

30th SACEPO WP/G meeting 14 October 2025 – Consultation results of the discussions on the draft UP GL2026

Replies shared by the Office in advance. Comments marked in **green** were addressed during the 30th SACEPO WP/G meeting.

Reference to **SACEPO comment #** are references to the comments by epi and the EPO consultation result of the 29th SACEPO WPG meeting.

#	Chapter / Section	Comments	Suggested improvement	EPO position
1	All	Links to the EPO website behind epo.org all point to the home page https://www.epo.org/en .	Links to EPO website maybe shown as epo.org but must point to the page in question for user-friendliness.	The Office agrees to introduce deep links where this is considered appropriate and/or feasible.
2	All	Whereas a reference to EU Regulations is not incorrect, it is not appropriate in the context of Guidelines: the Examiner must have regard to the UPR and only to the UPR.	Remove all references to the EU Regulations when there is a clear basis in the UPR. (in some cases, such as the first and third paragraphs of 2.1, this makes the text considerably clearer)	The text will be reviewed accordingly but cumulative references will be maintained whenever they are deemed useful to enable users to distinguish between the legal basis of the requirements, which may stem from EU law or from a decision by the Select Committee. This information may also be relevant in view of the hierarchy of norms.
3	All	Please harmonise: use either “Rule xxx EPC, which applies <i>mutatis mutandis</i> pursuant to Rule yyy UPR)” or “Rule yyy UPR in conjunction with Rule xxx EPC”.	Harmonisation (with preference to “Rule yyy UPR in conjunction with Rule xxx EPC”).	The Office agrees to harmonise the wording of the Guidelines accordingly.
4	General comment	Despite a strong urge of the epi delegation in SACEPO WP/G, supported by several other members of SACEPO WP/G, as well as a unanimous motion of epi Council (of which the EPO has	The EPO is strongly urged to satisfy the request from the users.	While the current version of the UP Guidelines (2025 edition) will not be made available as a PDF, the 2026 edition will be published as both a PDF and in an HTML format. The Office also intends to

	<p>been informed promptly after the C99 Council meeting of 10 May 2025), the UP GL are still only available as HTML and not also as pdf on the EPO website (today is 18/7/2025).</p> <p>For completeness, decision 19 of C99 reads: Council agrees that</p> <ul style="list-style-type: none">a) The Unitary Patent Guidelines (2025) shall also be published in pdf;b) The EPC Guidelines, the PCT-EPO Guidelines and the Unitary Patent Guidelines shall continue to be published as pdf in 2026 and thereafter, in addition to the HTML format;c) Both pdf and HTML versions shall also be published in a form that easily allows to identify modifications relative to the previous edition (as is currently done in the pdf and HTML versions of the EPC Guidelines and the PCT-EPO Guidelines), as well as, if introduced, intermediate updates (as is currently under discussion at the EPO and in SACEPO WP/G);d) epi Council unanimously requests the EPO to publish the Unitary Patent Guidelines (2025) also in pdf format, and to continue publishing all three		<p>provide a PDF document highlighting the modifications featured in the latest edition.</p>
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		Guidelines (the EPC Guidelines, the PCT-EPO Guidelines and the UP Guidelines), in clean and show-modification versions, also in pdf format in 2026 and beyond.		
5	General comment.	We maintain our request that the EPO provide an internet site where amended rules, new G decision, decision by the President of the EPO and other relevant decision provided after the last revision of the guidelines and therefore are not included in the guidelines are listed. Each item should be listed with an indication of which part(s) of the guidelines will need to be modified in the next revision cycle.		The UP Guidelines are aligned with the EPC and EPO-PCT Guidelines. Please consult the Office's position as outlined in a similar comment in the EPC and EPO-PCT Guidelines.
	Chapter 1			
6	1.1.	<p>Opening sentence suggests that there were no UP-EPO GL before 1/4/2026, due to the change of the year.</p> <p>This year change is contrary to the practice in the other GLs. E.g., the EPO GL indicate in General 1: "In accordance with Art. 10(2)(a) of the European Patent Convention (EPC), the President of the European Patent Office (EPO) had adopted, effective as at 1 June 1978, the Guidelines for</p>	<p>Go back to the text as it was:</p> <p>"In accordance with Rule 3 of the Rules relating to Unitary Patent Protection in conjunction with Art. 10(2)(a) of the European Patent Convention, the President of the European Patent Office has adopted, with effect from 1 April 2025, the Unitary Patent Guidelines".</p> <p>Also, the EPO should check consistency among the various Guidelines – that shall not be a task of the user groups.</p>	<p>The Office agrees to change the year to 2025.</p> <p>Please note that alignment between the different sets of Guidelines is continuously sought.</p>

		Examination in the European Patent Office.” So, to be consistent and legally correct, the first sentence shall refer to 1 April 2025, when the first UP GL entered into force.		
7	1.1.	(Comment 5): We have requested the deletion of “It follows than no update can ever claim to be complete”	We cannot see any amendment in line with comment 4 or any other comment on section 1.1 We suggest retaining SACEPO comment 5.	The Office agrees to delete the sentence.
8	1.1.	Last line: link https://www.epo.org/en does not send to UP Guidelines	Provide deep link https://www.epo.org/en/legal/guidelines-up	The Office agrees to insert deep links in the UP Guidelines (see comment 1).
9	1.2.1.	Chapter 3 has been divided in two, the second part being numbered 4, and chapters 4-7 being renumbered 5-8. This is causing extensive amendments, many of which were not highlighted, which would be avoided if the part carved out of chapter 3 had been numbered 8.		The Office disagrees with the proposal. The current structure is based on the chronological procedural flow of UP proceedings.
10	1.3.	First paragraph: EPC Guidelines (wrong link- likely an internal link) and epo.org (link to homepage)	Remove wrong link, delete reference to epo.org and provide deep link to EPC Guidelines https://www.epo.org/en/legal/guidelines-epc	The Office agrees to the proposal. The deep link to the 2026 EPC Guidelines pre-publication will be inserted as soon as it is available. The second half-sentence will be deleted to avoid repetition.
11	1.3.	Deletion is sensible.		The Office acknowledges this view and agrees to the proposed deletion.

12	1.3.	(Comment 10): We have requested to add in paragraph 3 that the Guidelines are also addressed to 3 rd parties (not only to parties to the proceedings). The Office did not agree	Retain SACEPO comment 10	The wording will be amended, in line with the proposed amendments to the EPC Guidelines, with which these present Guidelines are harmonised.
13	1.3.	EPO website	EPO website (www.epo.org) for consistency	The Office agrees to adapt the wording accordingly.
14	1.3. and everywhere else	First paragraph: the link for RFeesUPP is dated 2022 and may be obsolete if fees are increased 1 April 2026.	Provide an year-independent link to latest version of RFeesUPP.	The link is already independent of the year.
15	1.3.	Third paragraph, last line	provide a deep link to the page where notes are published (or remove reference to homepage if notes can be posted anywhere on the website)	The Office agrees to the proposal. A deep link to Select Committee documents will be inserted.
16	1.3.1	First paragraph: the reference to 1.5 should be removed, as it creates confusion with the geographical scope of the UP.	Remove "(see 1.5)".	The Office agrees to remove the reference to 1.5.
17	1.3.4.	Wording amended, see SACEPO comment 13 . "The President of the EPO has the power to adopt internal administrative instructions relevant to the implementation of Unitary Patent protection under Rule 3 UPR and Art. 10(2)(a) EPC." (emphasis added)	Use the wording of Rule 3 UPR ("The Unitary Patent Protection Division referred to in Rule 4 shall be managed by the President of the European Patent Office, who shall be responsible for its activities to the Select Committee of the Administrative Council. To this end, Article 10, paragraphs 2 and 3, EPC shall apply mutatis mutandis."): ... The President of the EPO has the power to adopt internal administrative instructions relevant to the management of the Unitary Patent	The Office agrees to the proposal. The wording will be aligned with Rule 3 UPR.

			Protection Division, under Rule 3 UPR and Art. 10(2)(a) EPC.	
18	1.4.	"(conventional) European Patents and Unitary Patents": the legally correct term is "European Patents without unitary effect" but it is too long; whilst this is how "European Patent" is defined in the UPCA, it is not so defined in any other legal text. The most common denomination is "classical".	Amend to read "Unitary Patents and <u>classical</u> European Patents" (order inverted to make clear that the UP is not classical, and no brackets because the UP is a European Patent).	The Office agrees to adapt the wording on this matter.
19	1.4.	The reference to Art. 83 (transitional provisions) is supposed to cover that the UPC does not have exclusive competence while we are still in the transitional period, but that important aspect is too much hidden, while it should be directly and unambiguously clear (ALL granted patents are under parallel competence, unless opted out (only 1/3) or litigated (which implicitly makes the choice for national or UPC).	Amend to "the establishment of the UPC as a common court which <u>has exclusive competence in infringement and revocation disputes relating to Unitary Patents and which,</u> subject to Art. 83 UPCA, has <u>may, unless opted-out, have</u> exclusive <u>or parallel</u> competence in infringement and revocation disputes relating to classical European patents."	The Office will clarify the wording and include the length of the transitional period.
20	1.5.1.	Second paragraph: consider removing the reference to 8.8.2 as it does not discuss the coverage as part of the content of the Register.	Remove "(see 8.8.2)".	The Office agrees with the comment and intends to replace the reference to the section with Rule 16(1)(g) UPR.
Chapter 2				
21	2.1.	First paragraph: The article and <i>a fortiori</i> the recital should not be	Delete ", Art. 3(1) Regulation (EU) No 1257/2012 and Recital 7 Regulation (EU) No 1257/2012".	The Office agrees to the proposal.

		quoted when there exists a clear provision in the UPR.	A Recital should in any case not be cited.	
22	2.1.	First and second paragraphs: The first and second sentence defines the general requirement. The third (new) sentence describes a first case (different claims). The fourth sentence describes a second case (withdrawal of a designation). The second paragraph describes a third case (Malta effect).	Present the third and fourth sentences as separate paragraphs (so that all three examples are on the same level). Suggest to number i), ii), iii).	The Office agrees to adapt the formatting.
23	2.1.	First paragraph, third sentence (new): A portion is missing (“In order to be eligible”), it is an obligation (“should not” -> “must not”), and the reference to Art 138 is a shortcut.	Amend to read “In order to be eligible, a European patent must thus not contain a different set of claims for any of the participating Member States by application of Rule 138 EPC.” (with a link to Rule 138 EPC).	The Office disagrees to the proposed amendment. The wording “to be eligible” is already stated at the beginning of the paragraph and the suggested addition of Rule 138 EPC would incorrectly alter the meaning.
24	2.1.	Third paragraph: is entirely new, and not highlighted as an amendment . Whereas a reference to EU Regulations is not incorrect, it is not appropriate in this context: the Examiner must have regard to the new Rule 5(2)(b) UPR and only to that rule.	Amend to read: “Furthermore, as far as eligibility is concerned, the proprietor of a European patent should not be subject to the restrictive measure laid down in the new Rule 5(2)(b) UPR, which entered into force on 15 November 2024 (see the noticeA97)).	While the Office disagrees as to the wording which reflects Rule 5(2)(b) UPR, the “highlight” will be addressed.
25	2.2.1.	Rule 6(1) UPR is clear.	Delete the reference to Art. 9(1)(g) Regulation (EU) No 1257/2012 where it is not absolutely necessary.	The Office agrees to the proposal.
26	2.2.1.	(see 2.2.3)	<u>it is not clear what is intended</u>	The Office agrees to correct the reference.

27	2.2.2.	Fourth paragraph, third sentence: it is suggested to insert a reference to 8.2.2 (and to delete the reference to R20(1)/R133(2) which is found in 8.2.2).	Amend to read “However, if one of the proprietors is required to appoint a professional representative (see 8.2.2), ...”	The Office partly agrees: the legal references will not be deleted, but a reference to section 8.2.2 will be inserted.
28	2.2.2.	Fourth paragraph, third sentence: whoever represents that one proprietor will be considered the common representative, thus “this” should be “their”	Amend “this” to read “their”	The Office disagrees as this wording is aligned with Rule 151 EPC.
29	2.2.4.	Rule 6(2) is clear.	Delete the reference to Art. 9(1)(g) Regulation (EU) No 1257/2012.	The Office agrees to the proposal.
30	2.2.5.	Chapter Persons entitled to sign the request amended, SACEPO comments 22 and 23.	See SACEPO comment 22 . The ambiguity is not resolved by the present wording (compare the last bullet of the 1st paragraph and the last bullet of the sub-section). Review completely 1 st and 2 nd §§.	The Office agrees to comments 30-32. Section 2.2.5 will be reviewed accordingly.
	2.2.5.a	The request for unitary effect, 2.2.5.: Why deleting the list of examples for “person entitled to sign by law” (“Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairperson, director, company secretary; directeur, fondé de pouvoir”)?		The Office disagrees. No list of examples is provided in the EPC Guidelines and the UP Guidelines must remain aligned with the EPC Guidelines.
31	2.2.5.	“in which case no authorisation needs to be filed” it is true that no authorisation needs to be filed a priori, but the EPO may ask for one.	Suggestion to refer to the President’s decisions (in footnotes?) or specify “needs to be filed <i>a priori</i> ”	The Office agrees to the proposal. A reference to the relevant decision will be added.
32	2.2.5.	It is true that no authorisation needs to be filed a priori for EPAs and legal reps, but filing one has	Amend to read “– a duly authorised employee (Rule 20(1) UPR in conjunction with Art.	The Office agrees to review the wording accordingly.

		no adverse consequence, whereas not filing one for employees has.	133(3), first sentence, EPC), in which case an authorisation needs to be filed.”	
33	2.2.6.	Art 7(2) Reg 1257/2012 uses (a) and (b), not a) or b).	Correct to read “(a)” and “(b)”	The Office disagrees. The text refers to Article 7(1) of the Regulation which uses “or” and does not refer to Article 7(2).
34	2.2.6.		Replace "it can prove useful" by "the applicant may provide".	The Office disagrees with the proposal.
35	2.2.6.	Where two or more persons are entered in the European Patent Register as joint applicants, <u>see Art. 7(2) Regulation (EU) No 1257/2012.</u>	<p>GL needs to be self-contained so <u>the text must be included</u>, not just see</p> <p><u>Where two or more persons are entered in the European Patent Register as joint applicants, point (a) above shall apply to the joint applicant indicated first. Where this is not possible, point (a) above shall apply to the next joint applicant indicated in the order of entry. Where point (a) does not apply to any of the joint applicants, point (b) above 1 shall apply accordingly.</u></p> <p>Or use a shorter version:</p> <p>“Where two or more persons are entered in the European Patent Register as joint applicants, point (a) applies to the joint applicants in the order of entry, then point (b), see Art. 7(2) Regulation (EU) No 1257/2012.”</p>	The Office agrees to review and clarify this wording.
36	2.2.6.	Fourth paragraph: incorrect, particularly after mentioning joint applicants, because if “an applicant” did not have a residence/principal place of	Suggestion: “In cases where no applicant had a residence or principal place of business within the meaning of point (a), it can prove useful ...”	The Office agrees to review the wording on this matter.

		business according to (a), another one could have had. [it is proposed to remove the reference to “in one of the participating Member States” but if such is retained, then it must be specified “in which the unitary patent has effect”] [it is proposed to remove “when filing ...” because already included when referring to point (a); optionally, this could be an explanation to point (a), to be inserted between paragraphs 2 and 3]	Optionally, insert between paragraphs 2 and 3: “The filing of the application for the European patent in point (a) is to be understood as the filing the European patent application or the international application under the PCT designating or electing the EPO (Euro-PCT application).”	
37	2.2.7.	The amended text reads: “Consequently, it does not have to be certified”	Please replace the ill-defined “it” by “the/this translation”.	The Office agrees to review the wording on this matter.
38	2.2.7.	The wording “The translated text” is not accurate or even wrong. It is supposed to relate to the translation, and not to the original text (which got translated, so that the term “the translated text” can refer to the original text rather than the translation).	Correct: “The translated text has no legal effect ...” To: “The translation has no legal effect ...”	The Office agrees to review the wording accordingly.
39	2.2.7.	<i>“Text concerning translation amended, SACEPO comment 29, user comment”</i>	SACEPO comment 27 (“consequently”) has not been observed.	The Office agrees and will amend the text accordingly.
40	2.2.7.1.	Art 6(2) Reg 1260/2012 does not mention disseminating, only publishing, what does not imply typewritten or printed that are imposed by Rule 50(2) EPC,	Suggestion: “The translation should be drawn up in a form enabling it to be published (Art. 6(2) Regulation (EU) No 1260/2012); it must be typewritten or printed (Rule 50(2) EPC, which applies <i>mutatis mutandis</i> pursuant to Rule 20(2)(c) UPR).”	The Office agrees to replace “disseminated” with “published”.

		which applies <i>mutatis mutandis</i> pursuant to Rule 20(2)(c) UPR).		
41	2.3.2.to do so (<u>Art. 13 of the decision of the President of the EPO dated 3 May 2023</u>).	(OJ EPO 2023, A48) to be added	The Office agrees to correct the reference as the decision has been superseded by decision of the President dated 16 October2024 (OJ EPO 2024, A88).
42	2.3.1.	Please provide deep link instead of “see Filing options on epo.org ”	https://www.epo.org/en/service-support/contact-us/filing-options	The Office agrees to include the deep link.
43	2.3.1.	The reference to “Filing options” on epo.org may give the impression that filing at a national office is possible; this should be explicitly excluded here.		The Office disagrees. Filing with national offices is excluded in the following paragraph.
44	2.3.1.	Wrong link to guidelines (likely an internal link)		The Office agrees with the comment and the link will be updated.
45	2.4.	The last par on page 16 (which concludes with “ <i>If the deficiencies are not (duly) remedied or not remedied in time remedied, the request for unitary effect will be rejected (Rule 7(3) UPR).</i> ” seems to be in the incorrect section, as the rejection of the request is the topic of section 2.6 as it is for the two situations just above.	Be consistent in handling the 3 rejections.	The Office agrees to streamline the wording.
46	2.4.	If the requirements under Rule 5(2) UPR are met (see 2.1) and the request for unitary effect complies with the formal requirements set out in Rule 6 UPR, the UPP Division will register the unitary effect in the	<u>Incorrect citation</u> If the requirements under Rule 5(2) UPR are met (see 2.1) and the request for unitary effect complies with the formal requirements set out in Rule 6 UPR, the UPP Division will register the unitary effect	The Office agrees with the comment.

		Register for unitary patent protection (see 2.6).	in the Register for unitary patent protection (see 2.5).	
47	2.6.	The first paragraph of the new text of 2.6 refers to “the period for filing comments on the intention to reject”: please confirm that this does not apply in the cases of the 2 nd and 4 th paragraph of section 2.4 (as there is no such “intention to reject” in those paragraph, but just an opportunity to correct), but only in case of the 3 ^r paragraph of 2.4 (which refers to Rule 7(2)).	Clarify!	The Office confirms that no additional intended rejection is sent if a letter was sent out to remedy the deficiencies. The UPP Division will only invite the proprietor to comment at least once where appropriate and in accordance with Art. 113(1) EPC, which applies <i>mutatis mutandis</i> pursuant to Rule 20(1) UPR.
48	2.6.	Last paragraph useful but the last sentence implies accuracy of the content of the national measures.	Delete the last sentence of the last §.	The Office disagrees. The last sentence appears useful and was inserted following user feedback received during the last revision.
49	2.6.	The new first, second and third paragraphs give the impression that the comments will be ignored.	Rephrase to ensure that due consideration is given to the comments -if any- filed in time, before rejecting the request. Maybe the requestor is right.	The Office agrees to modify the paragraphs accordingly.
	Chapter 3			
50	3.1.	Third paragraph: (links missing) amend for clarity “and” to read “as amended by”	“see Supplementary publication 2, OJ EPO 2024, as amended by OJ EPO 2025, A17”	The Office agrees to the proposal.
51	3.1.	Fourth paragraph: it makes no sense referring to 3.7 when the list is in 3.2.	Amend to read “(see 3.2)”.	The Office agrees to the proposal.
52	3.2.	Last bullet point: a link should be provided to the Decision of the President	Provide link to Decision of the President.	The Office agrees to the proposal and will add the link.
53	3.3.	Second paragraph: please provide a deep link to where, in the EPO website, can be found	Provide deep link to access stated information.	The Office agrees to the proposal.

		information relating to methods of payment <i>including the EPO bank account for payments in euros.</i>		
54	3.3.	EPO website	Amend to EPO website (www.epo.org) for <u>consistency</u>	The Office partly agrees to the proposal. The amendment will be made to the first mention but not to the second as the latter will deep link to a specific webpage (see comment 53).
55	3.4.	Second paragraph: Rule 134 EPC does not appear to be related to due dates (but to last day for valid payment), thus should move elsewhere. Further, this sentence gives the impression that R134 is about calculation <i>of the amount</i> to be paid, thus should be amended to reflect postponement of the last day for valid payment. And about calculation of the amount, where is it indicated that the valid <i>amount</i> is that on the date of payment?	Move and clarify.	The Office agrees to further clarify the section.
56	3.5.	A reduction of 15% of the renewal fees is granted as long as a statement by the proprietor offering a licence of right is registered (see 7.5., 6.5. 6.5). As a result, the reduction is not applied if the statement is subsequently withdrawn (see 7.5.2, 6.5.2 6.5.2).	<u>There is no point 6.5. or 6.5.2.</u>	The Office will correct the reference.
57	3.7.	THANK YOU for the (long awaited) clear definition of patent year.		Many thanks for the positive feedback. The patent year is already defined in Part A-X, 5.2.4. of the EPC Guidelines.

		Can we have the same in the EPC Guidelines?		
58	3.8.	The last sentence has the risk to be misunderstood due to “and instead”.	Amend to: “Therefore, if the due date is a day on which the EPO cannot receive mail within the meaning of Rule 134(1) EPC, the due date will not change, and but instead, the last day for the payment to be validly performed will be deferred to the first day on which all the filing offices are open for receipt of documents and on which mail is delivered ”	The Office agrees to the proposal.
59	3.8.	<i>Sentence on payment periods and due dates added</i> SACEPO comment 43. on the reaction of the Office if payment is effected before registration is not addressed.	The second paragraph of 3.8 should explain what happens if a renewal fee is paid before registration of the unitary effect, for example together with the request for unitary effect.	The Office agrees to review the wording on this matter.
60	3.12.	The passage “the legal consequences of the lapse are deemed not to have ensued” are not necessary here (they correctly appear in 5.4, first paragraph).	Delete “ the legal consequences of the lapse are deemed not to have ensued” and adapt.	Please refer to the Office’s position in comment 62.
61	3.12.	The reference to Rule 51(5) is incorrect, as only Rule 51(4) relates to re-establishment, not 54(4).	Amend: “The valid payment date of the renewal fee due is set as per Rule 51(4) and (5) EPC, which applies <i>mutatis mutandis</i> under Rule 13(6) UPC.”	Please refer to the Office’s position in comment 62.

62	3.12.	<i>Chapter Renewal fee falling due after re-establishment added, SACEPO comment 51</i>	Good clarification related to Rule 51(4). However, Rule 51(5) is still not addressed. Rule 51(5) is not related to re-establishment.	The Office agrees to restructure section 3.12 accordingly.
63	3.13.1.	“may be paid within that three-month period without any additional fee under Rule 13(3) UPR (see also Rule 13(4) UPR)” is unclear. Use wording as in Rule 13(4)	“may be paid within that three-month period without the additional fee referred to in Rule 13(3) UPR (see Rule 13(4) UPR).	The Office agrees to adapt the wording accordingly.
Chapter 4				
64	4.1.4.	Rule 8(1) UPR is clear, no need to cite the EU Regulation (anyway, a link to the consolidated version would need to be provided!)	Delete “see also Regulation (EU) No. 1”	The Office disagrees with the comment. The Regulation (EU) No. 1 contains the list of official languages of the EU, which is not contained in the UPR. Therefore, the reference to the regulation will be maintained. However, the Office agrees to provide a link to the consolidated version of the Regulation.
65	4.1.4.	It would be useful to provide a list of official languages of the EU (and possibly an official link thereto).	Add list of official languages of the EU or a link to such list.	The list is contained in the EU Regulation, for which a consolidated link will be provided (see comment 64).
66	4.2.	The request for compensation must be filed together with the request for unitary effect, i.e. no later than one month after the publication of the mention of the grant.	We note that “together with the request for unitary effect” has not the same meaning as “no later than one month after the publication of the mention of the grant”.	The EPO agrees to delete the sentence “..., i.e. no later than one month after the publication of the mention of the grant in the European Patent Bulletin” and intends to clarify that the request for compensation must be filed together with

				the request for unitary effect (Rule 9 UPR; see also Rule 6(1) UPR, section 2.2.1).
67	4.2.	“A request for compensation which is not filed electronically [...] must be filed in writing”. Does this mean that a request filed electronically is not filed in writing?	Clarify!	The Office agrees to further improve the wording for the sake of clarity.
68	4.3.1.		Amend to clarify: “ # The compensation amount is in practice handled as”	The Office agrees to the proposal.
69	4.3.1.	“...they no longer fulfil the eligibility requirements..” (see 3.2.1)	<u>Incorrect citation</u> “...they no longer fulfil the eligibility requirements.” (see 4.1.1- 4.1.2.)	The Office agrees to correct the internal references.
70	4.3.2.	First paragraph, second bullet point: this applies only in case there has been a transfer	Insert “the European patent application or the European patent was transferred before a request for unitary effect was filed and...”	The Office agrees to improve the wording accordingly.
71	4.3.2.	First paragraph, second bullet point: “overdue compensation amount owed” appears redundant (overdue + owed). Also, since repayment is optional, the amount is not owed (and overdue somehow implies that the amount is owed).	Suggestion: “payment of the amount of the compensation granted on the basis of a false declaration and ...”	The Office agrees to the proposal. The wording will be amended accordingly.
72	4.3.2.	First paragraph, third bullet point: plain wrong. A simple place of business is only for the applicable law, whilst Rule 8(1) UPR demands a principal place of business	Delete.	The Office agrees to the proposal.

73	4.3.2.	First paragraph, penultimate bullet point: since “a language which is not an official language of the EU” already excludes English, French and German, no need to exclude them a second time.	Delete “(other than English, French or German)” in the penultimate bullet point.	The Office agrees to improve the wording accordingly.
74	4.3.2.	First paragraph, last bullet point: (i) either condition is sufficient, thus “or” (ii) since the proprietor and the initial applicant must fulfil the requirement at different moments in time, “do not” is not correct.	Suggestion: <u>either</u> “- the proprietor or, where applicable, the initial applicant does not fulfil the eligibility requirement provided for in Rule 8(2) UPR when filing respectively the request for compensation or the application” <u>or</u> “- the proprietor does not fall within one of the categories provided for in Rule 8(2) UPR, or - where applicable, the initial applicant did not fall within one of the categories provided for in Rule 8(2) UPR.”	The Office agrees to amend the text to improve clarity.
75	4.3.2.	Third paragraph: (Rules 87 to 88 RoP UPC)	Amend to read “(Rules 87 to 96 and 98 RoP UPC)”	The Office agrees to broaden the scope of the reference.
76	4.3.3.	If, after expiry of the time limit, the request still cannot be granted, a final decision to reject the request	Incorrect citation If, after expiry of the time limit, the request still cannot be	The Office agrees to correct the internal reference.

		for compensation will be issued (see 3.2.3.34.3.3).	granted, a final decision to reject the request for compensation will be issued (see 3.2.3.34.3.2).	
	Chapter 5			
77	5.1.	<p>The added part says: “Re-establishment of rights may also be requested in cases of failure to duly pay the renewal fee together with the additional fee as specified in Rule 13(3) UPR (see 3.9).”</p> <p>It is for a renewal under the EPC where the loss-of-right (deemed withdrawal) takes effect at the end of the 6m term, but for a UPC renewal the loss (lapse) takes effect at the due date (Rule 14(2) UPR).</p>	<p>Please clarify time limit and omitted act for RE of missed renewal + add fee.</p> <p>Please state explicitly that the one year period runs from the last date of paying with the additional fee.</p>	The Office agrees to further clarify the wording.
78	5.1.		As far as we understand the last bullet, it is wrong: Amend to "or means of redress IS AVAILABLE"	The Office intends to delete this bullet point (see comment 82).
79	5.1.	Second paragraph: re-establishment of rights may also be requested if the time limit is missed for the correction of deficiencies other than those referred to in Rule 7(3) UPR.	Insert: “- requesting the correction of deficiencies other than those referred to in Rule 7(3) UPR”.	The EPO disagrees with the proposal, as it cannot be guaranteed that all such requests for re-establishment would fulfil the admissibility criteria of Rule 22 UPR. As the practise evolves, this part of the Guidelines will be reviewed and possibly further clarified.
80	5.1.	Third paragraph, first bullet point: the deficiencies are not in the rule but referred to in the rule.	Suggestion: “deficiencies referred to in Rule 7(3) UPR”.	The Office agrees to improve the wording accordingly.

81	5.1.	Third paragraph, first bullet point: for clarity, divide in two bullet points.	Divide first bullet point into two.	The Office agrees to improve the wording accordingly.
82	5.1.	Third paragraph, last bullet point (new): this is an incomplete repetition of the first paragraph, with the lapse of the UP being omitted. Re-establishment of rights is available where there has not been a direct loss of rights or means of redress in cases where non-observance of the time limit is the direct cause of the lapse of the Unitary Patent.	Delete last bullet point (new).	The Office agrees to delete the bullet point.
83	5.2.	This is where quotation of Reg 1257/2012 -actually the preamble of Article 9(1)- would be appropriate, particularly as it is quoted in Rule 1(1) UPR. Neither Article 122 EPC nor Rule 136 EPC is applicable <i>mutatis mutandis</i> , so that it appears to be the legal basis for relying on the established practice of the EPO based on the law of the EPO boards of appeal.	Add at the end of the paragraph: "(see the preamble of Article 9(1) of Regulation (EU) 1257/2012, referred to in Rule 1(1) UPR)"	The Office agrees to enhance the wording while noting that, in the absence of case law from the UPC regarding the re-establishment of rights procedure, it is important for legal certainty to indicate to users that the UPPD follows the established EPO practice based on the case law of the BoA.
84	5.2.2.	It would improve clarity to divide the content in two.	Leave the third paragraph in 5.2.2. Divide into 5.2.2.1 Time limit for filing the request for unitary effect [<i>insert first paragraph</i>] 5.2.2.2 Other time limits [<i>insert second paragraph</i>]	The Office disagrees as the paragraph appears to be sufficiently clear.
85	5.2.2.	Last paragraph, first line: insert hyphen	...re-establishment...	The Office agrees to the proposal.

86	5.2.3.	..the omitted act that must be performed is the filing of the request for unitary effect (<u>see 2.1</u>).	...the omitted act that must be performed is the filing of the request for unitary effect (<u>see 2.2.1</u>).	The Office agrees to review the reference.
87	5.4.		(<u>see EPC Guidelines, E-VIII, 3.3</u>) <u>could be added after the first paragraph for completeness.</u>	The Office disagrees as the EPC does not apply <i>mutatis mutandis</i> for the re-establishment of rights. A reference to the EPC-Guidelines would thus not be appropriate here. However, a reference to the legal basis, Art. 22(5) UPR, will be inserted for the sake of clarity.
88	5.4.	First paragraph, second sentence: "the legal consequences of the lapse are deemed not to have ensued" should be qualified with reference to Rule 22(7) UPR.	Insert: "subject to rights obtained by third parties under Rule 22(7) UPR".	The Office agrees to insert a reference to Rule 22(7) UPR.
89	5.4.	Second paragraph, last sentence (new): the exception of Rule 21(2) UPR should be mentioned.	Insert "-except in the procedure concerning the request for unitary effect-" before "at the request of the proprietor". Insert "and (2)" after "21(1)"	The Office disagrees with the proposal. Rule 21(2) UPR is not applicable in re-establishment procedures, see 8.7.
90	5.4.	Third paragraph, last sentence: Rule 97 only applies to a decision of the Office to reject a request for unitary effect, but Rule 98 also applies.	Amend to read "Attention is also drawn to Rules 88 to 96 and 98 RoP UPC."	The Office agrees to review the wording accordingly.
91	5.4.	Fourth paragraph, third line: "also" does not appear to refer to any simultaneous action.	Delete "also"	The Office agrees to clarify the wording accordingly.
92	5.4.	Fourth paragraph: the penultimate sentence gives the impression that the comments will be ignored.	Rephrase to ensure that due consideration is given to the comments -if any- filed in time, before rejecting the request. Maybe the requestor is right.	The Office agrees to further clarify the wording.
	Chapter 6			
		No comments.		

Chapter 7				
93	7.2.	First paragraph: the content is correct, but Art 3(2) does not say that. <i>A minima</i> , Art 3(2) must be cited in combination with Art 18(2), second paragraph.	Amend citation to read: "(Art. 3(2) in combination with the second paragraph of Art. 18(2) Regulation (EU) No 1257/2012)".	The Office agrees to the proposal.
94	7.2.	Third paragraph, last sentence: please provide a deep link to schedule of fees and expenses of the EPO on the EPO website.	Provide deep link to schedule of fees and expenses of the EPO.	The Office agrees to the proposal.
95	7.2.	Fifth paragraph and last sentence (new) of last paragraph: in the new sentence, it is not clear what is meant by "respective registers" (EP and UP, in which case there appears to be a duplication with 5 th paragraph, or national registers as in E-XIV, 4).	Clarify last sentence (new) of last paragraph.	The Office agrees to the comment and will consider deleting the last sentence.
96	7.3.		<u>(see EPC Guidelines, E-XIV, 5) could be added after the first paragraph for completeness</u>	The Office agrees to the proposal.
97	7.3. and 7.7.	Is there a difference between " as long as the Unitary Patent proceedings before the EPO are pending" (7.3.) and " as long as the Unitary Patent is still in force" (7.7.)?	Clarify.	The Office agrees to review the wording accordingly.
98	7.4.1.	Compare with 1 st paragraph of 7.2. Amend to read as in 7.2. and cite Art 3(2) in combination with Art 18(2), second paragraph	Insert "for which the Unitary Patent is registered" <u>twice</u> , and amend the citation to read "(Art. 3(2) in combination with the second paragraph of Art. 18(2) Regulation (EU) No 1257/2012)".	The Office agrees to the proposal.

99	7.4.1.	First paragraph: no legal basis is provided for the first part of the second sentence.	Suggestion to amend to read: "It may, in respect of all participating Member States, give rise to rights <i>in rem</i> (according to the law applicable to the unitary patent as an object of property, Art. 7 Regulation (EU) No 1257/2012) and may be the subject of legal means of execution."	The Office agrees to the proposal.
100	7.4.1.	Fifth paragraph (new): in the third sentence, there is an unnecessary comma after "in which case" (which interrupts the flow unnecessarily).	Delete comma after "in which case".	The Office agrees to the proposal.
101	7.4.1.	Fifth paragraph (new): please provide a deep link to schedule of fees and expenses of the EPO on the EPO website.	Provide deep link to schedule of fees and expenses of the EPO.	The Office agrees to the proposal.
102	7.4.1.	Last paragraph, new sentence: undoubtedly belongs to 7.4.3.	Move sentence to 7.4.3.	The Office agrees to the proposal.
103	7.4.2.		(see EPC Guidelines, E-XIII, 6.2) <u>could be added after the first paragraph for completeness.</u>	The Office agrees to the proposal.
104	7.5.1.	The UPP Division applies Rule 12(1) UPR, thus delete unnecessary reference to Art. 8(1) Regulation (EU) No 1257/2012. [the reference to Art 8(2) should stay, as it has no counterpart in UPR].	Delete reference to Art. 8(1) Regulation (EU) No 1257/2012.	The Office agrees to the proposal.
105	7.5.2.	Please specify what will be done with licences of right entered in the UP Register before the withdrawal (presumably they stay in the Register).	Suggestion for addition: "No amendment is made to the entry of licences of right in the Register for unitary patent protection before the withdrawal takes effect."	The Office disagrees, as the suggested addition may create some confusion. Once a licence is registered, it remains in the UP Register as an entry.

10 6	7.6.	Reg 1257 is referenced in the UPR, thus the reference should be deleted here.	Amend reference to read “ (Rule 16(1)(k) UPR)”.	The Office disagrees. Article 9(1)(c) Regulation (EU) 1257/2012 provides the primary legal basis, with a broader scope regarding the receipt and handling of statements on licensing, while Rule 16(1)(k) UPR relates only to entries in the UP Register. The EU legal basis provides useful complementary information on the tasks assigned to the EPO in that regard.
10 7	7.7.	The declaration can be corrected when EP proceedings are no longer pending, why not for the UP? How does such correction in the UP Register affect the EP Register and vice-versa (see 8.8.3 where this is discussed for proprietor and representative)?	Clarify (and if applicable, mention that the correction remains possible in the EP Register).	The text does not refer to Rule 21 EPC, but to changes of inventor data, which - as in EP proceedings - can only be performed as long as the proceedings are pending. The Guidelines may be further enhanced as the practise evolves.
Chapter 8				
10 8	8.2.1.	Second paragraph: Duplicates the next one (which should be retained as “mutatis mutandis” is in italics and RFees is used instead of the full name).	Delete (whole second paragraph)	The Office disagrees. The second paragraph specifically addresses the situation where the obligation for representation applies to the proprietor and how it extends to proceedings before the UPD.
10 9	8.2.1.	Third paragraph: that proprietor can appoint any representative.	Amend “their” to read “any” (second line).	The Office agrees to address the issue raised.

110	8.2.1.	Third paragraph: it seems illogical to mention the need for representation in 8.2.1 when it is discussed in 8.2.2 (but inverting them does not appear optimal either). Insert a reference to 8.2.2 in 8.2.1 and move the legal basis to 8.2.2.	Amend to read “A proprietor subject to the obligation for representation (see 8.2.2) must act ...”	The Office agrees with the comment. Sections 8.2.1 and 8.2.2 will be merged to enhance clarity (see comment 112).
111	8.2.1.	Fourth paragraph: in the following sections (in particular 8.2.6, but possibly also 8.8.3), it is assumed that the same representative is appointed for EP and UP.	Suggestion to add: “When changing either representative, care should be taken to specify the proceedings to which the change applies.”	Section 8.2.1 mentions that the proprietor(s) may appoint different representatives in EP and UP proceedings. The Office disagrees with the suggestion, as care should always be taken.
	8.2.1.a	Proceedings before the UPP Division, 8.2.1.: Last paragraph on page 35 and first paragraph on page 36 are nearly identical, “...all proceedings before the UPR (?) vs. UPP Division...” UPP means Unitary Patent Protection Division vs. UPR means Rules relating to Unitary Patent Protection (see 1.2.2. Abbreviations). Please check.		The Office disagrees. The two paragraphs do not cover the same topic. The first paragraph refers to the obligation to appoint a representative under Article 133(2) EPC (i.e. as a legal requirement), whereas the second paragraph refers to the appointment of the representative and the recording of the appointed representative (i.e. the procedural aspect).

11 2	8.2.2.	First paragraph, first sentence: insert legal basis moved from 8.2.1 and delete the reference to 2.2.2 (wherein a reference to 8.2.2 should be added)	Amend “(see 2.2.2)” to read “(Rule 133(2) EPC, which applies <i>mutatis mutandis</i> pursuant to Rule 20(2)(I) UPR)”	The Office agrees with the comment and will consider merging sections 8.2.1 and 8.2.2 to avoid duplication.
11 3	8.2.2.	First paragraph, second sentence: Art. 6 RFeesUPP is not a basis for the (correct) statement. Refer to EPC Guidelines A-X-1, applicable in view of the preamble of Article 9(1) of Regulation (EU) 1257/2012.	Amend “(Art. 6 RFeesUPP)” to read “(EPC Guidelines A-X-1, applicable in view of the preamble of Article 9(1) of Regulation (EU) 1257/2012)”.	The Office disagrees. Please refer to the Office’s position to comment 112.
11 4	8.2.2.	(see EPC Guidelines, A-VIII, <u>1.4</u>).	<u>Wrong citation</u> (see EPC Guidelines, A-VIII, <u>1.2-1.3</u> .) ??	The Office disagrees with the comment. The citation reflects the 2026 draft of the EP Guidelines.
11 5	8.2.3.	see EPC Guidelines, A-VIII, <u>1.4A-VIII</u> , 1.5).	<u>Wrong citation</u> (see EPC Guidelines, A-VIII, <u>1.4</u> .) ??	The Office disagrees with the comment. The citation reflects the 2026 draft of the EP Guidelines.
11 6	8.2.4.	(see 2.2.2; see EPC Guidelines, A-VIII, 1.5 A-VIII, 1.6).	<u>Wrong citation</u> (see 2.2.2; see EPC Guidelines, <u>A-VIII, 1.5</u>).??	The Office disagrees with the comment. The citation reflects the 2026 draft of the EP Guidelines.
11 7	8.2.5.	(see EPC Guidelines, A-VIII, 1.7A-VIII , 1.8).	<u>Wrong citation</u> (see EPC Guidelines, <u>A-VIII, 1.7</u>). ??	The Office disagrees with the comment. The citation reflects the 2026 draft of the EP Guidelines.
11 8	8.2.6.	The title appears not to reflect the content.	Suggestion: “Change of representation before the unitary effect is registered”.	The Office will merge sections 8.2.1. and 8.2.2 and address the issue in that context. Please refer to comment 112.

11 9	8.2.6.	The first paragraph appears to contradict the last paragraph of 8.2.1.		The Office will merge sections 8.2.1. and 8.2.2 and address the issue in that context. Please refer to comment 112.
12 0	8.2.6.	Fourth paragraph: “ Where there are multiple proprietors, the invitation is sent to all of them.” Does this always apply? For example, if one of the proprietors is obliged to appoint a professional representative, that representative could be deemed to be the common representative when the proprietor first named in the request no longer appoints a professional representative.	Clarify.	The Office agrees to clarify the wording on this matter.
12 1	8.3.2.	Second paragraph: please provide a direct link to EPO Form 7038.	Provide direct link https://link.epo.org/web/applying/forms/epo-form-1038-07-24-editable.pdf	The Office agrees to introduce the link to the EPO webpage containing EPO Form 7038.
12 2	8.3.2.	(see 8.1.2 7.1.2).	(see 8.1.2) .	The Office agrees to the proposal.
12 3	8.4.	First paragraph: the reference to Art. 9(1)(g) Regulation (EU) No 1257/2012 should be deleted because Rule 6(2) UPR is the applicable provision.	Delete the reference to Art. 9(1)(g) Regulation (EU) No 1257/2012.	The Office agrees to the proposal.
12 4	8.4.	Second paragraph: highlight “not” by using bold underlined.	Highlight “not” by using bold underlined, “ <u>not</u> ” (preferably twice)	The Office disagrees with the proposal as this not aligned with the style of EPO Guidelines.

12 5	8.5.	Suggestion to add text at the end.	Suggestion: "These rules have a special relevance for the notification of the registration of the unitary effect by the EPO (see 3.13.2)."	The Office agrees to adapt the wording on this matter.
12 6	8.6.1.	First paragraph: Rule 133, paragraph 1, only applies <i>mutatis mutandis</i> subject to the proviso that the document referred to in that provision has been received no later than one month after expiry of the period.	Amend to read "...such as Art. 120 EPC, Rules 131, 133(1) subject to the proviso that the document referred to in that provision has been received no later than one month after expiry of the period, and 134 EPC, apply ..." [alternatively, move to second paragraph].	The Office agrees with the comment and will review the text accordingly.
12 7	8.6.2.	First paragraph, first sentence: there is only one time limit for requesting a unitary effect (as seen in the second sentence).	Amend "a time limit" to read "the time limit".	The Office agrees to the proposal.
12 8	8.6.2.	First paragraph, second sentence: 8.9.1 is legal but not a remedy <i>in this case</i> , as it does not help if the time limit was indeed missed. In my opinion, 2.6 does not provide a remedy either (the safety nets -if available- provide an alternative = national validations, never a UP), but re-establishment -not mentioned- is available.	Clarify what was meant.	The Office agrees to clarify the wording of this section accordingly.
12 9	8.6.2.	Second paragraph: this is the whole definition	Delete "for example".	The Office agrees to the proposal.
13 0	8.6.2.	The second paragraph is more general than the first one.	Invert first and second paragraphs.	The Office disagrees with this proposal. The current structure is based on chronology and should remain unchanged for reasons of clarity.

13 1	8.7.	Legal basis is missing.	Add legal basis (UPR, EPC mut mut?, OJ EPO?)	The Office agrees to add information regarding the legal basis.
13 2	8.8.1.	First paragraph: the reference should be to Rule 1(1) UPR.	Amend to read "The EPO is responsible for the administration of the Register for unitary patent protection (Rule 1(1) UPR referring in particular to Art. 9(1)(b) Regulation (EU) No 1257/2012)."	The Office agrees with the comment and will amend the text accordingly.
13 3	8.8.2.	First paragraph: all entries listed in Reg 1257 are also contained in Rule 16(1) UPR, thus the reference to Reg 1257 is not necessary (and if maintained, should come second).	Amend to read "The Register for unitary patent protection contains all particulars referred to in Rule 16(1) UPR for European patents for which unitary effect is requested or has been registered." Optional: "Some of these are expressly but not exhaustively listed under (c) and (h) of Art. 9(1) Regulation (EU) No 1257/2012 mentioned in Rule 1(1) UPR." The link should point to Art 9.	The Office agrees to the proposal and will include the reference to Article 9(1).
13 4	8.8.2.	Second paragraph: epo.org .	Provide deep link https://register.epo.org/regviewer	The Office agrees to the proposal.
13 5	8.8.3.	It is not appropriate to deal with proprietor and representative together. Changes to proprietor entries in the UP Register do affect the proprietor entries in the EP Register, if only for the states where the unitary effect extends. Changes to representative entries in the UP Register may or may not affect the representative entries in the EP Register, depending first on whether the representative is the same, and whether the change notified	Clarify.	The Office agrees to clarify the text on this matter.

		affects both UP and EP representation (which may be different, even though rarely).		
13 6	8.8.3.	The registration of a transfer is also entered in the Register for unitary patent protection (<u>see 6.2</u>).	The registration of a transfer is also entered in the Register for unitary patent protection (see <u>7.2</u>). wrong citation.	The Office agrees to the proposal.
13 7	8.8.6.	First paragraph: “the European Patent Register’s dedicated Unitary Patent section” would appear to be the Register for unitary patent protection (compare with second and third paragraphs).	Amend “the European Patent Register’s dedicated Unitary Patent section” to read “the Register for unitary patent protection”.	The Office agrees to review the wording accordingly.
13 8	8.8.7.	There is also a (different) identifier once unitary effect has been <i>requested</i> .	Add description of blue logo.	The Office agrees to review the wording accordingly.
13 9	8.8.7.	the European Patent Bulletin (<u>see 8.8.7.6-8.8.2</u>).	the European Patent Bulletin (<u>see 8.8.4</u>) wrong citation.	The Office agrees to the proposal.
14 0	8.8.7.	For further information, refer to the dedicated Unitary Patent page on the <u>EPO website</u> .	For further information, refer to the dedicated Unitary Patent page on the <u>EPO website</u> . (www.epo.org) for consistency.	The Office disagrees with the proposal as a deep link to the Unitary Patent webpage is already included. See comment 54.
For 14 1	8.9., 8.9.1. and 8.9.2.	An action at the UPC is a remedy only if the EPO decision was incorrect. Further, re-establishment of rights can also be a legal remedy. Also, interlocutory revision occurs as part of an action at the UPC.	Suggestion: 8.9 should be “ Actions against decisions of the UPP Division ”, the subtitles 8.9.1 and 8.9.2 should be deleted, and the text should be adapted (delete repetition of citation of Rule 85(2) RoP UPC, move last paragraph of 8.9.1 to the end, etc).	The Office will consider further improving the wording to make it clear.
14 2	8.9.2.	Second paragraph: please mention that it is the UPC that	Insert: ”; the competence to decide on a request for refund of the fee remains with the UPC”	The Office disagrees. The UP Guidelines do not aim to clarify the procedures before the UPC and can only refer

		decides on any refund of the appeal fee.		indirectly to the fact that actions against UPD decisions can be lodged with the UPC.
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