MyEPO Portfolio

Feature guide: submitting procedural requests about applications in MyEPO Portfolio
1. Introduction

As you work with the EPO on your patent applications, there will be moments when you need to tell us about changes to your cases.

For example, the inventor’s name might have changed, the attorney representing the applicant has decided to stop working on the case and has handed it over to another attorney firm, or the applicant has decided not to pursue the application further and wishes to withdraw the application.

Such changes can happen at any time during the patent granting procedure, and it is important that you let us know as soon as possible.

The Applications and patent area of MyEPO Portfolio makes it easy for you to do this, by allowing you to submit a procedural request so that our formalities team can check and process the change.

In this feature guide, we explain how submitting procedural requests works in general, and provide more information about the specific requests that you can submit today in MyEPO Portfolio:

- Request to change or withdraw the representative assigned to an application.
- Request changes to the bibliographic data associated with an application (eg. inventor’s name, addresses, applicants, etc).
- Request to withdraw one or more applications.
- Request to register a transfer of rights (change of ownership) for one or more applications (PLEASE NOTE: This feature is currently only available to users from pilot companies. Once pilot phase 4 successfully completes in 2024, it will be made available to all users.)
- Manage registration of licences and other rights (PLEASE NOTE: This feature is currently only available to users from pilot companies. Once pilot phase 4 successfully completes in 2024, it will be made available to all users.)
To guide you further, we have also published some “frequently asked questions” (FAQs), and you can always get in touch with support@epo.org or your key account manager if you still aren’t sure about something.

2. How submitting procedural requests works in MyEPO Portfolio

Who can submit procedural requests about applications in MyEPO Portfolio?

Requests for changes about applications at the EPO must be signed off by the representative assigned to the application or opposition case, or by the applicant or opponent themself if they are self-representing and not making use of a professional representative.

In practice, many firms work with teams of paralegal or IP support staff who draft and submit requests, duly signed by the representative.

As a rule, in MyEPO Portfolio any user who has been granted access by their company administrator to work on a given portfolio of applications, will have access to the “Applications and patents” area, where they can draft, review, and submit requests.

Please note that self-representing applicants can currently only submit requests about bibliographic data and replies to a communication under rules 161(1) and 162 EPC.

For more information about how to manage access in MyEPO Portfolio, please see the feature guide for managing user access.

For more information about how to become a user with access to our online MyEPO services, please see the “Getting access” page on the EPO website.
Where do I go in MyEPO Portfolio to submit a request about an application?

After logging into MyEPO Portfolio with your EPO account or smart card, navigate to the Applications and patents area.

Some requests (eg. change of representation) can be submitted for one or more applications. To do this, select the application or applications that the request is for, and then click on the “Actions” drop-down list at the top.

You will see the different requests that you can submit at any time. To get going, just click on one of them.
Other requests (eg. editing bibliographic data) can only be submitted for a single application.

To do this, first click on the application in question to open the application information screen, and then select the request you wish to make using the “New requests” option in the left menu.
How do I draft and submit a request?

After selecting the type of request, you will be guided step-by-step to provide the information we require for your request. This may include asking you to upload documents, depending on the nature of the request.

We will indicate if any fees are payable, and you will have the option to pay them first.

When everything is ready you will be asked to review the draft submission and, if you wish, can download the submission package for review by your colleagues or the representative.
Finally, you will be prompted to add a signature to the submission.

Fill in the function of the person whose signature should appear on the submission. For example, they could be a representative, an applicant, or an opponent. Then add the place of signing (optional) and type the name of the person in the signature box.

When you have added the signature, indicate that you are ready to send, and in the next screen you can send the submission when you are ready.

After a request has been sent, it will be added to the digital file for each application involved. You will be able to see the request in the application documents in the “Applications and patents” area.

In chapter 3, we provide additional specific instructions for different types of requests.
3. **Specific instructions for different types of requests**

3.1 **Request change or withdrawal of representation**

If you are a representative or a Rule 152(11) Association, you can request changes of representation for applications within those portfolios.

You can choose to:

- transfer the application(s) to another representative or association.
- withdraw the current appointed representative or association from representation for the selected applications.

You can do this for single applications or for several applications at a time. An individual request will be created for each application and will appear in the dossier inspection.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative. *Please note: this feature is not currently available for self-representing applicants.*

*Note: you can only request change or withdrawal of representation if the application is in the search and examination phase or UP phase. It is not possible if the application is in opposition phase.*

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How to request a change or withdrawal of representation

Navigate to the **Applications and patents** area.
Select the application or applications that the request is for, and then click on the “Actions” drop-down list at the top. You can see the option to change or withdraw representation in the list.

**Note:** if you select applications in opposition phase, this option will not be available. Please make sure you select only EP applications in search/examination and/or Unitary Patents.

You will be guided through the steps, including indicating the newly appointed representative or association if relevant.

When you are ready, review, sign and send the request.

**Note:** EP applications will disappear immediately from the portfolio. UP applications remain temporarily in the portfolio until further automated checks are performed.

Once the request has been processed by the EPO, the applications will disappear from the representative’s portfolio and a transaction report will be sent to your EPO mailbox.
3.2 Request changes to bibliographic data

The bibliographic data for an application includes the title of the invention, classification of the invention, the date of filing, and information about the applicants, designated states in which patent protection is requested, priority claims and inventors.

You won’t be allowed to change the classification or date of filing of the application, as this is information that the EPO determines on initial filing and during the search and examination steps.

You can, however, use MyEPO Portfolio to request changes to:

- the title of the invention
- the applicant(s) and the designated states in which patent protection is requested
- priority claims
- the inventor(s)

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative. This can be done at any time up to publication of the granted patent.

How to request changes to bibliographic data

Navigate to the Applications and patents area.

Click on the application number to go to the application information screen, and then use the “New requests” option in the left menu to start editing bibliographic data.

You will be guided through the steps. When you are ready, review, sign and send the request.
The EPO’s formalities officers will let you know when the request has been checked and processed, and, in case of problems with the request, will get in touch with you.

*Note*: changes to bibliographic data can only be requested in MyEPO Portfolio for a single application. There is no option to request changes to groups of applications. No fees are payable for changes to bibliographic data.
3.3 Request withdrawal of one or more applications

If you decide not to pursue one or more applications that you have filed, you can use MyEPO Portfolio to request to withdraw them.

You can choose to:

▪ unconditionally withdraw the selected application(s), or
▪ withdraw them based on certain conditions. For example, on condition that some fees are refunded, or on condition that publication is prevented.

You can do this for single applications or for several applications at a time. An individual request will be created for each application and will appear in the dossier inspection.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative. *Please note: this feature is not currently available for self-representing applicants.*

How to request withdrawal of applications

Navigate to the Applications and patents area.

Select the application or applications that the request is for, and then click on the “Actions” drop-down list at the top. You can see the option to withdraw applications in the list.

You will be guided through the steps. When you are ready, review, sign and send the request.
You can cancel the withdrawal at any stage until you have sent the request.

The EPO’s formalities officers will let you know when the request has been checked and processed and will confirm any refund information for each application. In case of problems with the request, will get in touch with you.
3.4 Request transfer of rights for one or more applications – PILOT FEATURE

PLEASE NOTE: This feature is currently only available to users from pilot companies. Once pilot phase 4 successfully completes in 2024, it will be made available to all users.

You can use MyEPO Portfolio to request registration of transfer of rights (change of ownership) for a European patent application or patent.

Registrations of transfers (assignments) of European patent applications or patents are recorded in the European Patent Register at the request of an interested party and on production of documents satisfying the EPO that the transfer has taken place.

You can choose to:

- transfer rights to one applicant/proprietor for all designated states, or
- transfer rights to a mix of applicants/proprietors for specific designated states.

You can do this for single applications or for several applications at a time. An individual request will be created for each application and will appear in the dossier inspection.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative. Please note: this feature is not currently available for self-representing applicants.

For more information, see Rule 22 EPC or the legal FAQ about transfer of rights.

How to request transfer of rights
Navigate to the Applications and patents area.

Select the application or applications that the request is for, and then click on the “Actions” drop-down list at the top. You can see the option to request transfer of rights in the list.

For a single application, you can also click on the application number to go to the application information screen, and then use the “New requests” option in the left menu to request transfer of rights.

In both cases, you will be guided through the steps. When you are ready, review, sign and send the request.

You can cancel the transfer at any stage until you have sent the request.

The EPO’s formalities officers will let you know when the request has been checked and processed. In case of problems with the request, will get in touch with you.
3.5 Manage registration of licences and other rights – PILOT FEATURE

PLEASE NOTE: This feature is currently only available to users from pilot companies. Once pilot phase 4 successfully completes in 2024, it will be made available to all users.

Licences in respect of European patent applications are recorded in the European Patent Register upon request of an interested party, for example the licensee or licensor.

You can use MyEPO Portfolio to request registration of a licence for a European patent application, and you can do this for single applications or for several applications at a time. You can also request cancellation of the registration.

Requests for registering or cancelling a licence must be submitted with supporting evidence. You can choose to request exclusion of the attached documents from file inspection.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative. Please note: this feature is not currently available for self-representing applicants.

For more information, see the Guidelines for Examination (Licences and other rights) and the legal FAQ about licences.

How to manage registration of licences and other rights

Navigate to the Applications and patents area.
Select the application or applications that the request is for, and then click on the “Actions” drop-down list at the top. You can see the option to manage licences and other rights in the list.

For a single application, you can also click on the application number to go to the application information screen, and then use the “New requests” option in the left menu to manage licences and other rights.

In both cases you will be guided through the steps. When you are ready, review, sign and send the request.

You can cancel at any stage until you have sent the request.

The EPO’s formalities officers will let you know when the request has been checked and processed. In case of problems with the request, will get in touch with you.