MyEPO Portfolio

Feature guide: submitting procedural requests about applications in MyEPO Portfolio

Content

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 the EPO 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.
- Manage registration of licences and other rights.
- Request certified copies.

Please note that it isn't possible yet to request Opposition in MyEPO Portfolio.

Please note that self-representing applicants currently can't use MyEPO Portfolio to request withdrawal of representation, changes to bibliographic data or withdrawal of an application. These actions will be enabled in future.

To guide you further, we have also published some "frequently asked questions" (FAQs), and you can always contact us at epo.org/support 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 by an authorised person (the appointed representative assigned to the application or patent, or by the self-representing party - applicant, proprietor, opponent or appellant).

In practice, many firms work with teams of paralegal or IP support staff who draft and submit requests, providing the name of the authorised signatory.

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.

In the case of transfer of rights and management of licences, any user of MyEPO Portfolio can submit requests for any application – the application doesn't have to be in their portfolio.

Please note that self-representing applicants currently can't use MyEPO Portfolio to request withdrawal of representation, changes to bibliographic data or withdrawal of an application. These actions will be enabled in future.

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 submit a request for change in MyEPO Portfolio?

After logging into MyEPO Portfolio with your EPO account, 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.

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 detail screen, and then select the request you wish to make using the "Action" drop down menu on the right.

Please note that once you have started drafting a request, it will be saved automatically as a draft action unless you complete and submit the request.

You can see your draft actions in the **Actions** area where there is a pending actions screen. You can also see your pending actions in the application detail screen. You or your colleagues can continue working on these draft actions at any time.

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.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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 authorised signatory 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.

What do I do if I want to make the same request about a large number of applications?

If you are transferring rights or wish to register or cancel a licence for a large number of applications, the option exists to upload a .csv file with the list of applications and make a bulk request all of them.

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

Select the "Upload application list" available on the left-hand side to upload the .csv file with the list of applications. The file should only contain a single field with the application numbers in the standard "EPyynnnnnn.d" format.

If the format of the file is correct, you can select the action you wish to request from the list that appears.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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 a batch of applications. An individual request will be created for each application and will be visible in the electronic file.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative.

Please note that self-representing applicants currently can't use MyEPO Portfolio to request withdrawal of representation, changes to bibliographic data or withdrawal of an application. These actions will be enabled in future.

*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**.*

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.

You can also start the request by opening the application detail screen for a specific application and using the "**Action**" drop down menu on the right to select the request.

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

Please note that once you have started drafting a request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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 & Examination Phase".

However, you can request bibliographic data changes through MyEPO Portfolio for:

- the title of the invention
- the applicant(s)
- 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.

Please note that self-representing applicants currently can't use MyEPO Portfolio to request withdrawal of representation, changes to bibliographic data or withdrawal of an application. These actions will be enabled in future.

How to request changes to bibliographic data

Navigate to the **Applications and patents** area.

Click on the application number to go to the application detail screen, and then use the "Action" drop down menu on the right to start editing bibliographic data.

You will be guided through the steps.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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

The EPO 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 now decide **not** to pursue one or more applications that you have already filed, you have the possibility to request to withdraw them through MyEPO Portfolio.

You can choose to:

- Withdraw an application unconditionally or
- Withdraw an application on the condition that the withdrawal results in the (partial) refund of the search fee and/or the examination fee or
- Withdraw on condition that the withdrawal prevents the publication of the application(s) (Rule 67(2) EPC).

You can do this for single applications or for a batch of applications. An individual request will be created for each application and will be visible in the electronic file.

Any user that has been granted permission to access a portfolio can request these changes, duly signed by a representative.

Please note that self-representing applicants currently can't use MyEPO Portfolio to request withdrawal of representation, changes to bibliographic data or withdrawal of an application. These actions will be enabled in future.

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 can also start the request by opening the application detail screen for a specific application and using the "**Action**" drop down menu on the right to select the request.

You will be guided through the steps.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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

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

The EPO 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

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 a batch of applications. An individual request will be created for each application and will be visible in the electronic file.

Any user of MyEPO Portfolio can submit these requests and should include evidence that they are authorised by the patent or application proprietor(s) to do so.

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.

You can also enter the number of any EP or Euro-PCT application on the left-hand side to access public information about that application, request certified copies, transfer of rights and register licences.

For a single application, you can also click on the application number to go to the application detail screen, and then use the "Action" drop down menu on the right menu to request transfer of rights.

To transfer rights for many applications, you can also select the "Upload application list" option available on the left-hand side to upload a .csv file with the list of applications. The file should only contain a single column with the application numbers in the standard "EPyynnnnnn.d" format. If the format of the file is correct, you can select the action from the list that appears.

In all cases you will be guided through the steps.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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

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

The EPO 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

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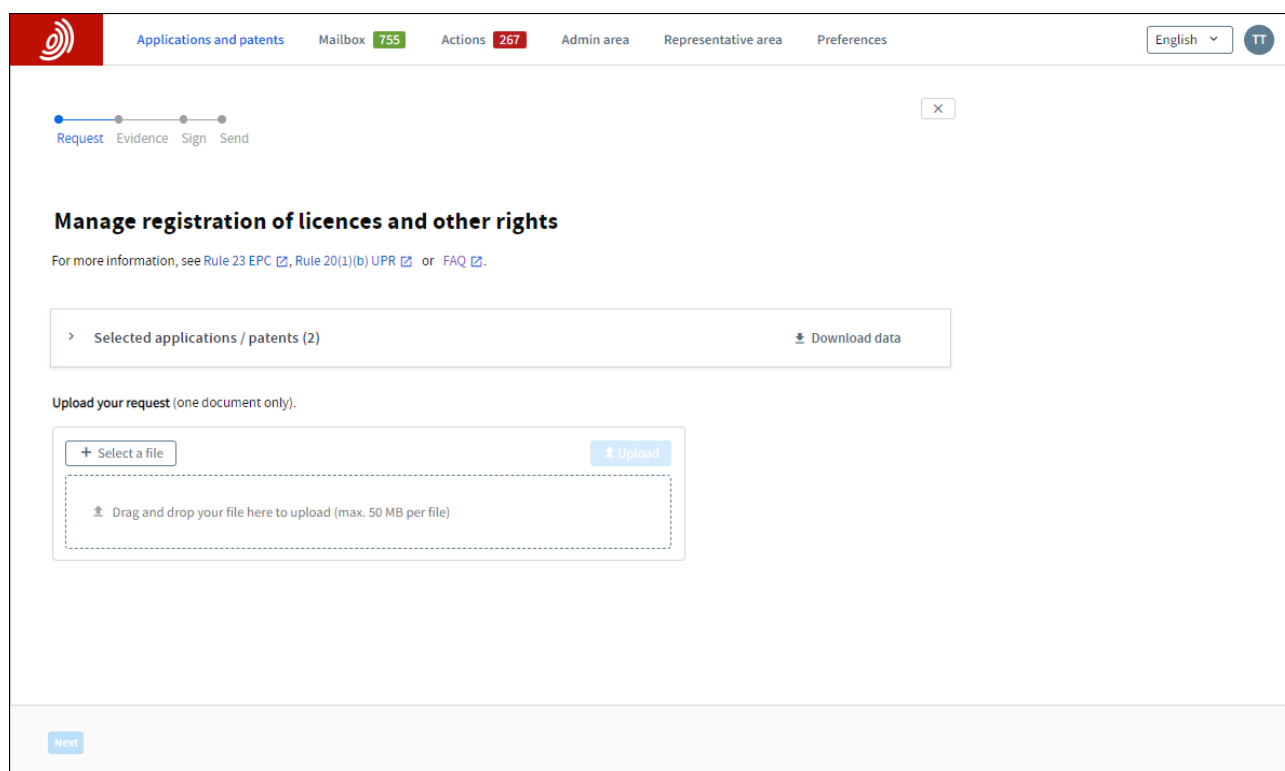
You can use MyEPO Portfolio to request registration of a licence for a European patent application, and you can do this for single applications or for several applications at a time. You can also request cancellation of the registration.

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 of MyEPO Portfolio can submit these requests.

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.

You can also enter the number of any EP or Euro-PCT application on the left-hand side to access public information about that application, request certified copies, transfer of rights and register licences.

For a single application, you can also click on the application number to go to the application detail screen, and then use the "Action" drop down menu on the right menu to manage licences and other rights.

To transfer rights for many applications, you can also select the "Upload application list" option available on the left-hand side to upload a .csv file with the list of applications. The file should only contain a single column with the application numbers in the standard "EPyynnnnnn.d" format. If the format of the file is correct, you can select the action from the list that appears.

In all cases you will be guided through the steps.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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

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

The EPO 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.

3.6 Request certified copies

Under the EPC, files relating to a European patent applications and European patents may be inspected. Similar provisions exist in the PCT. In this context, users may request certified copies of the following:

- Documents from the EP and UP file
- Certificates of grant (EP and UP)
- Extracts from the EP and UP Register
- Published application (A publications)
- Published patent (B publications)
- Priority documents (EP, Euro-PCT)
- Other

You can use MyEPO Portfolio to request these certified copies for a single application.

If the requester is not a party to the proceedings, the conditions for file inspection under Art. 128(1) to (4) EPC have to be met as well.

Priority documents and certified copies of the patent certificate are issued to the applicant/proprietor or the representative only.

For more information, see Art. 128 EPC Inspection of files, Rule 54 EPC Issuing priority documents, Rule 74 EPC Certificate for a European patent, Rule 152 EPC Authorisations

How to request certified copies

Navigate to the **Applications and patents** area.

Select the application that the request is for, and then click on the "**Actions**" drop-down list at the top. You can see the option to request a certified copy in the list.

You can also enter the number of any EP or Euro-PCT application on the left-hand side to access public information about that application, request certified copies, transfer of rights and register licences.

You can also click on the application number in the portfolio to go to the application detail screen, and then use the "**Action**" drop down menu in the right to request a certified copy.

In all cases you will be guided through the steps.

Please note that once you have started drafting the request, it will be saved automatically as a draft action. You or your colleagues can go to the **Actions** area of MyEPO Portfolio to continue working on these draft actions at any time.

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

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

The EPO 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.

Please note that in the case of some older granted patents and obsolete or withdrawn applications, you may not be able to find these applications in MyEPO Portfolio in order to request certificates. In such cases, you can submit your request in Online Filing 2.0 using a 1038 form.