



# **EPO Online Filing**

**User guide supplement**

**Plug-ins for the unitary patent procedure  
(Form UP(7000) and Form UP(7038))**

**OLF software version 5.14**

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## 1. The European patent with unitary effect in EPO Online Filing

The European patent with unitary effect – the unitary patent for short – is a European patent granted by the EPO under the provisions of the EPC. The proprietor of a European patent may, after grant, file a request for unitary effect in order to obtain patent protection in the participating 25 member states of the European Union. The request for unitary effect must be filed with the EPO no later than one month after publication of the mention of grant of the European patent in the European Patent Bulletin (B1 publication).

You can find more information about the unitary patent and the Unified Patent Court on the EPO website at *Law & practice > Unitary Patent and Unified Patent Court* (<https://www.epo.org/law-practice/unitary.html>).

## 2. UP(7000)

Form UP(7000) is used for filing a request for unitary effect of a European patent, including the statement concerning licences of right in respect of a European patent with unitary effect, the translation of the European patent and details of fee payment.

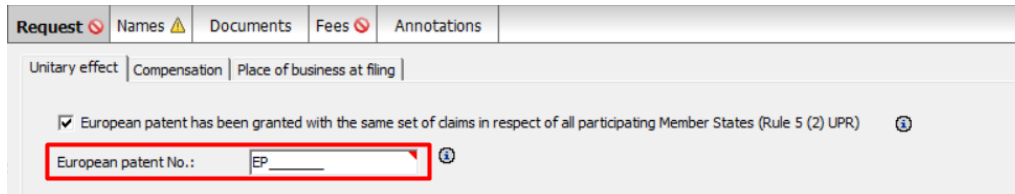
### Data input in Form UP(7000)




Form UP(7000) is organised into five tabs. We recommend entering the data in the tab sequence given, i.e. starting with the *Request* tab.

Tab	What you can do
<i>Request</i>	Enter the European patent number and application number. Create statements concerning licences of rights. Enter the place of business at filing of the initial applicant. File a request for compensation for translation costs.
<i>Names</i>	Enter details of proprietors, representatives and authorisations.
<i>Documents</i>	Select the procedural language and language of the translation of the European patent. Attach translation documents and other documents.
<i>Fees</i>	Enter the mode of payment. Select fees according to the appropriate fee schedule.
<i>Annotations</i>	Supply additional information for the EPO.


## Mandatory fields

A red triangle in the upper right-hand corner of a field indicates mandatory information. You must either manually fill out this field or select one of the options provided. If mandatory fields are not completed, the corresponding tab will show a red validation icon. Consult the validation messages for more information.



Request  Names  Documents Fees  Annotations

Unitary effect | Compensation | Place of business at filing

European patent has been granted with the same set of claims in respect of all participating Member States (Rule 5 (2) UPR) 


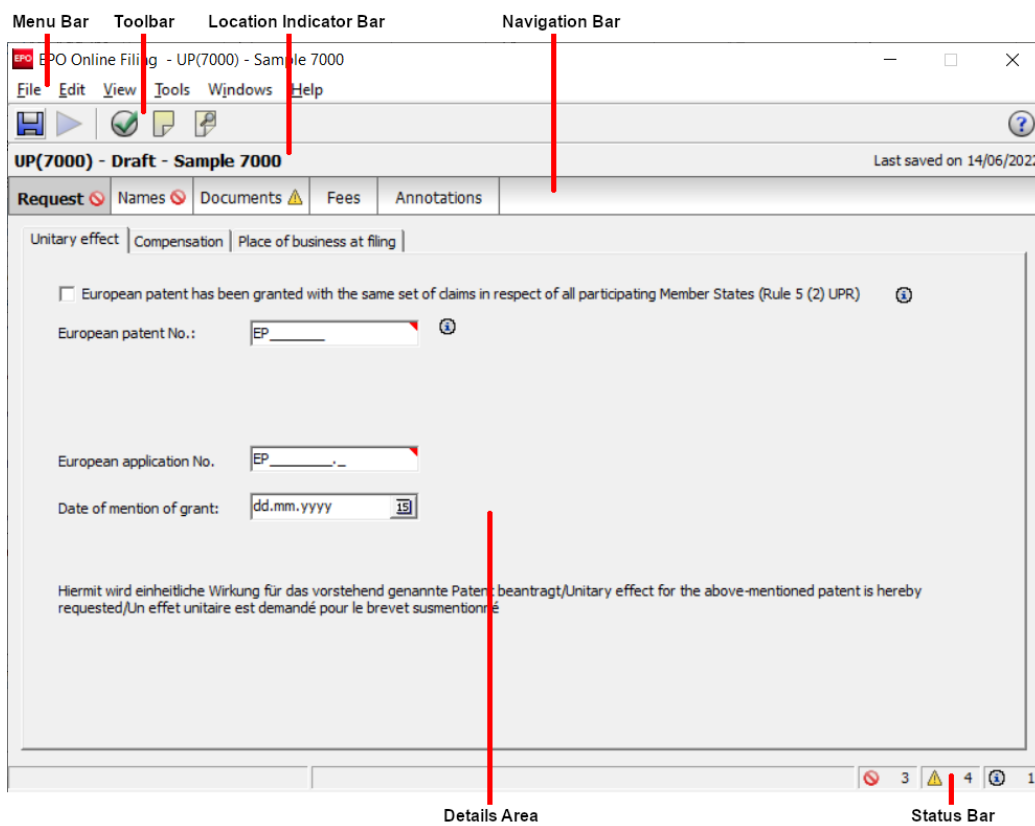
European patent No.:  

Figure 1: **European patent No.** is a mandatory field in the **Request** tab and is marked with a red triangle

## Elements in Form UP(7000)






Menu Bar | Toolbar | Location Indicator Bar | Navigation Bar


EPO Online Filing - UP(7000) - Sample 7000


File Edit View Tools Windows Help

UP(7000) - Draft - Sample 7000 Last saved on 14/06/2022


Request  Names  Documents  Fees Annotations

Unitary effect | Compensation | Place of business at filing

European patent has been granted with the same set of claims in respect of all participating Member States (Rule 5 (2) UPR) 

European patent No.:  

European application No.:

Date of mention of grant:  

Hiermit wird einheitliche Wirkung für das vorstehend genannte Patent beantragt/Unitary effect for the above-mentioned patent is hereby requested/Un effet unitaire est demandé pour le brevet susmentionné

Details Area | Status Bar (3 red triangles, 4 yellow triangles, 1 blue circle)

Figure 2: Form UP(7000) - Overview

<b>Element</b>	<b>Description</b>
<b><i>Menu Bar</i></b>	Provides all options to edit, save, import and export drafts, set the display and change the status, as well as other tools.
<b><i>Toolbar</i></b>	Provides shortcuts to the most frequently used tasks and tools.
<b><i>Location Indicator Bar</i></b>	Shows the selected procedure, the current status and the user reference for the open draft.
<b><i>Navigation Bar</i></b>	Displays tabs corresponding to the sections of the form. These tabs can contain sub-tabs, which are a sub-division of the main tab sections within the form.
<b><i>Details Area</i></b>	Displays data entry fields appropriate to the selected tab.
<b><i>Status Bar</i></b>	Displays information about the current activity. Shows the total number of validation messages for the open draft.

## 2.1. UP(7000) – Request

The **Request** tab of Form UP(7000) features three sub-tabs, in which you enter the following information.

### Unitary effect

- European patent number
- European application number
- date of mention of grant
- statement concerning licences of right

### Place of business at filing

- name and address of the initial applicant on the date of filing of the European patent application

### Compensation

- request for compensation for translation costs
- declaration as to the applicant's/proprietor's status under Rule 8(2) and (4) UPR
- method of payment of compensation

### 2.1.1. Unitary effect

In the **Unitary effect** sub-tab of the **Request** tab, you enter the basic information on the European patent for which unitary effect is requested.

→ Enter the seven-digit patent number into the **European patent No.** field.

The letters **EP** are supplied automatically and cannot be deleted.

→ Enter the eight-digit application number plus the check digit into the **European application No.** field.

The letters **EP** are supplied automatically and cannot be deleted.

If needed, the application number can be obtained by looking up the corresponding patent/application on the European Patent Register site:

<https://www.epo.org/searching-for-patents/legal/register/>

→ Enter the date of mention of grant, i.e. the date of the B1 publication (optional).

## Validation results

If an error/warning icon is displayed on the tab due to incorrect/missing data, look at the validation messages for more information on the causes. If there is a severity level 2 validation message, you can proceed and submit your application, but you should verify that the data you entered is correct.

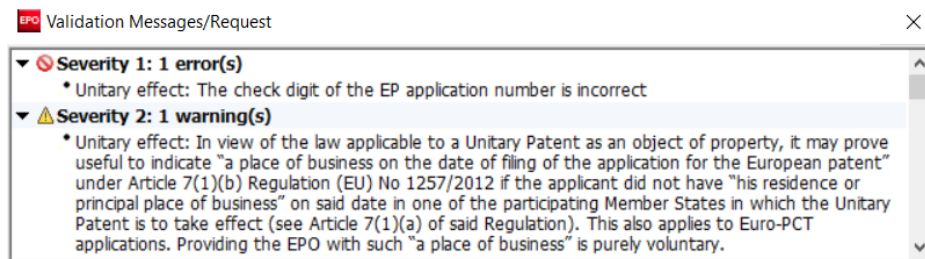


Figure 3: Example of validation messages in the **Request** tab

### 2.1.2. Place of business at filing

If the initial applicant's name and/or address is different from that of the actual patent proprietor, you can specify these details in the **Place of business at filing** sub-tab of the **Request** tab.

- Where applicable, select the check box **Place of business on the date of filing of the European patent application**.
- Enter the name of the applicant.
  - For a legal entity, enter the company name.
  - For a natural person, enter last name and first name.
- Enter the address details.
  - Country** and **City** are mandatory fields.

Request	Names	Documents	Fees	Annotations
Unitary effect   Compensation   Place of business at filing				
<input checked="" type="checkbox"/> Place of business on the date of filing of the European patent application:				
Name of applicant:	Manzoni, Salvatore			
Department:				
Country:	IT Italy			
Address:	Via al Ticino 100			
P.O. Box:				
Postal code:	6500			
City:	Bellinzona			
Region:				

Figure 4: Name and address of applicant

### 2.1.3. Compensation for translation costs

SMEs, natural persons, non-profit organisations, universities and public research organisations are entitled to request compensation for translation costs if their residence or principal place of business is in the territory of an EU member state. Each individual proprietor, and if applicable the initial applicant, must submit evidence as to their status as an entity or natural person under Rule 8(2) and (4) UPR. The EPO will then transfer the compensation to an EPO deposit account.

→ Select the check box *I/We hereby request compensation for translation costs (Rule 9 UPR)*.

→ Select the appropriate option under *Compensation for translation costs - mode of payment*.

- If you select *Compensation for translation is requested by transfer to the EPO deposit account indicated under Fees, Payment details* (default option), you must indicate the

number of the EPO deposit account in the **Payment details** sub-tab (p. 20). The red validation icon in the **Fees** tab notifies you of the validation message to that effect.

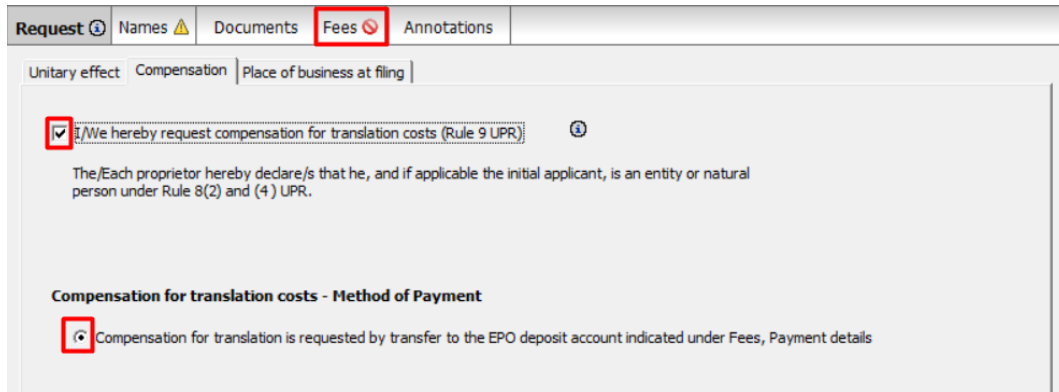


Figure 5: Request for compensation for translation costs

## 2.2. UP(7000) – Names

In the **Names** tab, you enter details of the patent proprietor(s) and representative(s). You must add at least one patent proprietor. Where applicable, you can specify an address for correspondence with the first-named proprietor.

### Proprietors

→ In the **Names** tab, click the **Add** button.



→ Select **Proprietor, Legal** or **Proprietor, Natural**.

→ Enter the details of the proprietor or use the **Copy from Address Book** button.



→ Add more proprietors, if required, by repeating the above procedure.

Figure 6: Details of second proprietor

### Address for correspondence with the first-named proprietor

You can specify a separate address for correspondence with the first-named proprietor if you have not added a representative to the form. The country in the address for correspondence must be an EPC contracting state. The address for correspondence is only valid if the country in the proprietor's main address is also an EPC contracting state.

The **Address for correspondence** check box is unlocked after the mandatory fields for the first-named proprietor have been completed, i.e. first name and last name (natural proprietor), company name (legal proprietor), city, country and principal place of business (legal proprietor).

- ➔ Select the first-named proprietor.
- ➔ Select the **Address for correspondence** check box.
- Address for Correspondence** then appears in the list on the left.
- ➔ Click the **Add** button and select **Address**.

Figure 7: Adding address for correspondence with the first-named proprietor

The first-named proprietor's name appears under **Address for Correspondence** on the left and the data entry fields become available on the right.

→ Edit the address information as required.

- The proprietor's name cannot be edited in the address for correspondence. The **Company** field (legal proprietor) and the **Last name** and **First name** fields (natural proprietor) are locked.
- If you subsequently modify the first-named proprietor's name under **Proprietors**, the name in the address for correspondence will be updated accordingly.
- If you delete the first-named proprietor, the address for correspondence will also be removed from the form.

Figure 8: Entering details of address for correspondence

### Proprietor is represented by an employee

If the proprietor is a company (legal entity) with principal place of business in an EPC contracting state, it can be represented by an employee. An employee can only be selected as a representative if no other representative (legal entity or natural person) has been added to the form.

→ Select the check box **[Company] is represented by the following employee acting pursuant to Art. 133(3) EPC.**

→ Enter **Last name** (mandatory field), **First name** (mandatory field) and **Title**.

The name of this employee will be automatically filled into the **Sign Application** dialogue and cannot be modified. Only an employee who is authorised by the proprietor pursuant to Article 133 EPC is entitled to sign the form.

→ Enter the **General Authorisation** number (where applicable).

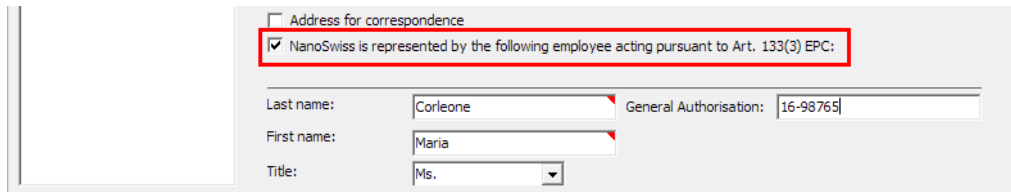


Figure 9: The proprietor is represented by an employee acting pursuant to Article 133(3) EPC

## Representatives

The **Representatives** option is only available if no address for correspondence has been entered and if the proprietor is not being represented by an employee pursuant to Article 133(3) EPC. The country of the representative must be an EPC contracting state.

→ In the **Names** tab, click the **Add** button.

→ Select **Representative, Association, Representative, Legal Practitioner** or **Representative, Authorised**.

→ In the **Name and Address** sub-tab, complete the details or use the **Copy from Address Book** button.

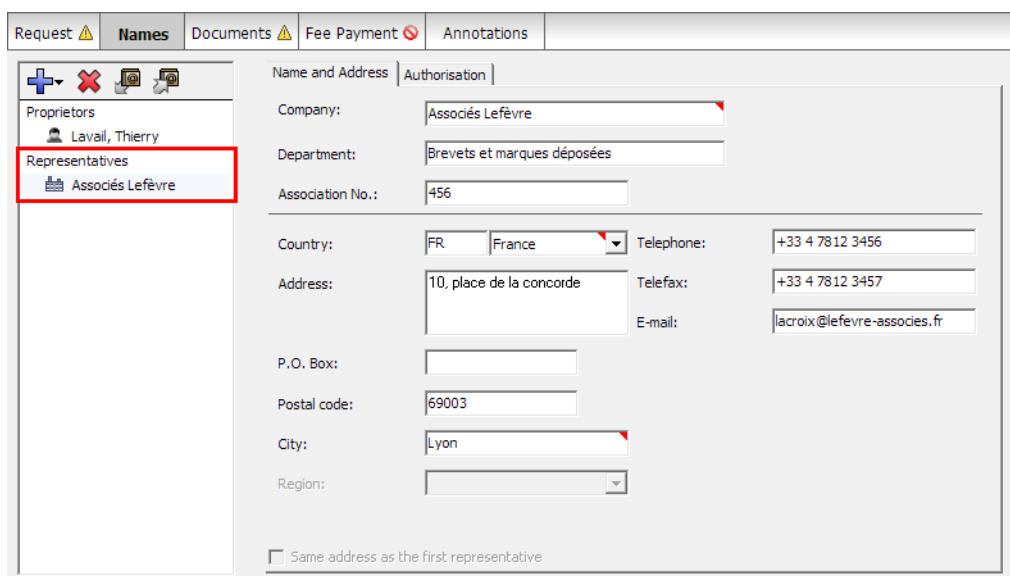


Figure 10: Details of association of representatives

## Details relating to the representative's authorisation

The **Authorisation** sub-tab is used to provide details relating to each representative.

→ Select the check box ***I am / We are filing the following authorisation information.***

→ Select the appropriate option.

- If you select ***Authorisation is attached***, you should also attach the relevant document; see **Attaching other documents** (p. 17). A yellow validation icon in the **Names** tab and in the **Documents** tab notifies you of the validation message to that effect.
- If you select ***I/We refer to a previously filed authorisation***, select the applicable option and enter the specific data (mandatory).

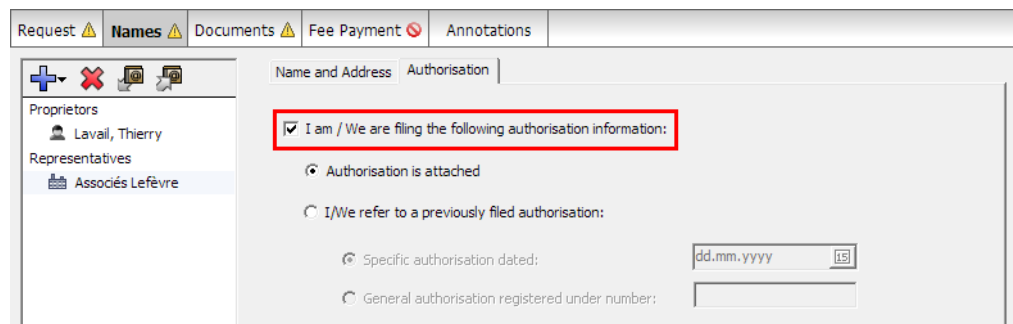


Figure 11: Details of representative's authorisation

## Removing names from the form

→ Select the name to be removed on the left-hand side of the form.

→ Click the **Delete** button.



## 2.3. UP(7000) – Documents

In the **Documents** tab of Form UP(7000), you attach the documents related to your request for unitary effect. The translation of the European patent is always required by the EPO; however, you can submit the translation subsequently if it is not available at the time of filing the request.

The **Documents** tab features two sub-tabs.

- **Translation** – this is where you also indicate the language of proceedings and the language of the translation.
- **Other documents** – this is where you can attach other documents, e.g. an authorisation or request for re-establishment of rights.

### 2.3.1. Document types for UP(7000) by category

You can attach all documents from the **Other documents** sub-tab of the **Documents** tab if not mentioned otherwise. If you cannot find an appropriate category and document type, please choose the **Other document** option from the **Other** category.

You can only attach PDF files compliant with Annex F.

#### Legal remedies

- grounds for re-establishment of rights
- request for re-establishment of rights

#### Other

- declaration that each individual proprietor/initial applicant is eligible for compensation for translation costs

(in the **Request** tab, **Compensation** sub-tab)

- authorisation of representative
- document concerning representation
- general authorisation
- other document

#### Translations

- translation of the patent

(in the **Documents** tab, **Translation** sub-tab)

### 2.3.2. Translation of the European patent

When filing a request for unitary effect, you are required to submit a translation of the European patent into one of the languages of the European Union. The yellow validation icon in the **Documents** tab notifies you of the validation message to that effect.

- If the European patent was originally published in English, you can submit the translation in any of the accepted European languages, including German and French.
- If the European patent was originally published in German or French, you must submit the translation in English.
- The translation may be submitted subsequently using Form UP(7038).

## Language of the translation

In the **Translation** sub-tab, the **Language of proceedings** is automatically set to the language which you selected when creating the new Form UP(7000) in File Manager.

→ If applicable, change the language of proceedings.

The available options are **English**, **French** and **German**.

→ If the language of proceedings is English, select the language of the translation which you are going to attach.

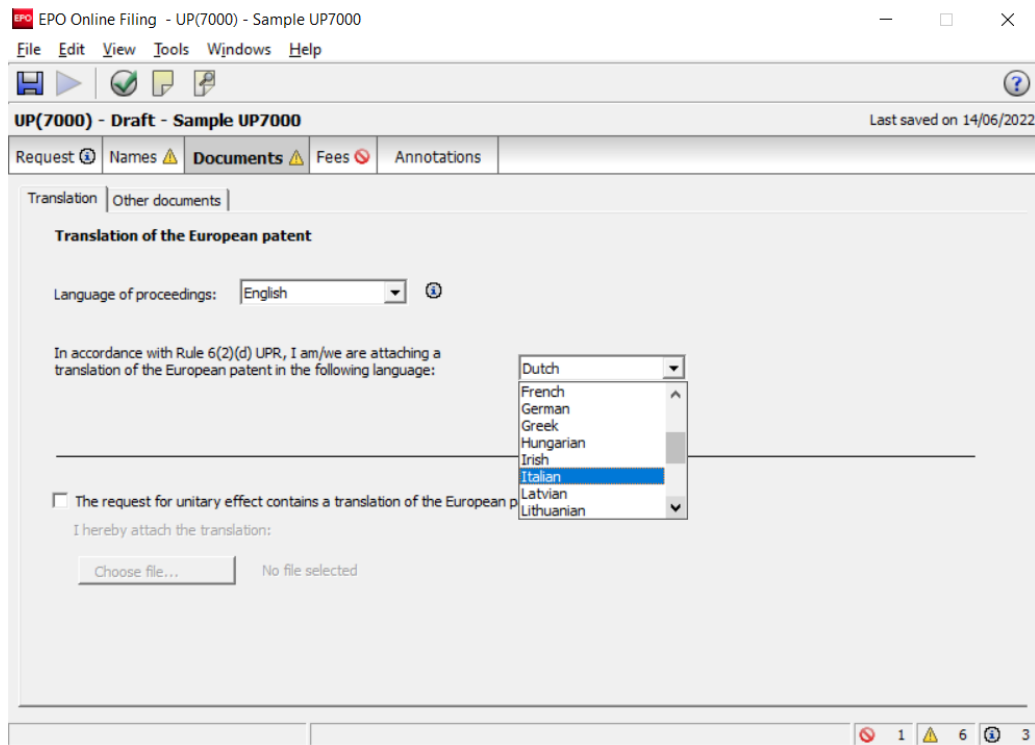


Figure 12: Selecting the language of the European patent translation to be attached

→ If the language of proceedings is German or French, the translation must be in English.

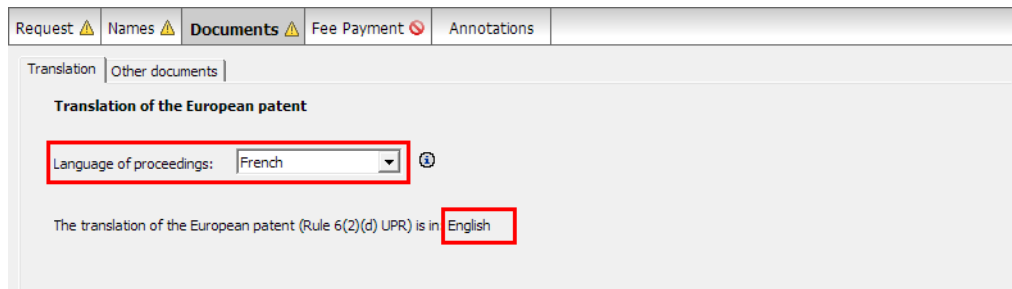


Figure 13: The translation is in English if the language of proceedings is not English

### Attaching the translation

→ To attach the translation document, select the check box **The request for unitary effect contains a translation of the European patent.**

→ Click **Choose file....**

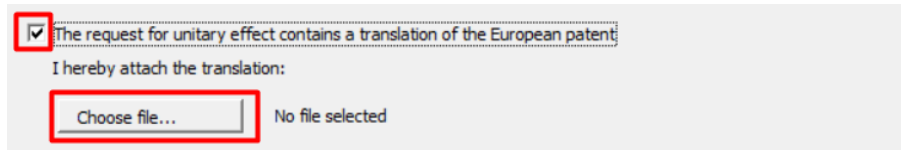


Figure 14: Selecting the translation to be attached

→ Navigate to where your PDF file is saved, select it and click **Open**.

The file is renamed **UTRAN.pdf**.

→ To remove the translation from the request for unitary effect, click **Detach file**.

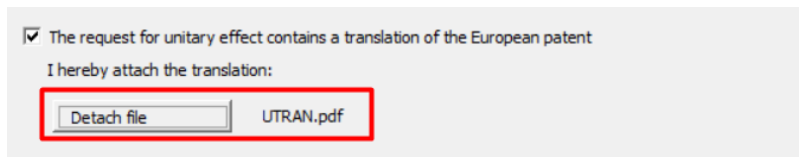


Figure 15: Translation of the European patent is attached

### 2.3.3. Attaching other documents

In the **Other documents** sub-tab, you can attach all other documents you wish to send to the EPO.

→ In the **Other documents** sub-tab, click the **Add** button.



→ In the **Open** window, navigate to where your file is saved.

→ Select the file and click **Open** to attach it.

The file is attached to the request for unitary effect under its original file name.

→ Select the appropriate category from the **Category** drop-down list.

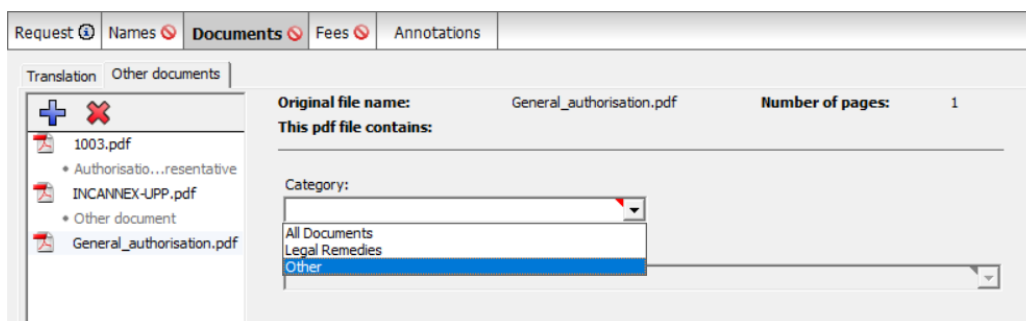


Figure 16: Selecting category for attached document

→ Select the appropriate document type from the **Document type** drop-down list.

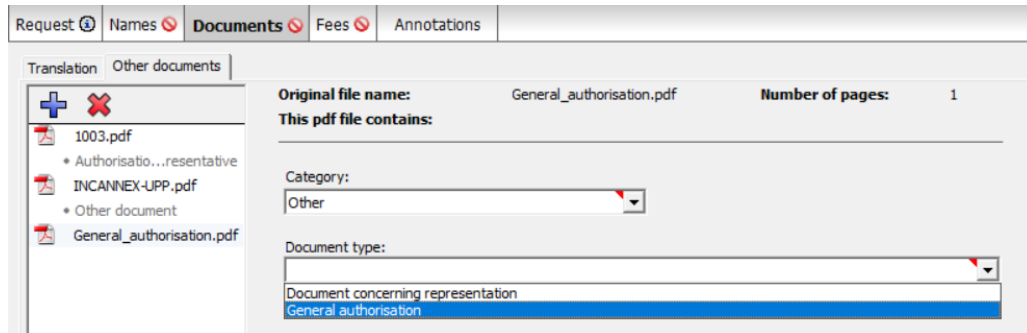


Figure 17: Selecting document type from the selected category

The file is renamed to the default OLF file name.

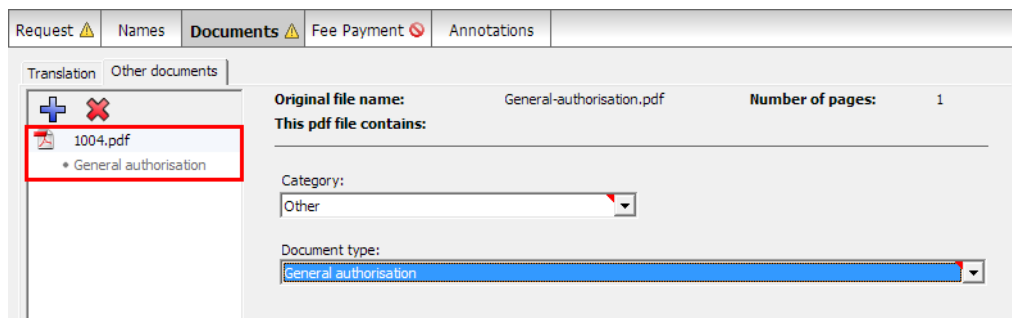


Figure 18: The attached document is renamed to the default OLF file name

### 2.3.4. Viewing attached documents

You can view the list of all attached documents in the form preview.

→ Click the **Preview** button in the toolbar.



The form is displayed in the PDF Viewer. The **Documents** section of the form (**upf7000.pdf**) lists the attached documents with their original file names.

→ Click the name of a document in the list on the left to display it in the PDF Viewer.

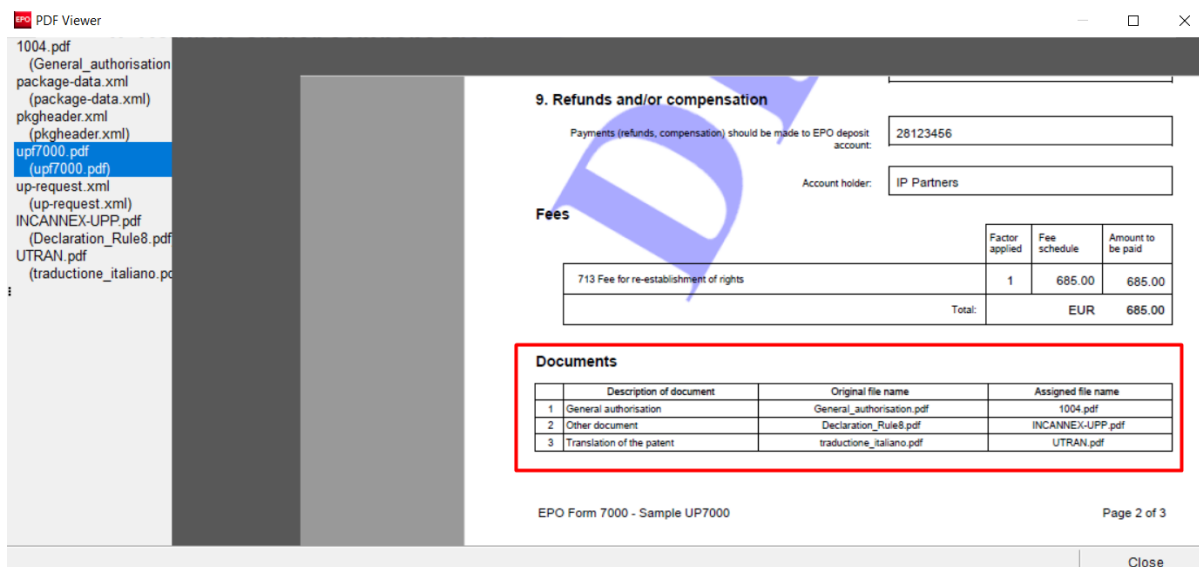


Figure 19: Previewing the form with the list of attached documents

## 2.4. UP(7000) – Fees

In the **Fees** tab of Form UP(7000), you can select the fees you wish to pay in respect of the request for unitary effect and indicate the mode of payment.

The EPO does not charge a special fee for filing a request for unitary effect. Therefore, you do not need to enter further information in the **Fees** tab if you only submit the request with the translation document. However, if you request compensation for translation costs to be transferred to a deposit account with the EPO, you must at least indicate the number of that deposit account.

For more information on EPO deposit accounts and the automatic debiting procedure, please refer to Supplementary publication 3, OJ EPO 2015.

- Arrangements for deposit accounts (ADA) (<http://www.epo.org/law-practice/legal-texts/official-journal/2015/etc/se3/p8.html>)
- Notice from the European Patent Office dated 12 February 2015 concerning revision of the Arrangements for deposit accounts (ADA) and their annexes (<http://www.epo.org/law-practice/legal-texts/official-journal/2015/etc/se3/p2.html>)

### Online fee payment

The EPO offers a quick and secure online fee payment service designed for holders of EPO deposit accounts. For more information, go to the EPO website and navigate to **Applying for a patent > Online services > Central Fee Payment** (<http://www.epo.org/applying/online-services/fee-payment.html>).

### 2.4.1. Payment details

In the **Payment details** sub-tab, you can:

- indicate the mode of payment for the fees you wish to pay
- specify a deposit account exclusively to receive payment of the compensation for translation costs, without paying any fees

#### Mode of payment

→ Select the appropriate option from the **Mode of payment** drop-down list.

- **Automatic debit order**

If you select this option, the check boxes in the **Fee selection** sub-tab are automatically deactivated and the total amount of the fees is shown as EUR 0.00. The EPO will calculate the amount of the fees payable using the information you provided in your submission and will debit this amount directly from your account. With this option you cannot select the fees yourself in the form.

- **Debit from deposit account**

If you choose this mode of payment, the relevant fees will be debited directly from your EPO deposit account. If you issue a debit order during normal working hours (08.00-18.00 hrs), you can usually view it under **pending orders** within about 30 minutes. The actual deduction from your account will appear 5 to 6 days later.

- **Bank transfer**

All payments in EUR must be transferred to the EPO's bank account with the Commerzbank AG in Munich, Germany. The IBAN and BIC codes of the EPO's bank account are supplied automatically when you select the Commerzbank from the drop-down list.

- **Credit card**

All payments by credit card must be made via the dedicated EPO fee payment service on the EPO website at **Applying for a patent > Online services > Central Fee Payment > Pay by credit card** (<https://epo.org/fee-payment-service/en/login>).

Choosing this mode of payment in the **Payment details** sub-tab is considered merely an indication of how you intend to pay.

- **Not specified**

Choose this option if you do not intend to pay fees with this form or if you are not sure how you will be paying your fees.

If you select a mode of payment, you must also select at least one fee in the **Fee selection** sub-tab.

## Debit from deposit account

→ Enter the **Deposit account number**.

EPO deposit account numbers are made up of eight digits, starting with **28**.

→ Enter the name of the **Account holder** (optional).

→ If you wish to have the fees debited from your account at a later date than the submission date, enter the date in the **Deferred execution date (optional)** field.

→ The deferred execution date functionality allows you to indicate explicitly that your payment order is to be executed at a later date than the submission date.

In this case, the payment date will be deemed to be the deferred execution date, provided that you have sufficient funds in your deposit account on that date.

Please choose the deferred execution date option only if the fees are to be debited on a future date, as otherwise the default execution date is the date of receipt.

The deferred execution date can be a maximum of 40 days in the future.

Please ensure that the deferred execution date lies within the time limit set for paying the selected fees.

Please note that any debit orders (standard or deferred execution) can only be revoked until 00.00 hrs CET on the submission date ([Arrangements for deposit accounts \(ADA\), 7.](#)).

The screenshot shows a web interface for entering payment details. At the top, there are tabs for 'Request', 'Names', 'Documents', 'Fees', and 'Annotations'. The 'Fees' tab is active. Below the tabs, there are two sub-sections: 'Payment details' and 'Fee selection'. Under 'Payment details', the 'Method of payment' is set to 'Debit from deposit account' and the 'Currency' is 'EUR'. A statement reads: 'The European Patent Office is hereby authorised, to debit from the deposit account with the EPO any fees and costs indicated on the fees page'. The 'Deposit account number' field is highlighted with a red box and contains '28123456\_\_'. The 'Account holder' field contains 'IP Partners'. The 'Deferred execution date (optional)' field contains '19 December 2022' with a calendar icon. At the bottom, there is a checkbox for 'If different from above - payments (reimbursement, compensation), if any, to be made to EPO deposit account number:' with a text box containing '28'. An 'Account holder:' field is also present at the bottom right.

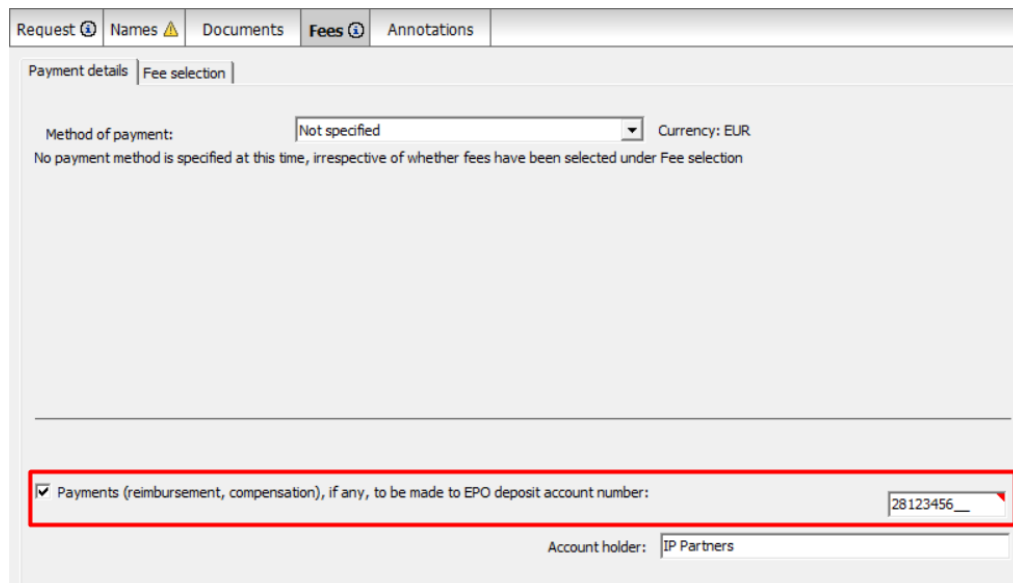
Figure 20: Entering payment details for deposit account

## Deposit account for payment of compensation/reimbursement

If you selected the check box *I/We hereby request compensation for translation costs (Rule 9 UPR)* and the option *Compensation for translation is requested by transfer to the EPO deposit account indicated under Fees, Payment details* (see **Compensation for translation costs** (p. 9)), you must indicate the number of that EPO deposit account. The red validation icon in the **Fees** tab notifies you of the validation message to that effect if the selected payment option is **Bank transfer** or **Not specified**.

→ Select the check box **Payments (reimbursement, compensation), if any, to be made to EPO deposit account number**.

→ Enter the deposit account number (mandatory) and the account holder's name (optional).



The screenshot shows the 'Fees' tab in the EPO interface. Under 'Payment details', the 'Method of payment' is 'Not specified' and the currency is 'EUR'. A red box highlights the checked option 'Payments (reimbursement, compensation), if any, to be made to EPO deposit account number' with the account number '28123456' entered in the adjacent field. The account holder is listed as 'IP Partners'.

Figure 21: Deposit account for payment of compensation

If the selected payment option is **Automatic debit order** or **Debit from deposit account**, you are only required to enter an account number here if this account is not the same as the account to be used for fee payment.

### 2.4.2. Fee selection

In the **Fee selection** tab, you can select the fees in respect of the request for unitary effect of the European patent. By default, no fees are due.

If you have selected both check boxes for the statement concerning licences of right in the **Request** tab, a 15% reduction applies to the renewal fees for the second to 20th year; see **Unitary effect** (p. 7).

→ Select the check boxes for the fees to be paid.

The **Total amount** is automatically calculated.

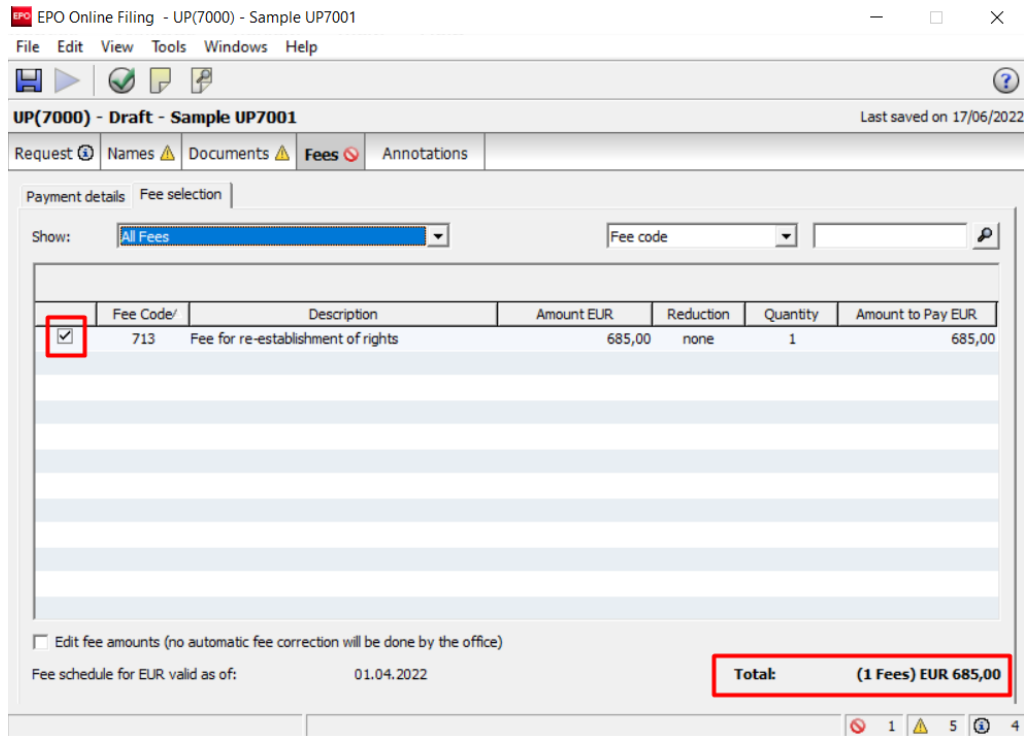


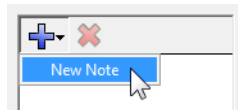
Figure 22: Fee for re-establishment of rights selected

## 2.5. UP(7000) – Annotations

In the **Annotations** tab, you can enter notes to be transmitted to the EPO.

### Creating notes for the EPO

→ Click the **Add** button and select **New Note**.



→ Enter the relevant information in the **Author**, **Subject** and **Note** fields.

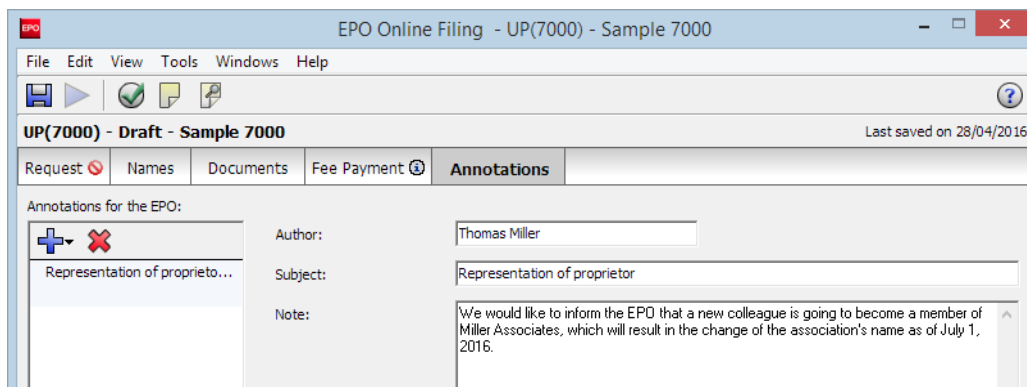


Figure 23: Adding an annotation for the EPO

→ To add notes that are not intended for the EPO, use the **Internal notes** function on the form's toolbar.



### 3. UP(7038)

You can use Form UP(7038) to file documents or pay fees subsequently to the request for unitary effect of a European patent. Form UP(7038) can also be used to file a statement of intention to license or to withdraw the intention to license. Non-public documents and related fees may be filed with a separate submission using Form UP(7038).

At present, you can sign and send this form in demo mode only. You will be able to sign and send it in production mode once the Agreement on a Unified Patent Court has been ratified as required. At that point, an update of the EPO OLF client software will be made available to enable these actions.

#### Minimum requirements for subsequent filing with Form UP(7038)

When filing with Form UP(7038), at least one of the following actions must be performed.

- attach a document
- indicate a payment
- write an annotation

#### Data input in Form UP(7038)

Form UP(7038) is organised into five tabs. It is recommended that you decide on the general type of the submission first, i.e. public or non-public, and then proceed with attaching corresponding documents and selecting fees.

Tab	What you can do
<b>Patent and Application No.</b>	Enter the European patent number and application number. Declare that a statement concerning licences of rights has been submitted and has been recorded by the EPO.
<b>Names</b>	Enter details of proprietor or representative.
<b>Documents</b>	Attach the subsequently filed documents.
<b>Fees</b>	Enter the mode of payment. Select fees according to the appropriate fee schedule.
<b>Annotations</b>	Supply additional information for the EPO.

### Mandatory fields

A red triangle in the upper right-hand corner of a field indicates mandatory information. You must either manually fill out this field or select one of the options provided. If mandatory fields are not completed, the corresponding tab will show a red validation icon. Consult the validation messages for more information.

European patent with unitary effect - Letter accompanying subsequently filed items

European patent No.: EP\_\_\_\_\_ ⓘ

Figure 24: **European patent No.** is a mandatory field in the **Patent and Application No.** tab and is marked with a red triangle

## Elements in Form UP(7038)

The screenshot displays the EPO Online Filing interface for Form UP(7038). The window title is "EPO Online Filing - UP(7038) - Sample UP7038". The menu bar includes "File", "Edit", "View", "Tools", "Windows", and "Help". The toolbar contains icons for save, play, checkmark, and print. The location indicator bar shows "UP(7038) - Draft - Sample UP7038" and "Last saved on 15/06/2022". The navigation bar includes "Patent and Application No.", "Names", "Documents", "Fees", and "Annotations". The main details area is titled "European patent with unitary effect - Letter accompanying subsequently filed items" and contains two input fields: "European patent No.:" with the value "EP 1216048" and "European application No.:" with the value "EP 12160481.3". The status bar at the bottom right shows icons for errors (1), warnings (3), and information (1).

Figure 25: Form UP(7038) – Overview

Element	Description
<b>Menu Bar</b>	Provides all options to edit, save, import and export drafts, set the display and change the status, as well as other tools.
<b>Toolbar</b>	Provides shortcuts to the most frequently used tasks and tools.
<b>Location Indicator Bar</b>	Shows the selected procedure, the current status and the user reference for the open draft.
<b>Navigation Bar</b>	Displays tabs corresponding to the sections of the form. These tabs can contain sub-tabs, which are a sub-division of the main tab sections within the form.
<b>Details Area</b>	Displays data entry fields appropriate to the selected tab.
<b>Status Bar</b>	Displays information about the current activity. Shows the total number of validation messages for the open draft.

### 3.1. UP(7038) – Patent and Application No.

In the **Patent and Application No.** tab, you enter the basic information on the European patent for which unitary effect is subsequently going to be requested.

→ Enter the seven-digit patent number into the **European patent No.** field.

The letters **EP** are supplied automatically and cannot be deleted.

→ Enter the eight-digit application number plus the check digit into the **European application No.** field.

The letters **EP** are supplied automatically and cannot be deleted.

If needed, the application number can be obtained by looking up the corresponding patent/application on the European Patent Register site:

<https://www.epo.org/searching-for-patents/legal/register/>.

The possible validation messages are the same as in Form UP(7000); see **Unitary effect** (p. 7).

Figure 26: Details of the request for unitary effect

### 3.2. UP(7038) – Names

The **Names** tab of Form UP(7038) is where you add details of the proprietor or a representative. You can add only one name to the form.

#### Adding a name

→ In the **Names** tab, click the **Add** button.



→ Select a role, e.g. **Proprietor, Legal**.

→ Enter name and address or use the **Copy from Address Book** button.

Once a role has been selected, the **Add** button becomes unavailable.

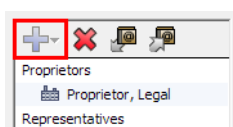


Figure 27: The add button is unavailable after a person has been added to the form

If you created the new UP(7038) form based on a request for unitary effect submitted with Form UP(7000), the first-named proprietor is automatically copied from the original request.

- If you instead want to name a representative in Form UP(7038), first delete the proprietor and then add the new representative as appropriate.

### Proprietor is represented by an employee

If the proprietor is a company (legal entity) with principal place of business in an EPC contracting state, it can be represented by an employee.

- Select the check box **[Company] is represented by the following employee acting pursuant to Art. 133(3) EPC.**
- Enter **Last name** (mandatory field), **First name** (mandatory field) and **Title**.

The name of this employee will be automatically filled into the **Sign Application** dialogue and cannot be modified. Only an employee who is authorised by the proprietor pursuant to Article 133 EPC is entitled to sign the form.

- Enter the **General Authorisation** number (where applicable).

Figure 28: Details of proprietor, company represented by an employee

### Removing names from the form

- Select the name to be removed on the left-hand side of the form.
- Click the **Delete** button.



### 3.3. UP(7038) – Documents

The **Documents** tab of UP(7038) is where you attach the documents to be filed subsequently. Please find a list of all document types currently allowed in section **Document types for UP(7038) by category** (p. 30).

Initially, there is a red validation icon on the **Documents** tab. If you enter payment information and select a fee in the **Fees** tab or if you add a new note in the **Annotations** tab, however, it is no longer mandatory to attach a document and the red validation icon disappears.

#### Time limits for subsequently filed documents

The OLF software does not validate the time limits allowed for subsequent filings. Therefore, please consult the relevant UPR rules to make sure that you submit your documents to the EPO in time, for example:

- Rule 6(1) UPR: The request for unitary effect must be filed no later than one month after the B1 publication.
- Rule 22(2) UPR: A request for re-establishment of rights must be filed within two months of expiry of that period. The related fees must be paid in due time.
- Rule 7(3) UPR: The deficiencies must be corrected (e.g. missing translation of the patent) within one month of being invited to do so by the EPO.

#### 3.3.1. Document types for UP(7038) by category

Where available, please select the appropriate document type for your file attachments. If you cannot find the appropriate document type, please choose the **General enquiry** option from the **Other** or **All documents** category.

You can only attach PDF files compliant with Annex F.

In this list, a single document type may be assigned to multiple categories to facilitate your selection.

#### Legal remedies

- request for decision
- request for re-establishment of rights
- grounds for re-establishment of rights

#### Licences and other rights

- document relating to a licence
- document relating to a right in rem

- request for cancellation of registration of a licence
- request for cancellation of registration of a right in rem
- request for registration of a licence
- request for registration of a right in rem
- request for registration or for cancellation of registration of a legal means of execution
- request for transfer of rights

#### **Licences of right**

- statement concerning licences of right
- withdrawal of a statement concerning licences of right

#### **Non-public**

- evidence of being an entity eligible for compensation for translation costs
- medical certificate
- non-public document

#### **Other**

- evidence in support of request for decision
- evidence of transfer of rights
- general enquiry

#### **Other document**

- other submission from proprietor
- reply to "Indication of deficiencies in a request for entry of a change in personal particulars and invitation to correct them"
- reply to "Indication of deficiencies in a request for registration of a transfer of rights and invitation to correct such deficiencies"

#### **Replies relating to unitary patent proceedings**

- interruption of proceedings

- reply to "Intended rejection by the Unitary Patent Protection Division"
- reply to "Invitation to remedy deficiencies in a request for compensation for translation costs"
- reply to "Invitation to remedy deficiencies in a request for unitary effect (Rule 7(3) UPR)"
- reply to "Invitation to remedy deficiencies in a statement/withdrawal of a statement concerning licences of right"
- reply to other communication from the Unitary Patent Protection Division

### **Representatives**

- authorisation of representative
- document concerning representation
- general authorisation
- notification of termination of representative's authorisation
- reply to invitation to give notice of appointment of a professional representative
- request for change of proprietor's representative

### **Requests**

- correction of errors in a request for unitary effect (Rule 20(2)(h) UPR)
- interruption of proceedings
- request for automatic debiting
- request for cancellation of registration of a licence
- request for cancellation of registration of a right in rem
- request for change of address
- request for change of name
- request for change of proprietor's representative
- request for registration of a licence
- request for registration of a right in rem
- request for registration or for cancellation of registration of a legal means of execution
- request for transfer of rights
- statement concerning licences of right
- withdrawal of a statement concerning licences of right

## Translations

- certificate with respect to translation
- translation of the patent
- withdrawal of a statement concerning licences of right
- withdrawal of request for unitary effect

### 3.3.2. Attaching documents

→ In the **Documents** sub-tab, click the **Add** button.



→ In the **Open** window, navigate to where your file is saved.

→ Select the file and click **Open** to attach it.

The file is attached to the draft under its original file name.

→ Select the appropriate category from the **Category** drop-down list.

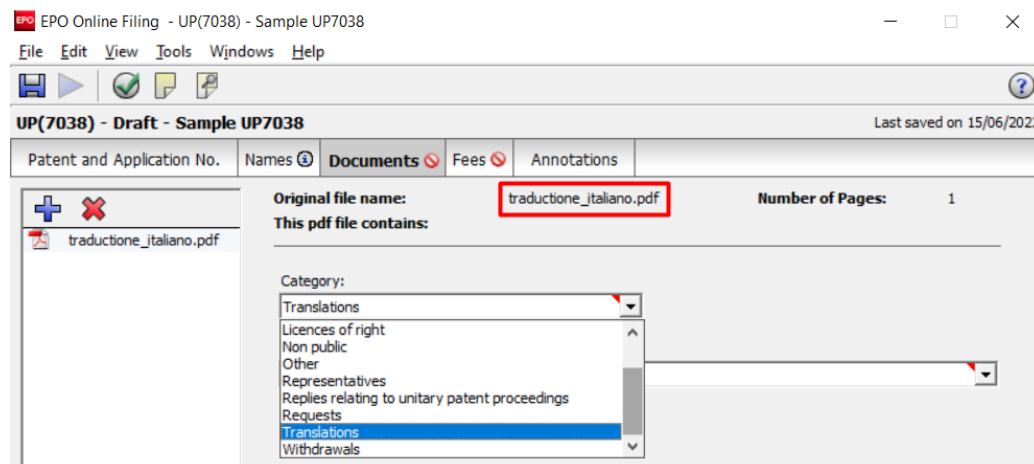


Figure 29: Selecting category for attached document

→ Select the appropriate document type from the **Document type** drop-down list.

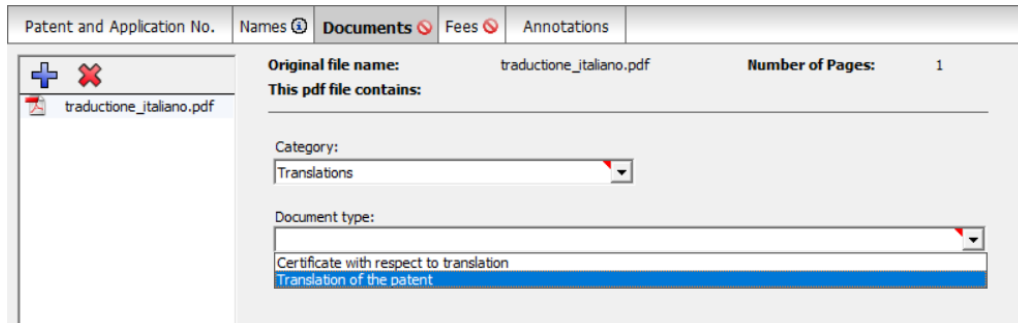


Figure 30: Selecting document type from the selected category

The file is renamed to the default OLF file name.

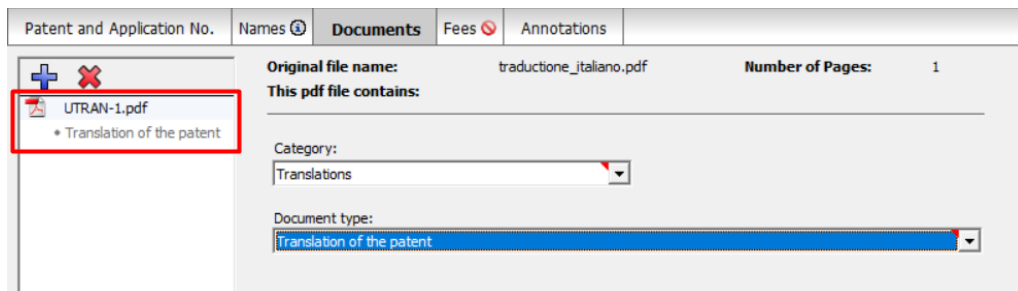


Figure 31: The attached document is renamed to the default OLF file name

### Documents related to the intention to license

You cannot submit the document type **Withdrawal of a statement concerning licences of right** together with the document type **Statement concerning licences of right**. A red validation icon will appear in the **Documents** tab.

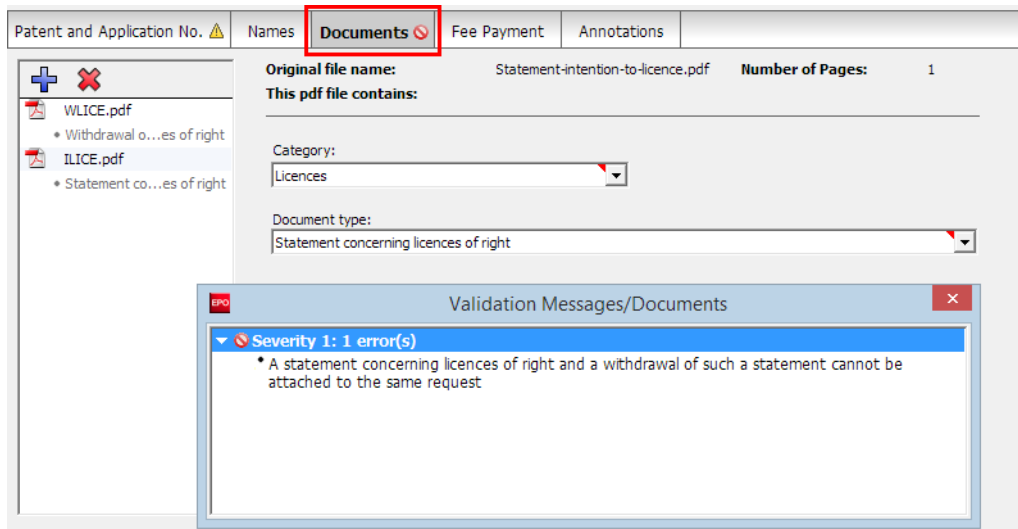


Figure 32: Validation message if combination of documents is not allowed

### 3.3.3. Filing non-public documents

The OLF software allows you to submit documents in non-public proceedings to the EPO.

You can only attach either public or non-public documents to Form UP(7038). If you attach non-public documents, you cannot select a fee which is only applicable to public submissions. Please use separate forms for public and non-public submissions to the EPO.

- Click the **Add** button.
- Navigate to your file and attach it.
- Select the **Non-public** category.
- In the **Document type** drop-down list, select the appropriate document type, e.g. **Evidence of being an entity eligible for compensation for translation costs**.
- The file is renamed **COMP-EVID-1.pdf**.

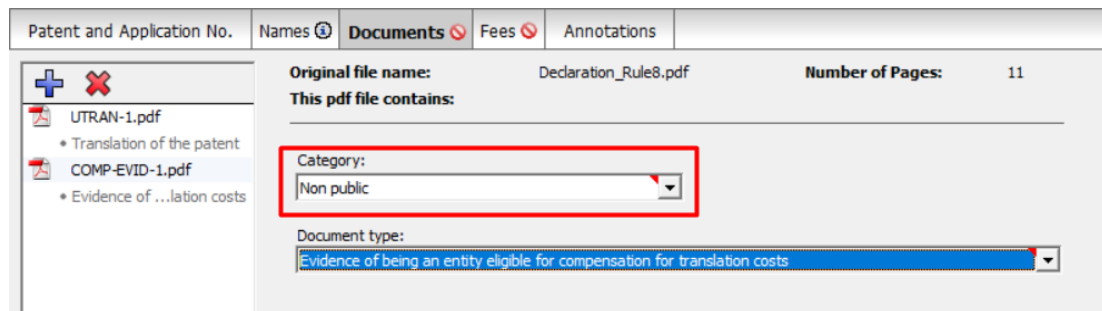


Figure 33: Evidence of being an entity eligible for compensation for translation costs attached as a non-public document

If, after having attached your non-public document, you proceed to attach one of the files from the list of public document types, a red validation icon appears on the **Documents** tab. The validation message explains the error.

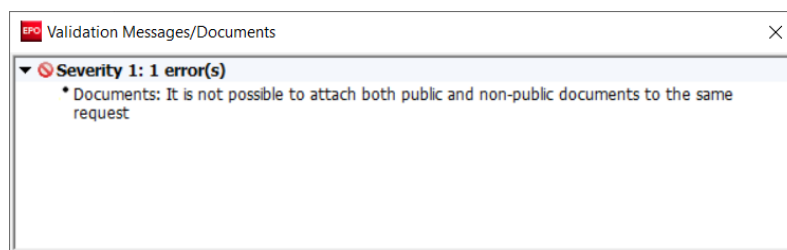


Figure 34: Validation message after attaching public and non-public documents

### 3.3.4. Viewing attached documents

You can view the list of all attached documents in the form preview.

- Click the **Preview** button in the toolbar.



The PDF Viewer opens.

The form preview (**upf7038.pdf**) contains a list of the attached documents with their original file names.

→ Click on the name of a document in the list on the left to display it in the PDF Viewer.

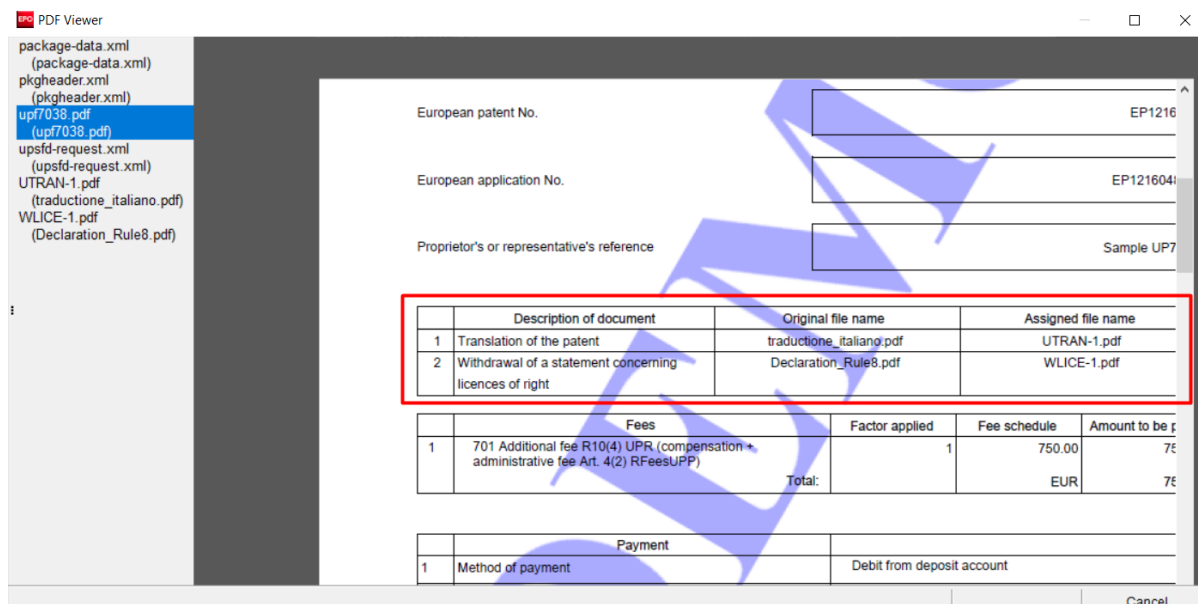


Figure 35: Previewing the form with the list of attached documents

### 3.4. UP(7038) – Fees

In the **Fees** tab of Form UP(7038), you can select the fees you wish to pay in respect of the request for unitary effect and indicate the mode of payment.

For more information on EPO deposit accounts and the automatic debiting procedure, please refer to the Supplementary publication 3, OJ EPO 2015.

- Arrangements for deposit accounts (ADA) (<http://www.epo.org/law-practice/legal-texts/official-journal/2015/etc/se3/p8.html>)
- Notice from the European Patent Office dated 12 February 2015 concerning revision of the Arrangements for deposit accounts (ADA) and their annexes (<http://www.epo.org/law-practice/legal-texts/official-journal/2015/etc/se3/p2.html>)

#### Online fee payment

The EPO offers a quick and secure online fee payment service designed for holders of EPO deposit accounts. For more information, go to the EPO website and navigate to **Applying for a patent > Online services > Central Fee Payment** (<http://www.epo.org/applying/online-services/fee-payment.html>).

### 3.4.1. Payment details

In the **Payment details** sub-tab, you can:

- indicate the mode of payment for the fees you wish to pay
- specify a deposit account exclusively to receive payments, when filing a request for compensation for translation costs

#### Mode of payment

→ Select the appropriate option from the **Mode of payment** drop-down list.

- **Automatic debit order**

If you select this option, the check boxes in the **Fee selection** sub-tab are automatically deactivated and the total amount of the fees is shown as EUR 0.00. The EPO will calculate the amount of the fees payable using the information you provided in your submission and will debit this amount directly from your account. With this option you cannot select the fees yourself in the form.

- **Debit from deposit account**

If you choose this mode of payment, the relevant fees will be debited directly from your EPO deposit account. If you issue a debit order during normal working hours (08.00-18.00 hrs), you can usually view it under **pending orders** within about 30 minutes. The actual deduction from your account will appear 5 to 6 days later.

- **Bank transfer**

All payments in EUR must be transferred to the EPO's bank account with the Commerzbank AG in Munich, Germany. The IBAN and BIC codes of the EPO's bank account are supplied automatically when you select the Commerzbank from the drop-down list.

- **Credit card**

All payments by credit card must be made via the dedicated EPO fee payment service on the EPO website at **Applying for a patent > Online services > Central Fee Payment > Pay by credit card** (<https://epo.org/fee-payment-service/en/login>).

Choosing this mode of payment in the **Payment details** sub-tab is considered merely an indication of how you intend to pay.

- **Not specified**

Choose this option if you do not intend to pay fees with this form or if you are not sure how you will be paying your fees.

If you select a mode of payment, you must also select at least one fee in the **Fee selection** sub-tab.

### Debit from deposit account

→ Enter the *Deposit account number*.

EPO deposit account numbers are made up of eight digits, starting with **28**.

→ Enter the name of the *Account holder* (optional).

→ If you wish to have the fees debited from your account at a later date than the submission date, enter the date in the *Deferred execution date (optional)* field.

→ Hover your mouse pointer over the symbol  to the right of the *Deferred execution date (optional)* field to see the **Important information**:

This functionality allows you to indicate explicitly that your payment order is to be executed at a later date than the submission date.

In this case, the payment date will be deemed to be the deferred execution date, provided that you have sufficient funds in your deposit account on that date.

Please choose the deferred execution date option only if the fees are to be debited on a future date, as otherwise the default execution date is the date of receipt.

The deferred execution date can be a maximum of 40 days in the future.

Please ensure that the deferred execution date lies within the time limit set for paying the selected fees.

Please note that any debit orders (standard or deferred execution) can only be revoked until 00.00 hrs CET on the submission date ([Arrangements for deposit accounts \(ADA\), 7.](#)).

Figure 36: Entering payment details for deposit account

### Deposit account for reimbursement

If you submit a request for compensation for translation costs, it is recommended that you indicate an EPO deposit account to receive the payment. The red validation icon in the **Documents** tab notifies you of the validation message to that effect; see **Attaching documents** (p. 33).

- ➔ Select the check box **Reimbursement, if any, to be made to deposit account with the EPO**.
- ➔ Enter the deposit account number (mandatory) and the account holder's name (optional).

Figure 37: Deposit account for reimbursement

If the selected payment option is **Automatic debit order** or **Debit from deposit account**, you are only required to enter an account number here if this account is not the same as the account to be used for fee payment.

### 3.4.2. Fee selection

In the **Fee selection** tab, you can indicate fees in respect of the request for unitary effect of the European patent and specific additional fees.

If you have selected the check box for the statement concerning licences of right in the **Patent and Application No.** tab, a 15% reduction applies to the renewal fees for the second to 20th year; see **UP(7038) – Patent and Application No.** (p. 27).

→ Select the check boxes for the fees to be paid.

The **Total amount** is automatically calculated.

The screenshot shows the 'UP(7038) - Draft - Sample UP7038' interface. The 'Fees' tab is active, showing a table of fees. The 'Total' amount is highlighted in a red box as (2 Fees) EUR 835,00.

Fee Code	Description	Amount EUR	Reduction	Quantity	Amount to Pay EUR
<input type="checkbox"/> 022	Registering of transfer	110,00	none	0	0,00
<input type="checkbox"/> 023	Registering of licences and other rights	110,00	none	0	0,00
<input type="checkbox"/> 029	Certified copy of application; priority document	110,00	none	0	0,00
<input type="checkbox"/> 030	Communication of information from an application	110,00	none	0	0,00
<input checked="" type="checkbox"/> 061	Max. surcharge under Art. 7(3) RFees	150,00	none	1	150,00
<input type="checkbox"/> 701	Additional fee R10(4) UPR (compensation + administrative fee Art. 4(2) RFeesJPP)	750,00	none	0	0,00
<input checked="" type="checkbox"/> 713	Fee for re-establishment of rights	685,00	none	1	685,00
<input type="checkbox"/> 732	Renewal fee for the 2nd year	35,00	none	0	0,00
<input type="checkbox"/> 733	Renewal fee for the 3rd year	105,00	none	0	0,00
<input type="checkbox"/> 734	Renewal fee for the 4th year	145,00	none	0	0,00

**Total: (2 Fees) EUR 835,00**

Figure 38: Selecting fees in relation to the subsequently filed documents

### Selecting fees when filing non-public documents

When attaching non-public documents to your draft, only certain fees can be selected at the same time. These are:

- 026 – Extracts from the Europ. Patent Register

- 027 – Inspection of files (paper copies max. 100 pgs, electr. storage medium)
- 029 – Certified copy of application; priority document

For all other fees, a separate submission is required. If you select a fee that is incompatible with non-public documents, a red validation icon will appear in the **Documents** tab.

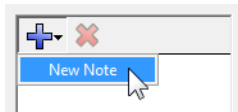
### 3.5. UP(7038) – Annotations

You can use Form UP(7038) to send an annotation to the EPO without supplying any other data or attaching a document.

In the **Annotations** tab, you can enter notes to be transmitted to the EPO.

#### Creating notes for the EPO

→ Click the **Add** button and select **New Note**.



→ Enter the relevant information in the **Author**, **Subject** and **Note** fields.

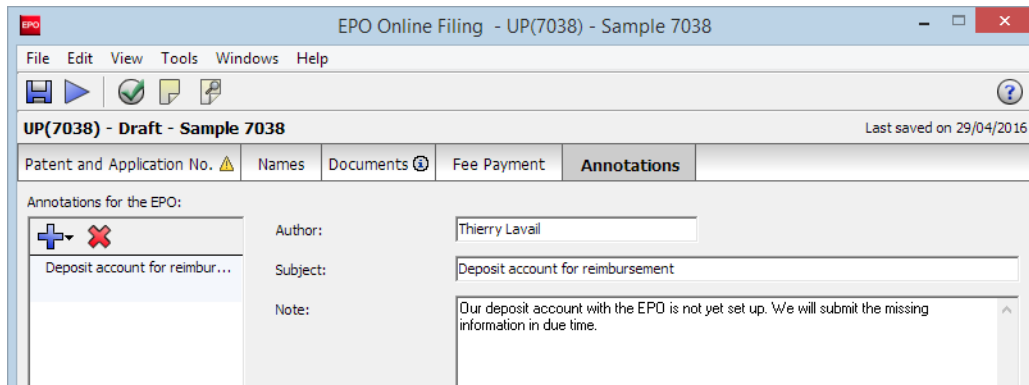


Figure 39: Adding an annotation for the EPO

→ To add notes that are not intended for the EPO, use the **Internal notes** function on the form's toolbar.

