The European Patent Office
An introduction to the EPO and the European patent system

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About the European Patent Office

The role of the EPO

Statistics

Contact points
Our 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.

Our history

1973

Diplomatic Conference in Munich

5 October 1973

Signature of the European Patent Convention (EPC) by 16 countries

1977

Entry into force of the EPC in 7 countries

Foundation of the European Patent Organisation

Foundation of the European Patent Office

2013

Celebration of 40 years of the EPC

More on www.epo.org
Seven founding states in 1977
Belgium • Germany • France • Luxembourg • Netherlands • Switzerland • United Kingdom

... 17 member states in 1992 ...
Belgium • Germany • France • Luxembourg • Netherlands • Switzerland • United Kingdom • Sweden • Italy • Austria • Liechtenstein • Greece • Spain • Denmark • Monaco • Portugal • Ireland
... 25 member states in 2002 ...

Belgium • Germany • France • Luxembourg • Netherlands • Switzerland • United Kingdom • Sweden • Italy • Austria • Liechtenstein • Greece • Spain • Denmark • Monaco • Portugal • Ireland • Finland • Cyprus • Turkey • Bulgaria • Czech Republic • Estonia • Slovakia • Slovenia

... 32 member states in 2007 ...

Belgium • Germany • France • Luxembourg • Netherlands • Switzerland • United Kingdom • Sweden • Italy • Austria • Liechtenstein • Greece • Spain • Denmark • Monaco • Portugal • Ireland • Finland • Cyprus • Turkey • Bulgaria • Czech Republic • Estonia • Slovakia • Slovenia • Hungary • Romania • Poland • Iceland • Lithuania • Latvia • Malta
Today....

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

2 European extension states
Bosnia-Herzegovina • Montenegro

1 Validation state
Morocco

Our status

.disconnect. intergovernmental institution in Europe
Disconnect. Not an EU institution
Self-financing, i.e. revenue from fees covers operating and capital expenditure
Structure of the European Patent Organisation

European Patent Organisation

Administrative Council

The legislative body
- is made up of delegates from the member states
- supervises the activities of the Office
- appoints the President
- votes on the Office’s budget

European Patent Office

The executive body
- is responsible for searching, examining and publishing patent applications
- is responsible for holding opposition proceedings
- is responsible for appeal proceedings before the boards of appeal

Structure of the European Patent Office

President
Benoît Battistelli

Presidential area
DG 0

Directorates-General

Operations
DG 1
Guillaume Minnoye

Operational Support
DG 2
Alberto Casado Cerviño

Administration
DG 4
Željko Topić

Legal/International Affairs
DG 5
Raimund Lutz

Appeals
DG 3
Wim van der Eijk
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Our five locations in Europe

Headquarters

Liaison office with the EU

Brussels
The Hague
Munich
Home
Our staff

<table>
<thead>
<tr>
<th>Location</th>
<th>Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Munich</td>
<td>3,825</td>
</tr>
<tr>
<td>The Hague</td>
<td>2,688</td>
</tr>
<tr>
<td>Berlin</td>
<td>269</td>
</tr>
<tr>
<td>Vienna</td>
<td>106</td>
</tr>
<tr>
<td>Brussels</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>6,892</td>
</tr>
</tbody>
</table>

Around 60% are patent examiners.

Source: EPO data 2014

A multicultural working environment

- Over 30 different nationalities
- Three languages for working in and for communicating with applicants:
  - English
  - French
  - German
The role of the EPO in the European grant procedure

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

We are also responsible for
• limitation and revocation proceedings by patentees
• opposition proceedings by third parties
• appeal proceedings before the boards of appeal

The EPO makes all patent documents available to the public
The EPO also processes international (PCT) applications

- We act as a receiving office for international applications (PCT)
- We carry out approximately:
  - 40% of all international search procedures
  - 48% of all international preliminary examinations
- The EPO delivers the international search report within 3 months*

* From the date of receipt of the application by the International Searching Authority.

Three ways to start the European procedure

**European route**
Applicant files a direct European application = 1st filing

**National route**
Applicant files a national application

**International route**
Applicant files a PCT application

1) By claiming priority of an earlier application filed with a national office within 12 months.
The European grant procedure in more detail (1)

Applicant

European patent application

EPO

Publication of the application and search report

Observations by third parties possible

Substantive examination

Opposition proceedings

Appeal proceedings

Publication of the patent specification

Validation in designated states

Refusal or limitation or revocation proceedings

Applicant

Withdrawal of application

Public

Refusal or withdrawal of application

EPO

Search and search report together with preliminary opinion on patentability

Grant of European patent

Publication of the patent specification

Validation in designated states

Applicant

Withdrawal of application

Public

The European grant procedure in more detail (2)
The European patent with unitary effect

Same grant procedure as for classic European patent

- European patent application
- Filing and formalities examination
- Search report with preliminary opinion on patentability
- Substantive examination
- Grant of European patent
- Appeal proceedings
- Refusal or withdrawal of application
- Limitation/revocation/opposition proceedings
- At the request of the patent proprietor
- Unitary patent for the territories of the 25 participating states

The Unified Patent Court

- Court of Appeal with seat in Luxembourg
- Court of First Instance
- Requests for preliminary rulings
- Central Division
  - Seat in Paris
  - Office of President
- Section in Munich
- Section in London
- Local Divisions
  - LD
  - LD
- Regional Divisions
  - RD
  - RD

Requests for preliminary rulings

Infringement actions

Revocation actions
The unitary patent and the EPO member states

**Unitary patent states**
Austria • Belgium • Bulgaria • Cyprus • Czech Republic • Denmark • Estonia • Finland • France • Germany • Greece • Hungary • Ireland • Latvia • Lithuania • Luxembourg • Malta • Netherlands • Poland • Portugal • Romania • Slovakia • Slovenia • Sweden • United Kingdom

**Other EPO member states**
Italy • Spain • Iceland • Switzerland • Norway • Turkey • Monaco • San Marino • Liechtenstein • Croatia • Serbia • Albania • Former Yugoslav Republic of Macedonia

Objectives of the unitary patent

- A less expensive and less cumbersome patent system for Europe
- Facilitates access to patent protection for SMEs and research centres
- Makes Europe more attractive for innovation and investors
- Boosts Europe’s competitiveness
Concrete benefits

- Protection in **one single step** for the 25 states currently participating
- **Simplified registration** procedure instead of 25 different validations
- **Simplified and cost-effective** renewal fee payment
- **No post-grant translation** required (after initial transition period)
- **Centralised register** maintained by the EPO
- **Uniform litigation system** affording greater legal certainty

When will it all start?

- **European applications** already "in the pipeline" today might be given **unitary effect if granted after the system starts**

- **Minimum of 13 states** • including GB, FR, DE • must ratify the agreement on a Unified Patent Court

- First unitary patents will cover only the states which have ratified the agreement, then more as states accede
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Total European patent filings\(^1\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Filings</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>235,731</td>
</tr>
<tr>
<td>2011</td>
<td>244,995</td>
</tr>
<tr>
<td>2012</td>
<td>258,500</td>
</tr>
<tr>
<td>2013</td>
<td>265,915</td>
</tr>
<tr>
<td>2014</td>
<td>274,174</td>
</tr>
</tbody>
</table>

\(^1\) Direct European filings under the EPC and international filings under the PCT.
Origin of European patent filings (2014)\textsuperscript{1)}

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>DE</td>
<td>11%</td>
</tr>
<tr>
<td>FR</td>
<td>5%</td>
</tr>
<tr>
<td>CH</td>
<td>3%</td>
</tr>
<tr>
<td>NL</td>
<td>3%</td>
</tr>
<tr>
<td>GB</td>
<td>2%</td>
</tr>
<tr>
<td>CN</td>
<td>9%</td>
</tr>
<tr>
<td>JP</td>
<td>18%</td>
</tr>
<tr>
<td>US</td>
<td>26%</td>
</tr>
<tr>
<td>Other EPO states</td>
<td>11%</td>
</tr>
<tr>
<td>EPO member states</td>
<td>35%</td>
</tr>
</tbody>
</table>


Shares in Direct European filings under the European Patent Convention (EPC) and international filings under the Patent Cooperation Treaty (PCT).

Technical fields\textsuperscript{1)} with the most applications (2014)\textsuperscript{2)}

1. Medical technology: 11,124
2. Electr. machinery, apparatus, energy: 10,944
3. Digital communication: 10,018
4. Computer technology: 9,869
5. Transport: 7,533

6. Measurement: 7,228
7. Organic fine chemistry: 6,132
8. Biotechnology: 5,905
9. Engines, pumps, turbines: 5,318
10. Pharmaceuticals: 5,270

\textsuperscript{1)} Classified according to the IPC and technology concordance table as revised in January 2013
\textsuperscript{2)} Based on European patent applications filed with the EPO.
Top applicants seeking patent protection from the EPO in 2014

**TOP 10**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Company</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Samsung</td>
<td>2,541 → 10.3%</td>
</tr>
<tr>
<td>2</td>
<td>Philips</td>
<td>2,317 → 26.0%</td>
</tr>
<tr>
<td>3</td>
<td>Siemens</td>
<td>2,133 → 8.1%</td>
</tr>
<tr>
<td>4</td>
<td>LG</td>
<td>1,638 → -0.6%</td>
</tr>
<tr>
<td>5</td>
<td>Huawei</td>
<td>1,600 → 48.6%</td>
</tr>
<tr>
<td>6</td>
<td>BASF</td>
<td>1,530 → -3.0%</td>
</tr>
<tr>
<td>7</td>
<td>Qualcomm</td>
<td>1,459 → 21.2%</td>
</tr>
<tr>
<td>8</td>
<td>Robert Bosch</td>
<td>1,438 → -8.6%</td>
</tr>
<tr>
<td>9</td>
<td>Ericsson</td>
<td>1,347 → 13.8%</td>
</tr>
<tr>
<td>10</td>
<td>Intel</td>
<td>1,054 → 176.6%</td>
</tr>
</tbody>
</table>

1) Based on European patent applications filed with the EPO.

**Granted patents (2014)**

- **EPO Member states**: 51%
- **DE**: 20%
- **US**: 22%
- **JP**: 17%
- **CN**: 2%
- **KR**: 3%
- **FR**: 7%
- **CH**: 4%
- **IT**: 4%
- **NL**: 3%
- **Other EPO states**: 13%

1) Analysis based on granted patents in 2014. Patents have been allocated to the country of residence of the first-named patentee.
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www.linkedin.com/company/european-patent-office

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