pm

1. This is a three-hour Paper with an additional 15 minutes for reading only.
2. You should attempt all questions.
3. The number of marks allotted to each question is indicated on the paper.
4. Please write clearly, as it is difficult to award marks to illegible answers.
5. The Paper consists of 5 pages of questions plus Annex A (2 pages).
6. In addition, you are provided with:
 - Blank European Patent Form 1001
 - Notes on European Patent Form 1001
 - Blank European Patent Form 1002
 - 2010 Calendar
 - EPO Holiday dates 2009 and 2010
7. Please ensure your candidate number is written on each page of your answers and any forms submitted.
Please do NOT write your name on the answer sheets.
8. At the end of the exam please ensure that your answer papers are placed in **the brown envelope with only your candidate number on and sealed.**

Patent Administrators Course 2009/10

Final Exam 29th April, 2010

- (1) You are an in-house administrator for Anglo-Spanish Enterprises, Ltd., and the attorney you work for has asked you to prepare a new European patent application. Please prepare a new European patent application, based on the information given in Annex A. Forms 1001 and 1002 are enclosed.

(20 marks)

- (2) Assuming that the application in Q1 is filed on 29 April 2010, what documents must be filed, and by when, to complete the filing formalities? (Ignore fees.)

(6 marks)

- (3) A decision refusing a European Patent Application was notified to the Applicant by the European Patent Office by a letter dated 21 October 2009. The applicant wishes to appeal.

- a) By what date must the Notice of Appeal have been filed?

(5 marks)

- b) Is there any extension of time available?

(1 mark)

- (4) Today your office has taken over responsibility for UK patent no. GB2123456. On checking the online register, you discover that the patent claims a priority date of 26th September 2005, was filed on 1 April 2006, was granted on 3 February 2010 and has been marked "Licences of Right" since grant.

- a) What is the deadline for the payment of any renewal fee(s) now due, without surcharge? Give your reasons.

(6 marks)

- b) What effect does the marking "Licences of Right" have on the renewal fee payable?

(1 mark)

- (5) For the patent in question 4:
- a) What is the deadline for *late payment* of the renewal fee(s) due, as of right ("for the asking"), with surcharge? Give your reasons.
- (3 marks)**
- b) What effect does the marking "Licences of Right" have on the amount of the surcharge due?
- (1 mark)**
- (6)
- a) Which day of the week are UK patent applications published on?
- (1 mark)**
- b) If amended description and claims pages are filed after receipt of the search report, will those pages be published with the "A" specification?
- (2 marks)**
- c) Under what circumstances will "A" publication of a UK patent application be delayed?
- (1 mark)**
- d) Does a published "A" specification show the date of grant of the patent?
- (1 mark)**
- (7) A UK patent application was filed on the 14th December 2009 claiming priority from an earlier application filed on 14th December 2008. You have to diary the deadline for filing a Statement of Inventorship form (form 7). Please state the deadlines for filing this document. Give your reasoning.
- (3 marks)**
- (8) For the application in Question 7, please state the deadline for filing formal drawings. Give your reasoning.
- (4 marks)**

(9) The attorney you work for has just received instructions today 29th April 2010 from a new client to take over a PCT International Application originally filed by the client's previous German Attorney. The International Application was filed on 8th January 2008 directly at the EPO as receiving office. No priority was claimed. Your attorney has asked you to diary the national phase deadline for filing in the USA. Please state this deadline indicating in your answer how you arrived at this date.

(3 marks)

(10) For the PCT application in Question 9, what is the normal date by which the application must enter the regional phase in the European Patent Office? Again, show how you arrived at this date in your answer.

(4 marks)

(11) A European patent application filed directly at the EPO on 14th December 2007 has its search report published on 15th January 2010. By what date must the examination fee be paid? Give your full reasoning.

(3 marks)

(12) By mistake, the examination fee for the application in Question 11 is not paid in time. What is the consequence of this? What does the EPO do next? What can be done to ensure that the application will continue? Mention any time limits that apply, but there is no need for you to calculate actual dates in your answer.

(8 marks)

(13) State whether the following kinds of IP rights *in the UK* are registered or unregistered or both.

- a) Passing-off
- b) Patents
- c) Designs
- d) Copyright

(4 marks)

(14) What is a trade mark?

(2 marks)

(15) Which of the following, if new, can be registered as a UK trade mark?

- a) An invented word
- b) A descriptive slogan
- c) A three-dimensional object
- d) A generic name

(2 marks)

(16) Your client Monsieur Cleverdog is a French national who is resident in the UK. He is the inventor and intended applicant in a PCT application in English which he has asked you to file for him.

- a) Can you file the PCT application at the UK Patent Office as Receiving Office?

(2 marks)

- b) What happens if the application is filed at the US Patent Office? Ignore any national security issues.

(4 marks)

Please explain your reasoning in each case.

(17) You work for an in house patent department. The deadline for filing patent applications claiming priority from a UK patent application is approaching. Protection is required in Italy and Germany. What are your options for filing the convention applications to preserve the option of protection in these two countries?

(3 marks)

(18) Your client Candleford Limited, has recently sold a small portfolio of patents to Dorcas Limited. On checking the UKIPO register, you discover that the proprietor of the relevant patents is still shown as Lark Rise Limited, which was the company name when the applications were filed. Your paperwork shows that Candleford Limited and Lark Rise Limited have the same registration number at UK Companies House. List the series of transactions which need to be recorded at the UKIPO.

(2 marks)

(19) What documents must be filed to support registration of a patent assignment at the UKIPO? At minimum, what must these documents contain to be registrable?

(6 marks)

- (20)** A UK design application was filed on 26th April 2010, claiming priority of a Benelux design application filed on 4th January 2010.
- a) Ignoring extensions, by when must the first renewal fee be paid on the resulting UK design registration?
(1 mark)
- b) Assuming all renewal fees are paid, when will the resulting UK design registration expire?
(1 mark)

Anglo-Spanish Enterprises, Ltd.

Patent Department

Ely Court

London EC1N 6JS

Tel: 0207 230 0001

Fax: 0207 230 0002

Internal memo (file: ABD/1234)

Dear Administrator

Our Barcelona office filed a Spanish national patent application to comply with Spanish national security requirements. We are now clear to file outside of Spain, and wish to apply for patent protection in Europe by way of a European patent application.

The bibliographic data of the Spanish application are as follows:

Application No.	ES 09987654.3
Filing Date:	30 April 2009
Applicant:	Anglo-Spanish Enterprises, Lda. 402 Plaza de Catalunya Barcelona 1001 Spain
Inventor:	Jose Martinez

(Employee - use applicant address)

Title: Improvements relating to wine production

Please prepare a new European patent application claiming priority from the Spanish application. EPO forms 1001 and 1002 are enclosed for completion. There has been no assignment of any rights in the Spanish application. Fees will be paid later by our Accounts Department, from our deposit account no. 28001111. The application documents are to be filed by hand at the UK IPO.

For commercial reasons, we wish to file the application today. It is not necessary to make any amendments to the Spanish description, claims (14 in total) or drawings (1 figure) when filing the European patent application. However, we do not have a copy of the Spanish application, and our Barcelona office is shut for the rest of the week. Please take the appropriate action to secure today's filing date. We will request any supporting documents from the Barcelona office when they open next week

Regards,

John Smith

European Patent Attorney



Antrag auf Erteilung eines europäischen Patents

Request for grant of a European patent

Requête en délivrance d'un brevet européen

- Nachreichung von Form 1001 zu einer früher eingereichten Anmeldung nach Regel 40 (1) vom
 Form 1001 filed further to a previous application under Rule 40(1) on
 Dépôt du formulaire 1001 pour une demande déposée antérieurement au titre de la règle 40(1) en date du
- Bestätigung einer bereits durch Fax eingereichten Anmeldung vom bei
 Confirmation of an application already filed by fax on with
 Confirmation d'une demande déjà déposée par téléfax le auprès de

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration	
1 Anmelde­nummer / Application No. / N° de la demande	<input type="text" value="MKEY"/>
2 Tag des Eingangs (Regel 35 (2)) / Date of receipt (Rule 35(2)) / Date de réception (règle 35(2))	<input type="text" value="DREC"/>
3 Tag des Eingangs beim EPA (Regel 35 (4)) / Date of receipt at EPO (Rule 35(4)) / Date de réception à l'OEB (règle 35(4))	<input type="text" value="RENA"/>
4 Anmeldetag / Date of filing / Date de dépôt	

- 5 Es wird die Erteilung eines europäischen Patents und gemäß Artikel 94 die Prüfung der Anmeldung beantragt. /
 Grant of a European patent, and examination of the application under Article 94, are hereby requested. /
 Il est demandé la délivrance d'un brevet européen et, conformément à l'article 94, l'examen de la demande.
Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt II, 5) / Request for examination in an admissible non-EPO language (see Notes II, 5) / Requête en examen dans une langue non officielle autorisée (voir notice II, 5)
- 5.1 Der Anmelder verzichtet auf die Aufforderung nach Regel 70 (2), zu erklären, ob die Anmeldung aufrechterhalten wird. /
 The applicant waives his right to be asked whether he wishes to proceed further with the application (Rule 70(2)). /
 Le demandeur renonce à être invité, conformément à la règle 70(2), à déclarer s'il souhaite maintenir sa demande.
- 6 Zeichen des Anmelders oder Vertreters (max. 15 Positionen) /
 Applicant's or representative's reference (max. 15 keystrokes) /
 Référence du demandeur ou du mandataire (max. 15 caractères ou espaces)

Anmelder / Applicant / Demandeur

- 7 Name /
Nom
- 8 Anschrift /
Address /
Adresse
- 9 Zustellanschrift /
Address for correspondence /
Adresse pour la correspondance

TRAN	<input type="text"/>	FILL	<input type="text"/>
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Zeichen des Anmelders /
 Applicant's reference /
 Référence du demandeur

10 Staat des Wohnsitzes oder Sitzes /
State of residence or of principal place of business /
Etat du domicile ou du siège

11 Staatsangehörigkeit /
Nationality /
Nationalité

12 Telefon /
Telephone /
Téléphone

13 Fax /
Téléfax

14 Weitere(r) Anmelder auf Zusatzblatt /
Additional applicant(s) on additional sheet /
Autre(s) demandeur(s) sur feuille supplémentaire

Vertreter / Representative / Mandataire

FREP

15 Name / Nom
(Nur einen Vertreter oder den Namen des Zusammenschlusses angeben, der in das Europäische Patentregister einzutragen ist und an den zugestellt wird) /
(Name only one representative or association of representatives, to be listed in the Register of European Patents and to whom communications are to be notified) /
(N'indiquer qu'un seul mandataire ou le nom du groupement de mandataires qui sera inscrit au Registre européen des brevets et auxquelles les significations seront faites)

16 Geschäftsanschrift /
Address of place of business /
Adresse professionnelle

et al

17 Telefon /
Telephone /
Téléphone

18 Fax /
Téléfax

19 Weitere(r) Vertreter auf Zusatzblatt /
Additional representative(s) on additional sheet /
Autre(s) mandataire(s) sur feuille supplémentaire

Vollmacht / Authorisation / Pouvoir

GENA

20 ist beigefügt / is enclosed / joint

21 Allgemeine Vollmacht ist registriert unter Nummer /
General authorisation has been registered under No. /
Un pouvoir général a été enregistré sous le numéro

Erfinder / Inventor / Inventeur

INVT 20

22 Der (die) Anmelder ist (sind) alleinige(r) Erfinder. /
The applicant(s) is (are) the sole inventor(s). /
Le(s) demandeur(s) est (sont) le(s) seul(s) inventeur(s).

23 Erfindernennung in beigefügtem Schriftstück /
Designation of inventor attached /
Voir la désignation de l'inventeur ci-jointe

24 **Bezeichnung der Erfindung / Title of invention /
Titre de l'invention**

TIDE

TIEN

TIFR

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

27.1 Datum des ersten Bescheids der Prüfungsabteilung zu der frühesten Anmeldung, zu der ein Bescheid ergangen ist (Regel 36 (1) a)); / Date of Examining Division's first communication in respect of the earliest application for which a communication has been issued (Rule 36(1)(a)); / Date de la première notification de la division d'examen relative à la demande la plus ancienne pour laquelle une notification a été émise (règle 36(1)a) :

Datum / Date

Bei Abweichung von der in Feld 27 angegebenen Anmeldung ist die betreffende früheste Anmeldung: / If different from the application mentioned in Section 27, the relevant earliest application is: / Si la demande la plus ancienne concernée diffère de celle mentionnée à la rubrique 27, veuillez indiquer son numéro :

Nummer der betreffenden frühesten Anmeldung /
Number of the relevant earliest application /
Numéro de la demande la plus ancienne concernée

27.2 Datum des Bescheids, in dem die Prüfungsabteilung zum ersten Mal eingewandt hat, dass die frühere Anmeldung nicht den Erfordernissen des Artikels 82 EPÜ genügt (Regel 36 (1) b)); / Date of communication in which the Examining Division has objected for the first time that the earlier application does not meet the requirements of Article 82 EPC (Rule 36(1)(b)); / Date de la notification dans laquelle la division d'examen a objecté pour la première fois que la demande antérieure ne satisfait pas aux exigences de l'article 82 CBE (règle 36(1)b)) :

Datum / Date

28 **Anmeldung nach Artikel 61 (1) b) / Article 61(1)(b) application / Demande selon l'article 61(1)b)**

EANR

Es handelt sich um eine Anmeldung nach Artikel 61 (1) b). / The application is an Article 61(1)(b) application. / La présente demande constitue une demande selon l'article 61(1)b).

Nummer der früheren Anmeldung / Number of earlier application /
Numéro de la demande initiale

29 **Patentansprüche / Claims / Revendications**

CLMS

Zahl der Patentansprüche /
Number of claims /
Nombre de revendications

29.1

wie beigelegt / as attached /
telles que jointes en annexe

29.2

wie in der früher eingereichten Anmeldung (siehe Feld 26.2) /
as in the previously filed application (see Section 26.2) /
telles que figurant dans la demande déposée antérieurement
(voir rubrique 26.2)

29.3

Die Patentansprüche werden nachgereicht. /
The claims will be filed later. /
Les revendications seront produites ultérieurement.

30 **Abbildungen / Figures / Figures**

DRAW 2

Zur Veröffentlichung mit der Zusammenfassung wird vorgeschlagen
Abbildung Nr. / It is proposed that the abstract be published together
with figure No. / Il est proposé de publier avec l'abrégé la figure n°

31 **Benennung von Vertragsstaaten / Designation of contracting states / Désignation d'Etats contractants**

DEST

Alle Vertragsstaaten*, die dem EPÜ bei Einreichung der europäischen Patentanmeldung angehören, gelten als benannt (siehe Artikel 79 (1)). /
All the contracting states* party to the EPC at the time of filing of the European patent application are deemed to be designated (see Article 79(1)). /
Tous les Etats contractants* qui sont parties à la CBE lors du dépôt de la demande de brevet européen sont réputés désignés (voir article 79(1)).

* Stand bei Drucklegung: 36 Vertragsstaaten, und zwar: / When this form was printed, there were 36 contracting states, namely / Situation à la date d'impression :
36 Etats contractants, à savoir : AT Österreich / Austria / Autriche – BE Belgien / Belgium / Belgique – BG Bulgarien / Bulgaria / Bulgarie – CH/LI Schweiz und
Liechtenstein / Switzerland and Liechtenstein / Suisse et Liechtenstein – CY Zypern / Cyprus / Chypre – CZ Tschechische Republik / Czech Republic / République
tchèque – DE Deutschland / Germany / Allemagne – DK Dänemark / Denmark / Danemark – EE Estland / Estonia / Estonie – ES Spanien / Spain / Espagne –
FI Finnland / Finland / Finlande – FR Frankreich / France – GB Vereinigtes Königreich / United Kingdom / Royaume-Uni – GR Griechenland / Greece / Grèce –
HR Kroatien / Croatia / Croatie – HU Ungarn / Hungary / Hongrie – IE Irland / Ireland / Irlande – IS Island / Iceland / Islande – IT Italien / Italy / Italie – LT Litauen /
Lithuania / Lituanie – LU Luxemburg / Luxembourg – LV Lettland / Latvia / Lettonie – MC Monaco – MK ehemalige jugoslawische Republik Mazedonien / former
Yugoslav Republic of Macedonia / ex-République yougoslave de Macédoine – MT Malta / Malte – NL Niederlande / Netherlands / Pays-Bas – NO Norwegen /
Norway / Norvège – PL Polen / Poland / Pologne – PT Portugal – RO Rumänien / Romania / Roumanie – SE Schweden / Sweden / Suède – SI Slowenien /
Slovenia / Slovénie – SK Slowakische Republik / Slovak Republic / République slovaque – SM San Marino / Saint-Marin – TR Türkei / Turkey / Turquie

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

**32 Verschiedene Anmelder für verschiedene Vertragsstaaten /
Different applicants for different contracting states /
Différents demandeurs pour différents Etats contractants**

APPR02

Name(n) des (der) Anmelder(s) und benannte Vertragsstaaten: /
Name(s) of applicant(s) and designated contracting states: /
Nom(s) du (des) demandeur(s) et des Etats contractants désignés:

**33 Erstreckung des europäischen Patents /
Extension of the European patent /
Extension des effets du brevet européen**

EXPT

Diese Anmeldung gilt als Antrag, die europäische Patentanmeldung und das darauf erteilte europäische Patent auf alle Nichtvertragsstaaten des EPÜ zu erstrecken, mit denen am Tag der Einreichung der Anmeldung Erstreckungsabkommen in Kraft sind. Der Antrag gilt jedoch als zurückgenommen, wenn die Erstreckungsgebühr nicht fristgerecht entrichtet wird. /

This application is deemed to be a request to extend the European patent application and the European patent granted in respect of it to all non-contracting states to the EPC with which extension agreements are in force on the date on which the application is filed. However, the request is deemed withdrawn if the extension fee is not paid within the prescribed time limit. /

La présente demande est réputée constituer une requête en extension des effets de la demande de brevet européen et du brevet européen délivré sur la base de cette demande à tous les Etats non parties à la CBE avec lesquels des accords d'extension sont en vigueur à la date du dépôt de la demande. Cette requête est toutefois réputée retirée si la taxe d'extension n'est pas acquittée en temps utile.

- 33.1 Es ist derzeit beabsichtigt, die Erstreckungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. /
It is currently intended to pay the extension fee(s) for the states marked opposite with a cross. /
Il est actuellement envisagé de payer la (les) taxe(s) d'extension pour les Etats dont le nom est coché ci-contre.

- AL Albanien/
Albania/
Albanie
- BA Bosnien und Herzegowina/
Bosnia and Herzegovina/
Bosnie-Herzégovine
- ME Montenegro/
Montenegro/
Monténégro
- RS Serbien/
Serbia/
Serbie

Hinweis: Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Erstreckungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.

Note: Under the automatic debiting procedure, extension fees will only be debited for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

Veuillez noter que dans le cadre de la procédure de prélèvement automatique des taxes d'extension, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.

<input type="checkbox"/>	
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(Platz für Staaten, mit denen nach Drucklegung dieses Formblatts Erstreckungsabkommen in Kraft treten oder für die am Anmeldetag der früheren Anmeldung Erstreckungsabkommen in Kraft waren (Artikel 76 (1)) / Space for states with which extension agreements enter into force after this form has been printed or for which extension agreements existed on the date of filing of the earlier application (Article 76(1)) / Espace prévu pour des Etats à l'égard desquels des accords d'extension entreront en vigueur après l'impression du présent formulaire ou étaient en vigueur à la date de dépôt de la demande antérieure (article 76(1)))

**34 Biologisches Material / Biological material /
Matière biologique**

BIOM 1

- 34.1 Die Erfindung verwendet und/oder bezieht sich auf biologisches Material, das nach Regel 31 hinterlegt worden ist. /
The invention uses and/or relates to biological material deposited under Rule 31. /
L'invention utilise et/ou concerne de la matière biologique déposée conformément à la règle 31.

- a Die nach Regel 31 (1) c) erforderlichen Angaben, d. h. die Hinterlegungsstelle und die Eingangsnummer, sind in den technischen Anmeldungsunterlagen enthalten auf /
The information required under Rule 31(1)(c), i.e. depositary institution and accession number, is given in the application's technical documents on /
Les indications visées à la règle 31(1)c), à savoir l'autorité de dépôt et le numéro d'ordre, figurent dans les pièces techniques de la demande à la / aux

Seite(n) / page(s)	Zeile(n) / line(s) / ligne(s)

- b Ist die Eingangsnummer am Anmeldetag noch nicht bekannt, so sind die Hinterlegungsstelle und das (die) Bezugszeichen (Nummer, Symbole usw.) des Hinterlegers in den technischen Anmeldungsunterlagen zu entnehmen auf /
If the accession number is not yet known on the date of filing, for the depositary institution and the depositor's identification reference(s) (number, symbols, etc.) see the application's technical documents on /
Si le numéro d'ordre n'est pas encore connu à la date de dépôt, l'autorité de dépôt et la (les) référence(s) d'identification (numéro ou symboles etc.) du déposant figurent dans les pièces techniques de la demande, à la/aux

Seite(n) / page(s)	Zeile(n) / line(s) / ligne(s)

- Die Angaben werden später mitgeteilt /
The information will be submitted later /
Les indications visées seront communiquées ultérieurement

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

34.2 Die Empfangsbescheinigung(en) der Hinterlegungsstelle /
The receipt(s) of deposit issued by the depositary institution /
Le(s) récépissé(s) de dépôt délivré(s) par l'autorité de dépôt

ist (sind) beigelegt. /
is (are) enclosed. /
est (sont) joint(s).

wird (werden) nachgereicht. /
will be filed later. / sera (seront)
produit(s) ultérieurement.

35 Falls das biologische Material nicht vom Anmelder, sondern von einem
Dritten hinterlegt wurde /
If the biological material was deposited by a person other than the applicant /
Lorsque la matière biologique a été déposée par une personne autre que
le demandeur

Name und Anschrift des Hinterlegers / Name and address of depositor /
Nom et adresse du déposant

35.1 Ermächtigung nach Regel 31 (1) d) /
Authorisation under Rule 31(1)(d) /
L'autorisation prévue à la règle 31(1)d)

ist beigelegt /
is attached /
est jointe

wird nachgereicht /
will be supplied later /
sera produite ultérieurement

36 Verzicht auf die Verpflichtung des Antragstellers nach Regel 33 (2)
in gesondertem Schriftstück /
Waiver of the right to an undertaking from the requester pursuant
to Rule 33(2) attached /
Renonciation, sur document distinct, à l'engagement du requérant
au titre de la règle 33(2)

37 Gemäß Regel 32 (1) erklärt der Anmelder hiermit, dass der Zugang zu dem
in den Feldern 34 und 35 genannten biologischen Material nur durch
Herausgabe einer Probe an einen Sachverständigen hergestellt wird. /
The applicant hereby declares under Rule 32(1) that the biological material re-
ferred to in Sections 34 and 35 is to be made available only by the issue
of a sample to an expert. /
Conformément à la règle 32(1), le demandeur déclare par la présente que
l'accessibilité à la matière biologique mentionnée aux rubriques 34 et 35
ne peut être réalisée que par la remise d'un échantillon à un expert.

BIOM 3

38 **Nucleotid- und Aminosäuresequenzen /**
Nucleotide and amino acid sequences /
Séquences de nucléotides et d'acides aminés

SEQ1

38.1 Die Beschreibung enthält ein Sequenzprotokoll auf Papier nach Regel 30 (1). /
The description contains a sequence listing on paper in accordance with
Rule 30(1). /
La description contient un listage de séquences sur papier conformément
à la règle 30(1).

wird nachgereicht /
will be supplied later /
sera produite ultérieurement

38.2 Eine Kopie des in Feld 38.1 genannten Sequenzprotokolls auf einem
elektronischen Datenträger ist beigelegt. /
A copy of the sequence listing referred to in Section 38.1 on an electronic
data carrier is enclosed. /
Une copie du listage de séquences mentionné à la rubrique 38.1 est jointe
sur un support électronique de données.

38.3 Der Anmelder erklärt hiermit, dass die auf dem elektronischen Datenträger
gespeicherte Information mit dem auf Papier eingereichten Sequenzprotokoll
übereinstimmt. /
The applicant hereby states that the information recorded on the electronic
data carrier is identical to the sequence listing filed on paper. /
Il est déclaré par la présente que l'information figurant sur le support électro-
nique de données est identique à celle que contient le listage de séquences
déposée sur papier.

Sonstige Angaben / Further indications /
Indications supplémentaires

39 Zusätzliche Abschriften der im europäischen Recherchenbericht
angeführten Schriftstücke werden beantragt. /
Additional copies of the documents cited in the European search report
are requested. /
Prière de fournir des copies supplémentaires des documents
cités dans le rapport de recherche européenne.

Anzahl der **zusätzlichen** Sätze von Abschriften /
Number of **additional** sets of copies /
Nombre de jeux **supplémentaires** de copies

ASOC

40 Die Rückerstattung der Recherchegebühr gemäß Artikel 9 (2) Gebühren-
ordnung wird beantragt. /
Refund of the search fee under Article 9(2) of the Rules
relating to Fees is requested. /
Le remboursement de la taxe de recherche est demandé en vertu
de l'article 9(2) du règlement relatif aux taxes.

41 Eine Kopie des Recherchenberichts ist beigelegt. /
A copy of the search report is attached. /
Une copie du rapport de recherche est jointe.

Zeichen des Anmelders /
Applicant's reference /
Référence du demandeur

42 **Automatischer Abbuchungsauftrag / Automatic debit order / Ordre de prélèvement automatique**

DECA

(nur möglich für Inhaber von beim EPA geführten laufenden Konten) / (for EPO deposit account holders only) / (possibilité offerte uniquement aux titulaires de comptes courants ouverts auprès de l'OEB)

Das EPA wird hiermit beauftragt, fällig werdende Gebühren und Auslagen nach Maßgabe der Vorschriften über das automatische Abbuchungsverfahren vom nebenstehenden laufenden Konto abzubuchen. /

The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account opposite any fees and costs falling due. /

Par la présente, il est demandé à l'OEB de prélever du compte courant ci-contre les taxes et frais venant à échéance, conformément à la réglementation relative à la procédure de prélèvement automatique.

Nummer des laufenden Kontos / Deposit account number / Numéro du compte courant

Name des Kontoinhabers / Account holder's name / Nom du titulaire du compte

43 Etwaige Rückzahlungen sollen auf das nebenstehende beim EPA geführte laufende Konto erfolgen. /

Any refunds should be made to the EPO deposit account opposite. /

Les remboursements éventuels doivent être effectués sur le compte courant ci-contre ouvert auprès de l'OEB.

Nummer des laufenden Kontos / Deposit account number / Numéro du compte courant

DEPA

Name des Kontoinhabers / Account holder's name / Nom du titulaire du compte

44 Die vorgeschriebene Liste über die diesem Antrag beigefügten Unterlagen ergibt sich aus der vorbereiteten Empfangsbescheinigung (Seite 8 dieses Antrags). /

The prescribed list of documents enclosed with this request is shown on the prepared receipt (page 8 of this request). /

La liste prescrite des documents joints à la présente requête figure sur le récépissé préétabli (page 8 de la présente requête).



45 Für Angestellte nach Artikel 133 (3) Satz 1 mit allgemeiner Vollmacht / For employees under Article 133(3), first sentence, having a general authorisation /

Pour les employés mentionnés à l'article 133(3), 1^{ère} phrase, munis d'un pouvoir général

Nummer / Number / Numéro

46 Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s)

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen und bei juristischen Personen die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft angeben. /

Signature(s) of applicant(s) or representative(s)

Under signature please print name and, in the case of legal persons, position within the company. /

Signature(s) du (des) demandeur(s) ou du (des) mandataire(s)

Prière d'indiquer en caractères d'imprimerie le ou les noms des signataires ainsi que, s'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) / Signature(s)

Zeichen des Anmelders / Applicant's reference / Référence du demandeur



Europäisches Patentamt
European Patent Office
Office européen des brevets

Empfangsbescheinigung Receipt for documents Récépissé de documents

Liste der diesem Antrag beigefügten Unterlagen – Hiermit wird der Empfang der unten bezeichneten Dokumente bescheinigt. Wird im Falle der Einreichung der europäischen Patentanmeldung bei einer nationalen Behörde diese Empfangsbescheinigung vom Europäischen Patentamt übersandt, so ist sie als Mitteilung gemäß Regel 35 (4) anzusehen (siehe Feld RENA).

Checklist of enclosed documents – Receipt of the documents indicated below is hereby acknowledged. If this receipt is issued by the European Patent Office and the European patent application was filed with a national authority, it serves as a communication under Rule 35(4) (see Section RENA).

Liste des documents annexés à la présente requête – Nous attestons le dépôt des documents désignés ci-dessous. Si, en cas de dépôt de la demande de brevet européen auprès d'un service national, l'Office européen des brevets délivre le présent récépissé de documents, ce récépissé est réputé être la notification visée à la règle 35(4) (cf. rubrique RENA).

Nur für amtlichen Gebrauch / For official use only / Cadre réservé à l'administration	
Amtsstempel / Official stamp / Cachet officiel	
Tag des Eingangs (Regel 35 (2)) / Date of receipt (Rule 35(2)) / Date de réception (règle 35(2))	DREC
Anmeldenummer für den Schriftverkehr mit dem EPA; Aktenzeichen für Prioritäts- erklärungen / Application No. to be used in correspondence with the EPO; file No. to be used for priority declarations / N° de la demande à utiliser dans la cor- respondance avec l'OEB; n° de dépôt à utiliser pour la déclaration de priorité	
Tag des Eingangs beim EPA (Regel 35 (4)) / Date of receipt at EPO (Rule 35(4)) / Date de réception à l'OEB (règle 35(4))	RENA

- 47 A. Anmeldeunterlagen und Prioritätsbeleg(e) / Application and priority documents / Pièces de la demande et document(s) de priorité**
- Beschreibung (ohne Sequenzprotokollteil) / Description (excluding sequence listing part) / Description (sauf partie réservée au listage des séquences)
 - Patentansprüche / Claims / Revendications
 - Zeichnung(en) / Drawing(s) / Dessin(s)
 - Sequenzprotokollteil der Beschreibung / Sequence listing part of description / Partie de la description réservée au listage des séquences
 - Zusammenfassung / Abstract / Abrégé
 - Früher eingereichte Anmeldung / Previously filed application / Demande déposée antérieurement
 - Übersetzung der Anmeldeunterlagen / Translation of the application documents / Traduction des pièces de la demande
 - Übersetzung der früher eingereichten Anmeldung / Translation of the previously filed application / Traduction de la demande déposée antérieurement
 - Prioritätsbeleg(e) / Priority document(s) / Document(s) de priorité
 - Übersetzung des (der) Prioritätsbelegs(belege) / Translation of priority document(s) / Traduction du (des) document(s) de priorité

Blattzahl* /
Number of sheets* /
Nombre de feuilles*

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Gesamtzahl der Abbildungen* /
Total number of figures* /
Nombre total de figures*

* Die Richtigkeit der Blattzahl und der Gesamtzahl der Abbildungen wurde bei Eingang nicht geprüft. /
* No check was made on receipt that the number of sheets and the total number of figures indicated were correct. /
* L'exactitude du nombre de feuilles et du nombre total de figures n'a pas été contrôlée lors du dépôt.

Anzahl/Number/Nombre*

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<input type="checkbox"/>	
<input type="checkbox"/>	

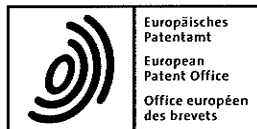
- 48 B. Der Anmeldung in der eingereichten Fassung liegen folgende Unterlagen bei: / This application as filed is accompanied by the items below: / Les pièces ci-après sont annexées à la présente demande :**
- Vollmacht / Authorisation / Pouvoir
 - Allgemeine Vollmacht / General authorisation / Pouvoir général
 - Erfindernennung / Designation of inventor / Désignation de l'inventeur
 - Früherer Recherchenbericht / Earlier search report / Rapport de recherche antérieure
 - Gebührenzahlungsvordruck (EPA Form 1010) / Voucher for the settlement of fees (EPO Form 1010) / Bordereau de règlement de taxes (OEB Form 1010)
 - Elektronischer Datenträger für Sequenzprotokoll / Electronic data carrier for sequence listing / Support électronique de données pour listage des séquences
 - Zusatzblatt / Additional sheet / Feuille supplémentaire
 - Sonstige Unterlagen (bitte hier spezifizieren) / Other documents (please specify here) / Autres documents (veuillez préciser)

AREF

Zeichen des Annehmers /
Applicant's reference /
Référence du demandeur

- 49 C. Exemplare dieser Empfangsbescheinigung (bitte zutreffende Zahl ankreuzen) / Copies of this receipt for documents (please mark appropriate number with a cross) / Exemplaires du présent récépissé de documents (veuillez cocher le chiffre correspondant)**

<input checked="" type="checkbox"/>	3	Einreichung direkt beim EPA / Direct filing with the EPO / Dépôt direct auprès de l'OEB
<input type="checkbox"/>	4	Einreichung bei einer nationalen Behörde / Filing with a national authority / Dépôt auprès d'un service national



Notes on the request for grant of a European patent (EPA/EPO/OEB Form 1001)

I. General instructions

These Notes explain how to complete EPA/EPO/OEB Form 1001. To file international applications under the Patent Cooperation Treaty (PCT) you should use Form PCT/RO/101. For international applications entering the European phase (Euro-PCT) you are advised to use EPA/EPO/OEB Form 1200.

The basis for the request for grant of a European patent is the European Patent Convention (EPC) and the Implementing Regulations thereto.

Information brochure

"How to get a European patent - **Guide for applicants**" (Part 1), 11th edition, 2007 ("the applicants' guide") is available free of charge and provides useful information on filing applications and the procedure before the European Patent Office (EPO). The applicants' guide frequently refers to the Guidelines for Examination in the EPO, and is itself often referred to in Part II below.

Forms for applicants

Forms (e.g. designation of inventor, authorisation, payment of fees) and brochures are available free of charge from the EPO – preferably from Vienna, but also from Munich, The Hague and Berlin – and from the national authorities for industrial property protection in the contracting states.

Internet

Forms, information brochures, schedules of fees and legal texts can be downloaded from the EPO's website at www.epo.org.

Accelerated prosecution

For those seeking faster search or examination for their applications, the "PACE" programme for accelerated prosecution of European patent applications (Special edition No. 3, OJ EPO 2007, F.1.) offers effective options for shortening the processing time. See EPA/EPO/OEB Form 1005.

Request for grant - EPA/EPO/OEB Form 1001

Unless otherwise indicated, the Articles and Rules referred to are those of the EPC.

Use of EPA/EPO/OEB Form 1001 is prescribed by **Rule 41**. The request must be typed or printed (Rule 49(8)) to ensure that it is machine-readable, and crosses must be placed in the appropriate boxes. Only the right-hand column is to be completed. Areas enclosed in thick black lines are for official use only.

If there is not enough space for the required information, you should file a **signed additional sheet**

indicating the relevant section number and heading for each part of the form continued in this way, e.g. "14 - Additional applicant(s)", "19 - Additional representative(s)", "25.1 - Additional declaration(s) of priority" or "32 - Different applicants for different contracting states".

Page 8 of the request for grant form is the **receipt for documents**, which constitutes the prescribed list of documents under Rule 41(2)(i) (see Section 44). You should file **the original receipt plus two copies** or, if filing with the competent national authority of an EPC contracting state, **the original plus three copies**. The address to which the acknowledgment of receipt is to be returned must be indicated in the space provided.

Filing a request for grant:

1. Paper filing

Only the originals of pages 1 to 7 of Form 1001 need be filed; copies are not required. The same applies to the description, claims, drawings and abstract. Special rules apply to sequence listings (see Section 38).

2. Fax filing

European patent applications may also be filed by fax. Simultaneous confirmation on paper is required only at the specific invitation of the EPO. See the decision of the President dated 12 July 2007 in Special edition No. 3, OJ EPO 2007, A.3.

3. Online filing

European patent applications may also be filed in electronic form (OJ EPO 2009, 182). For more details go to www.epo.org or direct to www.epoline.org. The online filing fee is less than the paper and fax filing fee.

II. Filling in the form

The numbering below corresponds to the sections of the request for grant form.

5 Request for examination

See "Request for examination" in the applicants' guide.

Persons having their residence or principal place of business within an EPC contracting state with an official language other than English, French or German, and nationals of that state who are resident abroad, may file the application and documents that are subject to a time limit in an official language of that state (admissible non-EPO language) (Article 14(2) and (4)).

Where a European patent application is filed in an admissible non-EPO language, the **filing fee** is

reduced by 20% if a translation into the language of the proceedings is filed within the time limit laid down in Rule 6(1), i.e. at the earliest at the same time as the application (Rule 6, Article 14(1) Rules relating to Fees).

Where a request for examination is filed in an admissible non-EPO language, the **examination fee** is reduced by 20% if a translation into the language of the proceedings is also filed (Rule 6, Article 14(1) Rules relating to Fees). **If you file a request for examination in an admissible non-EPO language, it is advisable to file it at the same time as the request for grant.** (cf. Guidelines for Examination in the EPO, A-XI, 9)

A request for examination in an admissible non-EPO language may be filed at any time until the examination fee is paid (Article 94(1), Rule 70).

There is space in the right-hand column of Section 5 for the request for examination in an admissible non-EPO language.

The request for examination may be worded as follows:

Bulgarian: "Да се извърши експертиза на заявката съгласно чл.94."

Croatian: "Zahtjeva se ispitivanje prijave prema clanku 94. EPC-a."

Czech: "Žádá se o průzkum přihlášky podle článku 94."

Danish: "Hermed begæres prøvning af ansøgningen i henhold til Art. 94."

Dutch: "Verzocht wordt om onderzoek van de aanvraag als bedoeld in Art. 94."

Estonian: "Taotlusele palutakse teha artikli 94 kohane ekspertiis."

Finnish: "Täten pyydetään hakemuksen tutkimista artiklan 94 mukaisesti."

Greek: "Simfona me tis diataxis tou arthrou 94 zitite i exetasis tis etiseos."

Hungarian: "Kérem az európai szabadalom megadását és a bejelentés 94. cikk szerinti vizsgálatát."

Icelandic: "Hér með er farið fram á veitingu evrópsks einkaleyfis og rannsókn á einkaleyfishæfi umsóknarinnar skv. 94. grein."

Irish: "Iarrtar leis seo scrúdú an iarrtais de bhun Airteagal 94."

Italian: "Si richiede di esaminare la domanda ai sensi dell'art. 94."

Latvian: "Ar šo tiek lūgts veikt ekspertīzi saskaņā ar EPK 94.pantu."

Lithuanian: "Prašoma atlikti paraiškos ekspertizę pagal 94 straipsnį."

Luxembourgish: "Et gët heimat Préifung vun der Umeldung nom Art. 94 ugefrot."

Macedonian: "Испитување на пријавата според член 94 на ЕПК."

Maltese: "Qed jigi mitlub l-ezaminazzjoni ta' l-applikazzjoni skond Artiklu 94."

Norwegian: "Med dette begjæres prøving av patentsøknaden i henhold til Art. 94."

Polish: "Niniejszym wnoszi się o badanie zgłoszenia na podstawie art. 94."

Portuguese: "Solicita-se o examen do pedido segundo o artigo 94º."

Romanian: "Se solicită examinarea cererii în sensul art. 94."

Slovak: "Podl'a článku 94 sa žiada o prieskum prihlášky."

Slovenian: "Zahteva se preizkus prijave po 94. členu EPC."

Spanish: "Se solicita el examen de la solicitud según el artículo 94."

Swedish: "Härmed begärs prövning av patentsökan enligt art. 94."

Turkish: "Başvurunun 94. Madde'ye göre incelenmesi istenmektedir."

5.1 Proceeding with the patent application

Under Rule 70, applicants who file a request for examination (i.e. who have also paid the examination fee) **before** receiving the search report are asked to confirm that they wish to proceed further with the application. In Section 5.1 the right to be asked for such confirmation can be waived. See also "Request for examination" in the applicants' guide.

7 Applicant (Name)

The family name should come before given names. Legal persons or bodies equivalent to legal persons must be given their exact official name.

9 Applicant (Address for correspondence)

An address for correspondence may be given only by applicants with no representative and having several different business addresses. The address must be the applicant's own and will not appear in either the Register of European Patents or EPO publications (see OJ EPO 1980, 397).

14 Applicant (Additional applicant(s))

Multiple applicants may jointly appoint a single professional representative.

If no common representative is named in Section 15, the applicant first named in the request (Sections 7 and 8) is deemed to be the common representative. However, if one of the applicants is obliged to appoint a professional representative, that representative is deemed to be the common representative unless the first-named applicant has appointed a representative (Rule 151(1)). Only, however, if the request for grant has been duly **signed** by all the applicants or their representatives is the common representative entitled to act for them all.

If all the applicants have their residence or principal place of business in an EPC contracting state, they may jointly name an applicant other than the first-named as their common representative. This should be done on a signed additional sheet.

15 Representative (Name)

Sections 15 to 19 should be completed by an applicant appointing a professional representative or a legal practitioner entitled to act as such (Article 134(1) and (8)), but not if the applicant, having his residence or principal place of business in an EPC contracting state, is acting through an employee who is not a professional representative or a legal practitioner entitled to act as such (Article 133(3), first sentence) nor if a joint applicant is appointed as common representative (see instructions for filling in Section 14).

Only **one** representative may be named in Section 15, and that representative will then be sent all notifications (Rule 130) and named in the Register of European Patents. If an association registered with the EPO is appointed as representative (Rule 152(11); see OJ EPO 1979, 92), the association's registered name and registration number must be indicated.

16 Representative (Address of place of business)

This address may contain the name of the company or firm in which the representative is employed.

19 Representative (Additional representative(s))

If **more than one** representative is appointed, those not named in Section 15 must be indicated on a signed additional sheet.

20 Authorisation/General authorisation

21 Under Rule 152(1)-(3) in conjunction with the decision of the President of the EPO dated 12 July 2007, **professional representatives** who identify themselves as such are required to file a signed authorisation only in particular circumstances (see Special edition No. 3, OJ EPO 2007, L.1.).

However, a legal practitioner entitled to act as professional representative under Article 134(8) or an

employee acting for an applicant under Article 133(3), first sentence, who is not a professional representative must file a signed authorisation. If an authorisation is required, the use of EPA/EPO/OEB Form 1003 is recommended for individual authorisations and EPO Form 1004 for general authorisations. Both forms are available free of charge from the EPO or the national industrial property offices of the contracting states. They can also be downloaded from the EPO's website at www.epo.org.

23 Inventor

If the applicant is not the inventor or is not the sole inventor, the designation of the inventor must be submitted in an attached document. It must contain a statement indicating the origin of the right to the European patent (Rule 19(1)). For this purpose applicants are recommended to use EPA/EPO/OEB Form 1002, available free of charge from the EPO or the national industrial property offices of the contracting states. Form 1002 can also be downloaded from the EPO's website at www.epo.org.

24 Title of invention

This must be a clear and concise technical designation of the invention. All fanciful names are excluded. As matter published in the European Patent Bulletin and entries in the Register of European Patents must under Article 14(7) and (8) appear in all three EPO official languages, in Section 24 the title of the invention should also be indicated in the other two official languages.

25 Declaration of priority

The **declaration of priority** must indicate the date of the previous filing, the State party to the Paris Convention or Member of the World Trade Organization in or for which it was made, and the file number. The declaration of priority should preferably be made on filing the European patent application (Rule 52(1), (2)); but it may still be made within sixteen months of the earliest priority date claimed (Rule 52(2)). The priority document must be filed within sixteen months of the earliest priority date claimed (Rule 53).

If the previous application is a European patent application, an international application filed with the EPO as a receiving Office, a Japanese patent or utility model application, a patent or utility model application filed with the Korean Intellectual Property Office or a provisional or non-provisional patent application filed with the United States Patent and Trademark Office (see the notice dated 27 June 2007 concerning practical aspects of the electronic exchange of priority documents between the EPO and the USPTO in OJ EPO 2007, 473), the EPO will include free of charge a copy of the previous application in the file of the European patent application (Rule 53(2), OJ EPO 2009, 236). USPTO digitally-signed electronic documents are recognised as priority documents (OJ EPO 2004, 562). See also "Claiming priority" in the applicants' guide.

With regard to indicating the **file number** of a European patent application being claimed as priority, see OJ EPO 2004, 591.

25.2 This section is for use by applicants wishing to submit a declaration under Rule 53(3).

25.3 This section allows applicants to declare that they have no intention of claiming any (further) priority within the period referred to in Rule 52(2). Also refer to the notes on accelerated search for first filings in the notice from the European Patent Office dated 14 July 2007 concerning the programme for accelerated prosecution of European patent applications - "PACE" (Special edition No. 3, OJ EPO 2007, F.1.).

26 Reference to a previously filed application

See "Filing by reference" in the applicants' guide.

26.1 Reference may be made to a previously filed application (Rule 40). This reference replaces the description and any drawings.

27 Divisional application

Applicants may file a European divisional application relating to any pending earlier European patent application (Rule 36(1)). The divisional application must be filed directly with the EPO (Article 76(1)). It must be filed in the language of the proceedings for the earlier European patent application (Rule 36(2)).

Irrespective of the entries in Section 25, a divisional application enjoys any priority right arising from the earlier application within the meaning of Article 76(1) (parent application), provided that this priority right has not lapsed before the divisional application is filed. The applicant may waive any priority rights he could claim in respect of a divisional application, by submitting a separate signed waiver to the EPO.

Divisional applications require a separate designation of inventor and if necessary a separate authorisation.

All the contracting states designated in the earlier application at the time of filing of a European divisional application are deemed to be designated in the divisional application (Article 76(2)). If the designation of any of the contracting states in the earlier application is no longer valid, applicants are requested to list on an additional sheet the contracting states they wish to designate for the divisional application which differ from those designated in Section 31. See also "Divisional applications" in the applicants' guide.

28 Article 61(1)(b) application

Section 28 covers the special case where it has been adjudged by a final decision that the inventor or his successor in title is entitled to the grant of a European patent.

29 Claims

Any European patent application comprising more than fifteen claims incurs a claims fee in respect of the sixteenth and each subsequent claim (Rule 45(1), (2), Article 2, item 15, Rules relating to Fees). Separate claims on grounds of prior rights under Article 139(2) (Rule 138) may not be submitted until proceedings before the examining division are under way. In all other respects see "Claims" in the applicants' guide.

30 Figure proposed for publication with the abstract

Rule 47(4) stipulates that if the European patent application contains drawings, the applicant must indicate the figure or, exceptionally, the figures of the drawings which he suggests should be published with the abstract. Each essential feature mentioned in the abstract and illustrated by a drawing must be followed by a reference sign placed in parentheses.

31 Designation of contracting states and associated declarations

All the contracting states party to the EPC at the time of filing of the European patent application are deemed to be designated (Article 79(1), see Section 31); with regard to divisional applications see Section 27.

For European patent applications filed on or after 1 April 2009 payment of the flat-rate designation fee covers the designation of all contracting states (Article, 79, Rule 39(1), Article 2, item 3, Rules relating to Fees), unless individual designations are expressly withdrawn. A designation may be withdrawn at any time up to the grant of the European patent (Article 79(3); Rule 39(4)). In the case of a European divisional application, the designation fee does not cover any contracting states no longer validly designated in the earlier application at the time of filing of the divisional application (Article 76(2)). Where the designation fee is not paid in due time, the European patent application is deemed to be withdrawn (Rule 39(2)).

33 Extension of the European patent

The application is deemed to be a request to extend the European patent application and the European patent granted in respect of it to all states not party to the EPC with which extension agreements are in force on the date of its filing (as at April 2009: Albania, Bosnia and Herzegovina and Serbia). The request for extension for a state is deemed withdrawn if the **extension fee** for that state is not paid to the EPO within the time limits laid down in the EPC for the payment of the designation fee. Where a request for extension is deemed to be withdrawn, this can still be remedied if a communication is issued under Rule 112(1) informing the applicant of the deemed withdrawal of the European patent application due to the non-payment of the designation fee (Rule 39(2), first alternative). Such communication will mention any

extension state for which the extension fee was not paid in due time (see Guidelines for Examination in the EPO, A-III, 12.2).

When extension fees are paid, the states for which they are intended must be specified. Under the **automatic debiting procedure**, extension fees are debited only for the states crossed in Section 33.1 unless other instructions are received before the period for payment expires. For the amount of the extension fee, see the "Guidance for the payment of fees, costs and prices", which is published regularly in the Official Journal of the EPO and on the EPO website (www.epo.org). Detailed information about the extension system was published in OJ EPO 1994, 75.

34-

37 Biological material

These sections relate solely to biological material deposited under Rules 31-33. See the decision and the notice in OJ EPO 1996, 390, 596, and "Biotechnology applications" in the applicants' guide.

34 Rules 31-33 require that biological material be deposited with a recognised depositary institution **no later than the date of filing** of the application (Rule 31(1)(a)). Recognised depositary institutions are the international depositary authorities under the Budapest Treaty and institutions with which the EPO has concluded a bilateral agreement. The deposit must also have been effected **in accordance with the provisions of the Budapest Treaty or the bilateral agreement**. If originally effected in accordance with other provisions, the deposit must have been converted into a deposit under the Budapest Treaty or the bilateral agreement **no later than the date of filing** of the European patent application. The relevant information on the characteristics of the biological material must be given in the application as filed (Rule 31(1)(b)).

34.1 Applicants must state the depositary institution and the deposit accession number (information required by Rule 31(1)(c)) within the period specified in Rule 31(2).

34.2 Applicants are **strongly advised** to submit the receipt for the deposit issued by the depositary institution, preferably when filing their European patent application but no later than the date of expiry of the period under Rule 31(2), as this enables the EPO to check compliance with Rule 31(1) and (2).

35- Authorisation by the depositor under Rule 31(1)(d) 35.1

Where the biological material has been deposited by a person other than the applicant, the name and address of the depositor should be stated in the application in accordance with Rule 31(1)(d), and a statement of authorisation signed by the depositor must be submitted. These items, including the

statement of authorisation, may also be furnished within the period laid down in Rule 31(2). The statement of authorisation may be worded as follows:

"The undersigned, ... [name and full address of the depositor], has deposited with ... [name of recognised depositary institution] under accession number ... biological material in accordance with the Budapest Treaty [or, where applicable, the bilateral agreement between the EPO and the depositary institution concerned]. The undersigned depositor hereby authorises ... [name of applicant] to refer to the aforementioned deposited biological material in European patent application No. ... [where this is not available, applicant's/representative's reference number] and gives his unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rules 31-33 EPC."

36 Waiver under Rule 33(2)

The applicant may waive his right under Rule 33(2) to an undertaking from the requester to issue a sample of the biological material, provided that he is the depositor of the biological material concerned. This waiver must be expressly declared to the EPO in the form of a separate, signed statement. It must specify the biological material concerned (depositary institution and accession number or depositor's reference number as shown in the application documents). It may also be declared at any time after the application has been filed.

37 Expert solution

This section is for use by applicants wishing to make a declaration under Rule 32(1).

38 Nucleotide and amino acid sequences

If nucleotide or amino acid sequences are disclosed in the European patent application, the description must contain a sequence listing complying with WIPO Standard ST.25 and presented as a separate part of the description in accordance with that standard. The sequence listing must be filed on paper and also on an electronic data carrier. The electronic data carrier must be accompanied by a statement by the applicant that the information recorded on the electronic data carrier is identical to the sequence listing filed on paper (see Rule 30 and the decision of the President of the EPO dated 12 July 2007 in Special edition No. 3, OJ EPO 2007, C.1.).

With regard to the **late furnishing fee**, see Rule 30(1) and (3) in conjunction with Article 2(1) of the decision dated 12 July 2007 (Special edition No. 3, OJ EPO 2007, C.1.) and the notice dated 12 July 2007 (Special edition No. 3, OJ EPO 2007, C.2., 1.3).

39 Additional copies of the documents cited in the European search report

Rule 65 stipulates that immediately after the European search report has been drawn up, it must be

transmitted to the applicant together with copies of any cited documents. If requested, additional copies will be sent provided the appropriate flat-rate fee has been paid. For the amount of this fee, refer to the "Guidance for the payment of fees, costs and prices" published in the EPO's Official Journal or to the EPO website.

42 Automatic debit order and deposit account

The procedure is set out in the Arrangements for deposit accounts (ADA), the Arrangements for the automatic debiting procedure (AAD, Annex A.1 to ADA) and the Information concerning the AAD (Annex A.2), all published in the Supplement to OJ EPO No. 3/2009.

43 Refunds to a deposit account

Any refunds due to an applicant who has a deposit account with the EPO may be credited to that account. The account number and the account holder's name must be indicated in this section. Where a representative's deposit account is to be indicated, refer to point 5 of Legal Advice No. 6/91 rev., OJ EPO 1991, 573. Fees or monies are refunded to parties or to representatives authorised to accept payments.

44 List of enclosed documents

Section 44 refers applicants to the prepared receipt on page 8 (Sections 47 to 49) of the request for grant form, on which the enclosed documents must be specified. Filing this duly completed receipt constitutes compliance with the requirement under Rule 41(2)(i) for the applicant to file a separate list of the documents enclosed with the request.

46 Signature

If the applicant is a legal person other than an individual and the request for grant is not signed by the representative, it must be signed:

- (a) either by a person entitled to sign by law or the applicant's articles of association or similar, with an indication of that person's position, e.g. Geschäftsführer, Prokurist, Handlungsbvollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Article 133(1)), in which case no authorisation need be filed;
- (b) or, if the legal person's principal place of business is in a contracting state, by an employee under Article 133(3), first sentence (Rule 152(1)-(3)), in which case an authorisation must be filed (see also the instructions for filling in Sections 20 and 21).

47 Application documents

The description, claims, drawings and abstract must be filed in **one copy**. The number of sheets and the total number of figures must also be indicated.

Applicants are requested to observe Rules 46 to 49 relating to the form of the documents.

For European patent applications filed on or after 1 April 2009, an additional fee for the 36th and each subsequent page of the application (Article 2, item 1a, Rules relating to Fees) is payable as part of the filing fee (Article 78(2), Rule 38). For divisional applications and new European patent applications under Article 61(1)(b), the relevant date is the date of receipt of this application at the EPO rather than the filing date of the earlier application. For the purpose of calculating the number of pages to be paid for, the EPO will use the indications in Section 47 A as guidance. It should, therefore, be filled in with the necessary care. The ultimate number of pages to be paid for will, however, depend on the number of pages actually received in time by the EPO. For details about the application documents taken into account for the calculation of the additional fee as well as for the time limit for its payment, see the notice from the European Patent Office dated 26 January 2009 concerning the 2009 fee structure (OJ EPO 2009, 118).

48 Fee payment

Also refer to "Fee amounts and payment methods" in the applicants' guide.

Fees are payable to the European Patent Office and may validly be paid by anyone. Debit orders for a deposit account with the EPO, but no other means of payment, may also be enclosed with a European patent application filed under Article 75(1)(b) with the central industrial property office or other competent authority of an EPC contracting state.

Whatever the means of payment, it is advisable when supplying particulars concerning payments (Article 6 Rules relating to Fees) always to use EPO Form 1010, available free of charge from the EPO, from the central industrial property offices of the contracting states, or from the EPO website at www.epo.org.

49 Receipt for documents

Having completed the receipt for documents, you should file the **original receipt plus two copies** or, if filing with the competent national authority of an EPC contracting state, **the original plus three copies**. The address to which the acknowledgment of receipt is to be returned must be indicated in the space provided.

The extra copies of page 8 are also required for fax filings (when submitted without a confirmation copy), as a copy is kept by each receiving office and another copy is stamped and returned to the applicant. A receipt for documents issued by the EPO in respect of a European patent application filed with a national authority is regarded as a communication under Rule 35(4) (see RENA box). **Once a communication under Rule 35(4) has been received, all further documents relating to the application are to be filed direct with the EPO.**

Note on application number assignment

The EPO follows WIPO Standard 10/C when assigning application numbers to earlier filings (priorities), and since January 2005 has therefore been indicating **two numbers** in the Receipt for documents:

- (1) The first is the eight-digit application number followed by a dot and a check digit. This number must be quoted in all correspondence with the EPO.
- (2) The second (after the slash) is in accordance with WIPO Standard 10/C, i.e. it uses the organisation or country code before the eight-digit number but is without a check digit. This is the number to use when the application is being claimed as priority, and is also the one given to priority documents. Also refer to OJ EPO 2004, 591.

The list of the European Patent Organisation's euro accounts is published in every issue of the Official Journal.

It can also be consulted on the EPO website at www.epo.org.



Erfindernennung Designation of inventor Désignation de l'inventeur

(falls Anmelder nicht oder nicht allein der Erfinder ist) /
(where the applicant is not the inventor or is not the sole inventor) /
(si le demandeur n'est pas l'inventeur ou l'unique inventeur)

Zeichen des Anmelders / Applicant's reference /
Référence du demandeur
(max. 15 Positionen / max. 15 spaces / 15 caractères au maximum)

Anmeldenummer oder, falls noch nicht bekannt, Bezeichnung der Erfindung: /
Application No. or, if not yet known, title of the invention: /
N° de la demande ou, s'il n'est pas encore connu, titre de l'invention :

In Sachen der oben bezeichneten europäischen Patentanmeldung nennt (nennen) der (die) Unterzeichnete(n)¹ / In respect of the above European patent application I (we), the undersigned¹ / En ce qui concerne la demande de brevet européen susmentionnée, le(s) soussigné(s)¹

als Erfinder²: / do hereby designate as inventor(s)²: / désigne(nt) en tant qu'inventeur(s)²:

Weitere Erfinder sind auf einem gesonderten Blatt angegeben. / Additional inventors are indicated on a supplementary sheet. /
D'autres inventeurs sont mentionnés sur une feuille supplémentaire.

Der (Die) Anmelder hat (haben) das Recht auf das europäische Patent erlangt³ / The applicant(s) has (have) acquired the right to the European patent³ /
Le(s) demandeur(s) a (ont) acquis le droit au brevet européen³

gemäß Vertrag vom /
by an agreement dated /
en vertu du contrat passé le

als Arbeitgeber /
as employer(s) /
en qualité d'employeur(s)

durch Erbfolge /
as successor(s) in title /
par succession

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s): /
Signature(s) of applicant(s) or representative(s): /
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s) :

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

Fußnoten zur Vorderseite

- 1 Name(n) des (der) Unterzeichneten nach Maßgabe der Regel 41 (2) c) und d) EPÜ:

Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben.
Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben.

- 2 Name(n), Vorname(n) und vollständige Anschrift(en) des Erfinders (der Erfinder) gemäß Regel 19 (1) EPÜ.

- 3 Ist der Anmelder nicht oder nicht allein der Erfinder, so hat die Erfindernennung eine Erklärung darüber zu enthalten, wie der Anmelder das Recht auf das europäische Patent erlangt hat (Artikel 81, Regel 19 (1) EPÜ).

Bei rechtsgeschäftlicher Übertragung genügt die Angabe „gemäß Vertrag vom ...“.

Bei Arbeitnehmererfindungen genügt der Hinweis, dass der oder die Erfinder Arbeitnehmer des Anmelders/der Anmelder ist bzw. sind.

Bei Erbfolge genügt die Angabe, dass der oder die Anmelder Erbe(n) des Erfinders/der Erfinder ist bzw. sind.

Footnotes to text overleaf

- 1 Name(s) of the undersigned in accordance with Rule 41(2)(c) and (d) EPC:

Names of natural persons shall be indicated by the person's family name, followed by his given names.
Names of legal persons, and of bodies equivalent to legal persons under the relevant law, shall be indicated by their official designations.

- 2 Family name(s), given name(s) and full address(es) of the inventor(s) in accordance with Rule 19(1) EPC.

- 3 If the applicant is not the inventor or is not the sole inventor, the designation shall contain a statement indicating the origin of the right to the European patent (Article 81, Rule 19(1) EPC).

In the case of assignment the words "by agreement dated ..." suffice.

In the case of inventions by employees a mention that the inventor(s) is/are employee(s) of the applicant(s) is sufficient.

In the case of succession a mention that the applicant(s) is/are heir(s) of the inventor(s) is sufficient.

Renvois concernant le texte figurant au recto

- 1 Nom(s) du (des) soussigné(s), conformément à la règle 41(2)c) et d) CBE :

Les personnes physiques doivent être désignées par leurs noms suivis de leurs prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit dont elles relèvent doivent figurer sous leur désignation officielle.

- 2 Nom(s), prénom(s) et adresse(s) complète(s) de l'(des) inventeur(s), conformément à la règle 19(1) CBE.

- 3 Si le demandeur n'est pas l'inventeur, ou l'unique inventeur, la désignation de l'inventeur doit comporter une déclaration indiquant l'origine de l'acquisition du droit au brevet européen (article 81 et règle 19(1) CBE).

En cas de transfert contractuel, il suffit de mentionner « en vertu du contrat passé le ... ».

Pour les inventions de salariés, il suffit d'indiquer que le ou les inventeurs sont des employés du ou des demandeurs.

En cas de transfert successoral, il suffit d'indiquer que le ou les demandeurs sont les héritiers du ou des inventeurs.

2010 (UK)

January

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Holidays and Observances:

1 Jan New Year's Day
 2 Apr Good Friday
 4 Apr Easter Sunday
 5 Apr Easter Monday (ENG, NIR, WAL)
 3 May Early May Bank Holiday

31 May Spring Bank Holiday
 30 Aug Summer Bank Holiday (ENG, NIR, WAL)
 25 Dec Christmas Day

26 Dec Boxing Day
 27 Dec Bank Holiday
 28 Dec Bank Holiday

Mitteilungen des Europäischen Patentamts

Mitteilung der Präsidentin des Europäischen Patentamts vom 30. September 2008 über die Tage, an denen die Annahmestellen des EPA im Jahr 2009 geschlossen sind

1. Nach Regel 134 (1) EPÜ erstrecken sich Fristen, die an einem Tag ablaufen, an dem **zumindest eine** Annahmestelle des EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist (geschlossene Tage), auf den nächstfolgenden Tag, an dem **alle** Annahmestellen zur Entgegennahme von Schriftstücken geöffnet sind und an dem gewöhnliche Postsendungen zugestellt werden.

2. Die Annahmestellen des EPA in München, Den Haag und Berlin sind auch 2009 an **allen** Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2009 werden in der nachfolgenden Übersicht bekannt gegeben.

Information from the European Patent Office

Notice from the President of the European Patent Office dated 30 September 2008 concerning the days on which EPO filing offices are closed in 2009

1. Under Rule 134(1) EPC, time limits expiring on a day on which **at least one** EPO filing office is not open for receipt of documents (closing days) are extended until the first day thereafter on which **all** the filing offices are open for receipt of documents and on which ordinary mail is delivered.

2. In 2009, as hitherto, the EPO's filing offices in Munich, The Hague and Berlin will be closed for the receipt of documents on every Saturday and Sunday. The other closing days in 2009 are listed below.

Communications de l'Office européen des brevets

Communiqué de la Présidente de l'Office européen des brevets, en date du 30 septembre 2008, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2009

1. Conformément à la règle 134(1) CBE, les délais qui expirent un jour où **l'un au moins** des bureaux de réception de l'OEB n'est pas ouvert pour recevoir le dépôt des pièces (jours de fermeture) sont prorogés jusqu'au premier jour suivant où **tous** les bureaux de réception sont ouverts pour recevoir ce dépôt et où le courrier normal est distribué.

2. En 2009 encore, les bureaux de réception de l'OEB à Munich, à La Haye et à Berlin ne seront ouverts ni le samedi, ni le dimanche pour recevoir le dépôt des pièces. Les autres jours de fermeture au cours de l'année 2009 sont énumérés dans la liste ci-après.

Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Neujahr – New Year's Day – Nouvel An	01.01.2009	x	x	x
Brückentag – Bridging Day – Pont	02.01.2009	x	x	x
Heilige Drei Könige – Epiphany – Epiphanie	06.01.2009	x		
Karfreitag – Good Friday – Vendredi Saint	10.04.2009	x	x	x
Ostermontag – Easter Monday – Lundi de Pâques	13.04.2009	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	30.04.2009		x	
Maifeiertag – May Day – Fête du Travail	01.05.2009	x	x	x
Tag der Befreiung – Liberation Day – Journée de la Libération	05.05.2009		x	
Christi Himmelfahrt – Ascension Day – Ascension	21.05.2009	x	x	x
Brückentag – Bridging Day – Pont	22.05.2009	x	x	x
Pfingstmontag – Whit Monday – Lundi de Pentecôte	01.06.2009	x	x	x
Fronleichnam – Corpus Christi – Fête-Dieu	11.06.2009	x		
Heiliger Abend – Christmas Eve – Veille de Noël	24.12.2009	x	x	x
1. Weihnachtstag – Christmas Day – Noël	25.12.2009	x	x	x
Silvester – New Year's Eve – Saint-Sylvestre	31.12.2009	x	x	x



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Notice from the President of the European Patent Office dated 28 July 2009 concerning the days on which EPO filing offices are closed in 2010

1. Under Rule 134(1) EPC, time limits expiring on a day on which **at least one** EPO filing office is not open for receipt of documents (closing days) are extended until the first day thereafter on which **all** the filing offices are open for receipt of documents and on which ordinary mail is delivered.

2. In 2010, as hitherto, the EPO's filing offices in Munich, The Hague and Berlin will be closed for the receipt of documents on every Saturday and Sunday. The other closing days in 2010 are listed below.

Days		Munich	The Hague	Berlin
New Year's Day	01.01.2010	x	x	x
Epiphany	06.01.2010	x		
Good Friday	02.04.2010	x	x	x
Easter Monday	05.04.2010	x	x	x
National holiday	30.04.2010		x	
Liberation Day	05.05.2010		x	
Ascension Day	13.05.2010	x	x	x
Bridging day	14.05.2010	x	x	x
Whit Monday	24.05.2010	x	x	x
Corpus Christi	03.06.2010	x		
Christmas Eve	24.12.2010	x	x	x
New Year's Eve	31.12.2010	x	x	x

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