

# National law relating to the EPC

Synopsis of the regulations and requirements in the Contracting States  
concerning European patent applications and patents





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**Published and edited by**

European Patent Office  
Erhardtstraße 27  
D – 8000 München 2  
Tel. (089) 2399-0  
Telex: 523656 epmu d

**Production**

Wila Verlag für Wirtschaftswerbung  
Wilhelm Lampl  
D – 8000 München 21

**Printing**

Joh. Roth sel. Ww. GmbH  
D – 8000 München 21  
Printed in Germany

# A Introduction

The centralised, fundamentally autonomous and uniform procedure for the grant of European patents, introduced by the European Patent Convention (EPC), is linked in a special way with the national patent law of the Member States of the European Patent Organisation, and at a number of stages it “interfaces” with the national legal systems – a feature essential to smooth interaction between European and national law. In each of the Contracting States for which it is granted, the European patent has the effect of and is subject to the same conditions as a national patent granted by that State, unless otherwise provided in the EPC (Article 2, paragraph 2, EPC).

The salient characteristic of these interfaces is that, at the outset or in the course of the European grant procedure or after it has been completed, the patent applicant or proprietor may or must take certain steps before the patent authorities of the Contracting States in order to acquire or maintain certain rights in those States. It is therefore of primordial importance for all European applicants and proprietors to be familiar with and carefully observe such procedural steps laid down by national law and the conditions for their validity, if full advantage is to be derived from the European patent system and loss of rights is to be avoided.

This booklet is intended by the European Patent Office as a concise and reliable guide to the most important provisions and requirements of the national law of the Contracting States applicable to European patent applications and patents, for the use of European patent applicants and proprietors and all others concerned with the European patent system. It may be considered as it were a “Guide to the Euro-legislation of the Contracting States on patents” and thus supplements the guide for applicants – “How to get a European patent”. The synopses given in the following tables have been prepared in close collaboration with the authorities of the Contracting States responsible for the protection of industrial property, to which the EPO is indebted for their active support and numerous valuable suggestions.

Although we have exercised the greatest care in drawing up the tables, we cannot vouch for the absolute completeness and accuracy of the information given. If only because of their conciseness and the fact that they concentrate on the bare essentials, the tables can be no substitute for consultation of the national legal sources themselves, supplemented where appropriate by professional advice from authorised persons. After all, despite the latest reforms, thorough as they have mostly been, national patent law and practice are not static phenomena but are constantly changing and, of necessity, developing. As a result, it is not even possible to state with any certainty that the legal provisions summarised in the tables will not have been changed by the time this booklet appears. In particular, the reader should not assume that the official fees given at various points in the tables have not been increased in the meantime. It is therefore advisable always to refer back to the official publications of the Contracting States so as to keep up to date with the development of national legislation and official practice. The EPO will continue to provide regular and, as far as possible, up-to-date coverage in its Official Journal of legal developments in the Contracting States.

In view of the multiplicity and varying nature of the individual Contracting States’ provisions governing European patent applications and patents and of the fact that the national patent offices and courts have scarcely had time to adopt a consistent line on their application, the EPO realises that these tables are only a first step and that they will require constant improvement and refinement if they are to serve their purpose satisfactorily. Criticism and suggestions are therefore always welcome.

European Patent Office, October 1981



## B Abbreviations

(see also Table I, column 4)

AS	Sammlung der eidgenössischen Gesetze
AT	Austria
BE	Belgium
BGBI.	Bundesgesetzblatt
Bl.f.PMZ	Blatt für Patent-, Muster- und Zeichenwesen
BOPI	Bulletin officiel de la propriété industrielle – Brevets d'invention
CH	Switzerland
DE	Federal Republic of Germany
DPA	Deutsches Patentamt
EPC	European Patent Convention
EPO	European Patent Office
FR	France
GRUR Int.	Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil
G.U.	Gazzetta Ufficiale
INPI	Institut national de la propriété industrielle
IP	Industrial Property
IPLT	Industrial Property – Laws and Treaties
IT	Italy
J.O.	Journal officiel de la République Française
LGBI.	Liechtensteinisches Landesgesetzblatt
LI	Liechtenstein
LTPI	Lois et traités de propriété industrielle
LU	Luxembourg
NL	Netherlands
OJ	Official Journal of the European Patent Office
PIBD	Propriété industrielle – Bulletin documentaire
SE	Sweden
SFS	Svensk författningssamling
SI	Statutory Instruments
SR	Systematische Rechtssammlung (Switzerland)
Stb	Staatsblad
UK	United Kingdom



# I. National Legal Bases

This table lists (not necessarily all) the Contracting States' important national legal sources (laws, regulations, decrees etc.) of significance for European patent applications and patents and, for the most part, also referred to in the subsequent tables. The title of these legal sources is given in the official language of the Contracting States in question. Where necessary, a translation in the official language of the EPO in which this summary is published is given underneath in italics in square brackets. To keep this table within a reasonable size, the "original title" in the case of States with more than one official language is given only in the language which is also one of the official languages of the EPO.

The dates on which the various items of referenced legislation entered into force have not been included, as this would have cluttered up the tables – especially in cases where some Articles of certain laws and regulations entered into force at different times.

Where the Office knows of translations into one of the official languages of the EPO of the legal sources listed, these are referenced. It should be noted, however, that these translations are not always up-to-date and that at all times only the original version given in the official publications is the authentic text.

The abbreviations used in the subsequent tables have been introduced for the sake of clarity and do not always coincide with the official abbreviations used in the Contracting States.

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Austria	<p>1. Bundesgesetz vom 16. Dezember 1978 über die Einführung des Europäischen Patentübereinkommens und des Vertrages über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens (Patentverträge-Einführungsgesetz)</p> <p>[1. <i>Federal Law of 16 December 1978 on the introduction of the European Patent Convention and of the Patent Cooperation Treaty (Introductory Law on Patent Treaties)</i>]</p> <p>2. Patentgesetz 1970, zuletzt geändert durch das Bundesgesetz vom 11. November 1981 (Patentgesetz- und Markenschutzgesetz-Novelle 1981)</p> <p>[2. <i>Patent Law 1970, as last amended by the Federal Law of 11 November 1981 (1981 Amending Law to the Patent Law and Trademark Protection Law)</i>]</p> <p>3. Verordnung des Bundesministers für Handel, Gewerbe und Industrie vom 22. März 1978, betreffend die Durchführung des Patentgesetzes 1970 und des Markenschutzgesetzes 1970 (Patent- und Markenverordnung)</p> <p>[3. <i>Regulation of the Federal Minister for Commerce, Trade and Industry of 22 March 1978 on the implementation of the 1970 Patent Law and the Trademark Protection Law (Patent and Trademark Regulation)</i>]</p> <p>4. Verordnung des Präsidenten des Patentamts vom 15. November 1977 über Eingaben an das Patentamt, das Verfahren in Patent- und Markenangelegenheiten sowie die Einrichtung des Zentralmusterarchivs, zuletzt geändert durch die Verordnung vom 15. Oktober 1981 (Patentamtsverordnung)</p> <p>[4. <i>Regulation of the President of the Patent Office of 15 November 1977 on the filing of documents with the Patent Office, patent and trademark procedures and the establishment of the Central Design Archives, as last amended by Regulation of 15 October 1981 (Patent Office Regulation)</i>]</p> <p>5. Verordnung des Präsidenten des Patentamts vom 10. März 1982 über die formalen Erfordernisse der nach dem Patentverträge-Einführungsgesetz einzureichenden Übersetzungen</p> <p>[5. <i>Regulation of the President of the Patent Office of 10 March 1982 on formal requirements for translations to be filed pursuant to the Introductory Law on Patent Treaties</i>]</p>	<p>BGBI 1979, 52</p> <p>BGBI 1970, 259 BGBI 1973, 581 BGBI 1977, 349</p> <p>BGBI 1981, 526</p> <p>BGBI 1978, 202</p> <p>Patentblatt 1977, 139 1980, 138 1981, 133</p> <p>Patentblatt 1982, 32</p>	<p>IPLT AT 2-002 (English, French)</p> <p>IPLT AT 2-001 (English, French)</p> <p>—</p> <p>—</p> <p>—</p>	<p>ILPT</p> <p>PA</p> <p>RPT</p> <p>Reg. of 15.11.77</p> <p>Reg. of 10.3.82</p>
Belgium	<p>1. Loi du 8 juillet 1977 portant approbation des actes internationaux suivants :</p> <p>1. Convention sur l'unification de certains éléments du droit des brevets d'invention, faite à Strasbourg le 27 novembre 1963</p> <p>2. Traité de coopération en matière de brevets, et Règlement d'exécution, faits à Washington le 19 juin 1970</p> <p>3. Convention sur la délivrance de brevets européens (Convention sur le brevet européen), Règlement d'exécution et quatre Protocoles, faits à Munich le 5 octobre 1973</p> <p>4. Convention relative au brevet européen pour le Marché commun (Convention sur le brevet communautaire), et Règlement d'exécution, faits à Luxembourg le 15 décembre 1975</p>	<p>Moniteur belge du 30.9.77</p>		

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Belgium	<p>[1. Law of 8 July 1977 adopting the following international acts:</p> <ol style="list-style-type: none"> <li>1. Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, done at Strasbourg on 27 November 1963</li> <li>2. Patent Cooperation Treaty and Regulations, done at Washington on 19 June 1970</li> <li>3. Convention on the Grant of European Patents (European Patent Convention), Implementing Regulations and Four Protocols, done at Munich on 5 October 1973</li> <li>4. Convention for the European patent for the common market (Community Patent Convention) and Implementing Regulations, done at Luxembourg on 15 December 1975]</li> </ol> <p>2. Loi du 26 juin 1978 modifiant la loi du 24 mai 1854 sur les brevets d'invention et la loi du 30 décembre 1925 portant modification des lois relatives aux brevets d'invention, aux marques de fabrique et de commerce, aux dessins et modèles industriels et à la propriété industrielle en général</p> <p>[2. Law of 26 June 1978 amending the Law of 24 May 1854 on patents and the Law of 30 December 1925 amending the laws relating to patents, trademarks, industrial designs and industrial property in general]</p> <p>3. Loi du 4 août 1955 concernant la sûreté de l'Etat dans le domaine de l'énergie nucléaire</p> <p>[3. Law of 4 August 1955 on the security of the State in the field of nuclear energy]</p> <p>4. Loi du 10 janvier 1955 relative à la divulgation et à la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'Etat</p> <p>[4. Law of 10 January 1955 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State]</p> <p>5. Loi du 30 décembre 1925 portant modification des lois relatives aux brevets d'invention, aux marques de fabrique et de commerce, aux dessins et modèles industriels et à la propriété industrielle en général, modifiée en dernier lieu par la loi du 26 juin 1978 (voir n° 2)</p> <p>[5. Law of 30 December 1925 amending the laws relating to patents, trademarks, industrial designs and industrial property in general, as last amended by the Law of 26 June 1978 (see No. 2)]</p> <p>6. Loi du 24 mai 1854 sur les brevets d'invention, modifiée en dernier lieu par la loi du 26 juin 1978 (voir n° 2)</p> <p>[6. Patents for Invention Act of 24 May 1854, as last amended by the Law of 26 June 1978 (see No. 2)]</p>	<p>Moniteur belge du 30.9.78</p> <p>Moniteur belge du 19.8.55</p> <p>Moniteur belge du 26.1.55</p> <p>Moniteur belge du 2.-3.1.26</p> <p>Moniteur belge du 25.5.1854</p>	<p>Bl. f. PMZ 1978, 276 (German) IPLT BE 2-001 (English)</p> <p>Bl. f. PMZ 1979, 138 (German)</p> <p>—</p> <p>Bl. f. PMZ 1955, 346 (German)</p> <p>—</p> <p>Bl. f. PMZ 1944, 72 and 1965, 262 (German) IP 1944, 73 (English)</p>	<p>Law of 8.7.77</p> <p>Law of 26.6.78</p> <p>—</p> <p>—</p> <p>—</p>

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Belgium	7. Arrêté royal du 24 mai 1854 réglant l'exécution de la loi sur les brevets, modifié en dernier lieu par l'arrêté royal du 10 mai 1982 (voir aussi: arrêté royal du 20 décembre 1965)	Moniteur belge du 25.5.1854 2.9.64, 22.12.65, 4.1.66 et du 28.5.82		
	<i>[7. Royal Decree of 24 May 1854 on the implementation of the Patents for Invention Act, as last amended by the Royal Decree of 10 May 1982 (see also: Royal Decree of 20 December 1965)]</i>		Bl. f. PMZ 1944, 74; 1964, 291 and 1965, 262 (German)	-
	8. Arrêté du régent du 26 juin 1947 contenant le Code des droits de timbre confirmé par la loi du 14 juillet 1951, modifié par arrêté royal n° 12 du 18 avril 1967. L'arrêté royal du 18 avril 1967 a été modifié par l'arrêté royal du 16 janvier 1975	Moniteur belge du 14.8.47, du 20.4.67 et du 21.5.75		
	<i>[8. Decree of the Regent of 26 June 1947 containing the code of stamp duties confirmed by the Law of 14 July 1951, as last amended by Royal Decree N° 12 of 18 April 1967. The Royal Decree of 18 April 1967 was amended by Royal Decree of 16 January 1975]</i>		-	DR of 26.6.47
	9. Arrêté royal du 10 novembre 1956 portant tarification de publications éditées et de documents délivrés par le Service de la propriété industrielle, modifié en dernier lieu par l'arrêté royal du 18 avril 1980	Moniteur belge du 17.5.80		
	<i>[9. Royal Decree of 10 November 1956 fixing the charges for publications produced and documents issued by the Industrial Property Office, as last amended by the Royal Decree of 18 April 1980]</i>		-	RD of 10.11.56
	10. Arrêté royal du 29 septembre 1958 déterminant le mode de paiement des taxes dues pour le dépôt et le maintien en vigueur des brevets d'invention, modifié en dernier lieu par l'arrêté du 8.8.1964	Moniteur belge du 29.10.58 et du 2.9.64		
	<i>[10. Royal Decree of 29 September 1958 prescribing the methods to be used for the payment of patent filing and renewal fees, as last amended by the Decree of 8 August 1964]</i>		-	RD of 29.9.58
	11. Arrêté royal du 24 décembre 1965 relatif aux taxes supplémentaires en matière de propriété industrielle	Moniteur belge du 4.1.66		
	<i>[11. Royal Decree of 24 December 1965 concerning additional industrial property fees]</i>		Bl. f. PMZ 1965, 190 (German)	-
	12. Arrêté royal du 18 juillet 1966 portant coordination des lois sur l'emploi des langues en matière administrative	Moniteur belge du 2.8.66		
	<i>[12. Royal Decree of 18 July 1966 co-ordinating the laws on the use of languages for administrative purposes]</i>		-	-
	13. Arrêté royal du 27 février 1981 relatif au dépôt d'une demande de brevet européen, à sa transformation en demande de brevet national et à l'enregistrement de brevets européens produisant effet en Belgique	Moniteur belge du 5.3.81		
<i>[13. Royal Decree of 27 February 1981 relating to the filing of European patent applications and their conversion into national patent applications and the registration of European patents having effect in Belgium]</i>		IPLT BE 2-002 (English)	RD of 27.2.81	

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
France	<p>1. Loi n° 77-683 du 30 juin 1977 relative à l'application de la Convention sur la délivrance de brevets européens faite à Munich le 5 octobre 1973</p> <p>[1. <i>Law No. 77-683 of 30 June 1977 on the Application of the Convention on the Grant of European Patents</i>]</p>	J.O. 1977, 3480	Bl. f. PMZ 1978, 299 (German) IPLT FR 2-003 (English)	Law No. 77-683
	<p>2. Loi n° 68-1 du 2 janvier 1968 sur les brevets d'invention, modifiée et complétée par la loi n° 78-742 du 13 juillet 1978</p> <p>[2. <i>Patent Law (Law No. 68-1 of 2 January 1968, as amended and supplemented by Law No. 78-742 of 13 July 1978)</i>]</p>	J.O. 1978, 2803 ; PIBD, n° spécial, sept. 1978	Bl. f. PMZ 1979, 50 (German) IPLT FR 2-001 (English)	PA
	<p>3. Décret n° 79-822 du 19 septembre 1979 relatif aux demandes de brevet d'invention et de certificat d'utilité, à la délivrance et au maintien en vigueur de ces titres, modifié par le décret n° 81-599 du 15 mai 1981 et par le décret n° 81-865 du 11 septembre 1981</p> <p>[3. <i>Decree No. 79-822 of 19 September 1979 on Applications for Patents and Utility Certificates and the Grant and Maintenance in Force of Such Titles, as amended by Decree No. 81-599 of 15 May 1981 and by Decree No. 81-865 of 11 September 1981</i>]</p>	J.O. 1979, 2370 et 1981, 1573, 2510	Bl. f. PMZ 1979, 62; 1982, 155 (German) IPLT FR 2-006 (English)	Dec. No. 79-822
	<p>4. Décret n° 78-1011 du 10 octobre 1978 pris pour l'application de la loi n° 77-683 du 30 juin 1977 relative à l'application de la Convention sur le brevet européen signée à Munich le 5 octobre 1973, modifié par le décret n° 79-822 du 19 septembre 1979 (voir n° 3)</p> <p>[4. <i>Decree No. 78-1011 of 10 October 1978 on the Implementation of Law No. 77-683 of 30 June 1977, on the Application of the European Patent Convention, as amended by Decree No. 79-822 of 19 September 1979 (see No. 3)</i>]</p>	J.O. 1978, 3589	Bl. f. PMZ 1979, 61 (German) IPLT FR 2-005 (English)	Dec. No. 78-1011
	<p>5. Arrêté du 27 août 1981 relatif aux taxes perçues par l'institut national de la propriété industrielle</p> <p>[5. <i>Order of 27 August 1981 on the fees of the "Institut national de la propriété industrielle"</i>]</p>	J.O. 1981, 2476	Bl. f. PMZ 1982, 170 (German)	Fees Ord. of 27.8.81
	<p>6. Arrêté du 19 septembre 1979 relatif aux modalités de dépôt des demandes de brevet d'invention et de certificat d'utilité et d'inscription au registre national des brevets</p> <p>[6. <i>Order of 19 September 1979 on the procedures for filing applications for patents for invention and utility certificates and for making entries in the National Register of Patents</i>]</p>	J.O. 1979, 8042	Bl. f. PMZ 1980, 283 (German)	Ord. of 19.9.79
	<p>7. Arrêté du 29 novembre 1978 relatif au dépôt des demandes internationales et des demandes de brevet européen auprès des centres de province de l'Institut national de la propriété industrielle et décision du Directeur de l'I.N.P.I. No. 80 164 du 3 Mars 1980</p> <p>[7. <i>Order of 29 November 1978 on the filing of international applications and European patent applications with the regional offices of the Institut national de la propriété industrielle and Decision of the Director of INPI No. 80 164 of 3 March 1980</i>]</p>	J.O. 1979, 63 PIBD n° 255 du 1er avril 1980	Bl. f. PMZ 1979, 163 (German)	Ord. of 29.11.78

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Germany, Federal Republic of	1. Gesetz zu dem Übereinkommen vom 27. November 1963 zur Vereinheitlichung gewisser Begriffe des materiellen Rechts der Erfindungspatente, dem Vertrag vom 19. Juni 1970 über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens und dem Übereinkommen vom 5. Oktober 1973 über die Erteilung europäischer Patente (Gesetz über internationale Patentübereinkommen) vom 21. Juni 1976, geändert durch das Gemeinschaftspatentgesetz vom 26. Juli 1979 (siehe Nr. 2)	BGBl 1976 II 649		
	<i>[1. Law on the European Convention on the Unification of Certain Points of Substantive Law on Patents for Invention of 27 November 1963, the Patent Cooperation Treaty of 19 June 1970, and the Convention on the Grant of European Patents of 5 October 1973 (Law on International Patent Treaties) of 21 June 1976, amended by the Community Patent Law of 26 July 1979 (see No. 2)]</i>		IPLT DE 2-001 (English, French)	LIPC
	2. Gesetz über das Gemeinschaftspatent und zur Änderung patentrechtlicher Vorschriften (Gemeinschaftspatentgesetz) vom 26. Juli 1979	BGBl 1979 I 1269		
	<i>[2. Law concerning the Community patent and amending certain provisions of patent law (Community Patent Law) of 26 July 1979]</i>		-	CPL
	3. Patentgesetz in der Fassung der Bekanntmachung vom 16. Dezember 1980	BGBl 1981 I 1		
	<i>[3. Consolidated Patent Law as published on 16 December 1980]</i>		IPLT DE 2-002 (English, French)	PA
	4. Gesetz über die Gebühren des Patentamts und des Patentgerichts vom 18. August 1976, geändert durch das Gemeinschaftspatentgesetz vom 26. Juli 1979 (siehe Nr. 2)	BGBl 1976 I 2188		
<i>[4. Law on fees of the Patent Office and Patent Court of 18 August 1976, as amended by the Community Patent Law of 26 July 1979 (see No. 2)]</i>		-	LPF	
5. Verordnung über die Veröffentlichung von deutschen Übersetzungen der Patentansprüche europäischer Patentanmeldungen vom 18. Dezember 1978	BGBl 1978 II 1469			
<i>[5. Regulation on the publication of German translations of the claims of European patent applications of 18 December 1978]</i>		-	Publ. Reg.	
6. Verordnung über die Zahlung von Gebühren des Deutschen Patentamts und des Bundespatentgerichts vom 5. September 1968	BGBl 1968 I 1000			
<i>[6. Regulation on the payment of fees charged by the German Patent Office and the Federal Patent Court of 5 September 1968]</i>		-	RFP	
7. Verordnung über die Anmeldung von Patenten (Patent-anmeldeverordnung – PatAnmVO) vom 29. Mai 1981	BGBl 1981 I 521			
<i>[7. Regulation on the filing of patents (Patent Filing Regulation – PFR) of 29 Mai 1981]</i>		-	-	

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Italy	<p>1. Legge 26 maggio 1978, n. 260 Ratifica ed esecuzione di atti internazionali in materia di brevetti, firmati, rispettivamente, a Strasburgo il 27 novembre 1963, a Washington il 19 giugno 1970, a Monaco il 5 ottobre 1973 ed a Lussemburgo il 15 dicembre 1975</p> <p>[1. <i>Law No. 260 of 26 May 1978</i> <i>Ratification and implementation of international patent acts signed in Strasbourg on 27 November 1963, in Washington on 19 June 1970, in Munich on 5 October 1973 and in Luxembourg on 15 December 1975, respectively</i>]</p> <p>2. Decreto del Presidente della Repubblica 8 gennaio 1979, n. 32 Applicazione della legge 26 maggio 1978, n. 260, concernente ratifica ed esecuzione di atti internazionali in materia di brevetti, modificato con decreto 22 giugno 1979, n. 338</p> <p>[2. <i>Decree of the President of the Republic No. 32 of 8 January 1979</i> <i>Application of Law No. 260 of 26 May 1978 concerning the ratification and implementation of international patent acts; Decree amended by Decree No. 338 of 22 June 1979</i>]</p> <p>3. Decreto 30 giugno 1982 Determinazione degli uffici competenti alla ricezione dei depositi delle domande di brevetto europeo e delle traduzioni dei brevetti europei</p> <p>[3. <i>Decree of 30 June 1982 laying down the authorities competent to receive European patent applications and translations of European patents</i>]</p> <p>4. Decreto del Presidente della Repubblica 22 giugno 1979, n. 338 Revisione della legislazione nazionale in materia di brevetti, in applicazione della delega di cui alla legge 26 maggio 1978, n. 260</p> <p>[4. <i>Decree of the President of the Republic No. 338 of 22 June 1979</i> <i>Revision of national patent legislation pursuant to the authorisation provided for in Law No. 260 of 26 May 1978</i>]</p> <p>5. Decreto del Presidente della Repubblica 26 ottobre 1972, n. 641 Disciplina delle tasse sulle concessioni governative, modificato da ultimo con decreto 22 giugno 1979, n. 338 e con decreto legge 22 dicembre 1981, n. 787</p> <p>[5. <i>Decree of the President of the Republic No. 641 of 26 October 1972</i> <i>regulating the administrative fees, as last amended by Decree No. 338 of 22 June 1979 and Order in Council No. 787 of 22 December 1981</i>]</p>	<p>Suppl. ord. alla G.U. n. 156 del 7-6-1978</p> <p>G.U., n. 41 del 10-2-1979</p> <p>G.U., n. 181 3-7-1982</p> <p>G.U., n. 215 del 7-8-1979</p> <p>Suppl. ord. alla G.U. n. 358 del 11-11-1972 G.U., n. 358 del 31-12-1981</p>	<p>—</p> <p>Bl. f. PMZ 1979, 163 (German)</p> <p>—</p> <p>Bl. f. PMZ 1980, 196 (German)</p> <p>Bl. f. PMZ 1976, 10 (German)</p>	<p>—</p> <p>DPR No. 32</p> <p>Dec. of 30.6.82</p> <p>DPR No. 338</p> <p>DPR No. 641</p>

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Italy	6. Decreto del Presidente della Repubblica 30 giugno 1972, n. 540 Semplificazione dei procedimenti amministrativi in materia di brevetti per invenzioni industriali, modelli industriali e marchi di impresa, modificato da ultimo con D.P.R. 22 giugno 1979, n. 338	G.U., n. 249 del 27-9-1972		
	[6. <i>Decree of the President of the Republic No. 540 of 30 June 1972</i> <i>Simplification of the administrative procedures relating to patents, utility models, industrial designs and trademarks, as last amended by DPR No. 338 of 22 June 1979</i> ]		Bl. f. PMZ 1976, 7 (German) IPLT IT 1-004 (English, French)	-
	7. Decreto ministeriale 22 febbraio 1973 Regolamento di esecuzione del D.P.R. 30 giugno 1972, n. 540, in materia di brevetti per invenzioni, modelli e marchi	G.U., n. 69 del 15-3-1973		
	[7. <i>Ministerial Decree of 22 February 1973</i> <i>Implementing Regulations to DPR No. 540 of 30 June 1972 relating to patents, utility models, industrial designs and trademarks</i> ]		IPLT IT 1-005 (English, French)	-
	8. Regio decreto 29 giugno 1939, numero 1127 Testo delle disposizioni legislative in materia di brevetti per invenzioni industriali, modificato da ultimo con D.P.R. 22 giugno 1979, n. 338	G.U. n. 189 del 14-8-1939		
	[8. <i>Royal Decree No. 1127 of 29 June 1939</i> <i>Patent Law, as last amended by DPR No. 338 of 22 June 1979</i> ]		GRUR Int 1980, 490 (German) IPLT IT 2-001 (English, French)	PL
	9. Regio decreto 5 febbraio 1940, n. 244 Testo delle disposizioni regolamentari in materia di brevetti per invenzioni industriali, modificato da ultimo con D.P.R. 22 giugno 1979, n. 338	G.U., n. 94 del 20-4-1940		
	[9. <i>Royal Decree No. 244 of 5 February 1940</i> <i>Patents Rules, as last amended by DPR No. 338 of 22 June 1979</i> ]		Bl. f. PMZ 1942, 7 (German)	RD No. 244
	10. Regio decreto 25 agosto 1940, n. 1411 Testo delle disposizioni legislative in materia di brevetti per modelli industriali, modificato da ultimo con D.P.R. 22 giugno 1979, n. 338	G.U., n. 247 del 21-10-1940		
	[10. <i>Royal Decree No. 1411 of 25 August 1940</i> <i>Law on utility models, as last amended by DPR No. 338 of 22 June 1979</i> ]		-	RD No. 1411
	11. Regio decreto 31 ottobre 1941, n. 1354 Testo delle disposizioni regolamentari in materia di brevetti per modelli industriali, modificato da ultimo con D.P.R. 22 giugno 1979, n. 338	G.U., n. 300 del 22-12-1941		
[11. <i>Royal Decree No. 1354 of 31 October 1941</i> <i>Rules on utility models, as last amended by DPR No. 338 of 22 June 1979</i> ]		-	RD No. 1354	

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Liechtenstein	<p>1. Vertrag zwischen der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über den Schutz der Erfindungspatente vom 22. Dezember 1978 (Patentschutzvertrag)</p> <p>[1. <i>Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (Patent Treaty) of 22 December 1978</i>]</p> <p>2. Ausführungsvereinbarung zum schweizerisch-liechtensteinischen Patentschutzvertrag vom 10. Dezember 1979</p> <p>[2. <i>Implementing Agreement to the Treaty between Switzerland and Liechtenstein in Respect of Patents of 10 December 1979</i>]</p> <p>3. Gesetz vom 26. September 1979 zum Vertrag zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über den Schutz der Erfindungspatente</p> <p>[3. <i>Law of 26 September 1979 on the Treaty between the Principality of Liechtenstein and the Swiss Confederation on Patent Protection</i>]</p> <p>Wegen weiterer für Liechtenstein anzuwendenden Rechtsvorschriften siehe Schweiz Nr. 1–4</p> <p>For other legal provisions applicable to Liechtenstein see Switzerland Nos. 1–4</p>	<p>LGBI. 1980 Nr. 31</p> <p>LGBI. 1980 Nr. 32</p> <p>LGBI. 1980 Nr. 33</p>	<p>OJ 1980, 407 IPLT LI-CH 2-001 (English, French)</p> <p>OJ 1980, 407 IPLT LI-CH 2-001 (English, French)</p> <p>–</p>	<p>Treaty CH/LI of 22.12.78</p> <p>–</p> <p>–</p>
Luxembourg	<p>1. Loi du 27 mai 1977 portant</p> <p>a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich, le 5 octobre 1973</p> <p>b) adaptation de la législation nationale en matière de brevets</p> <p>[1. <i>Law of 27 May 1977, (a) approving the Convention on the Grant of European Patents signed at Munich on 5 October 1973 (b) amending the national legislation on patents</i>]</p> <p>2. Règlement grand-ducal du 9 mai 1978 pris en exécution de la loi du 27 mai 1977 portant</p> <p>a) approbation de la Convention sur la délivrance de brevets européens, signée à Munich le 5 octobre 1973</p> <p>b) adaptation de la législation nationale en matière de brevets</p> <p>[2. <i>Grand-Ducal Regulation of 9 May 1978 implementing the Law of 27 May 1977 (a) approving the Convention on the Grant of European Patents, signed at Munich on 5 October 1973 (b) amending the national legislation on patents</i>]</p> <p>3. Loi du 30 juin 1880, sur les brevets d'invention, modifiée en dernier lieu par la loi du 31 octobre 1978</p> <p>[3. <i>Law of 30 June 1880 on patents, as last amended by the Law of 31 October 1978</i>]</p> <p>4. Loi du 8 juillet 1967 concernant la divulgation et la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'Etat</p> <p>[4. <i>Law of 8 July 1967 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State</i>]</p>	<p>Mémorial A 1977, 872</p> <p>Mémorial A 1978, 528</p> <p>Mémorial 1880, 405</p> <p>Mémorial A 1978, 1657</p> <p>Mémorial A 1967, 796</p>	<p>Bl. f. PMZ 1978, 334 (German) IPLT LU 2-003 (English)</p> <p>–</p> <p>–</p> <p>–</p>	<p>Law of 27.5.77</p> <p>Reg. of 9.5.78</p> <p>PL</p> <p>Law of 8.7.67</p>

Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Luxembourg	5. Règlement grand-ducal du 16 décembre 1980 portant nouvelle fixation du barème des différentes taxes et surtaxes visées par l'arrêté grand-ducal du 13 octobre 1945 ayant pour objet de modifier et compléter la législation sur les brevets d'invention	Mémorial A 1980, 2093		
	<i>[5. Grand-Ducal Regulation of 16 December 1980 revising the schedule of fees and additional fees referred to in the Grand-Ducal Decree of 13 October 1945 amending and supplementing the legislation on patents]</i>		-	Fees Reg. of 16.12.80
	6. Règlement grand-ducal du 12 juin 1975 concernant le recouvrement des frais de publications au Mémorial, Recueil administratif et économique	Mémorial A 1975, 723		
	<i>[6. Grand-Ducal Regulation of 12 June 1975 on the recovery of the cost of publications in the "Mémorial, Recueil administratif et économique"]</i>		-	Fees Reg. of 12.6.75
	7. Règlement grand-ducal du 18 septembre 1969 pris en exécution de l'article 4, alinéa final, de la loi du 8 juillet 1967 concernant la divulgation et la mise en œuvre des inventions et des secrets de fabrique intéressant la défense du territoire ou la sûreté de l'Etat	Mémorial A 1969, 1234		
	<i>[7. Grand-Ducal Regulation of 18 September 1969 implementing Article 4, final paragraph, of the Law of 8 July 1967 on the disclosure and use of inventions and trade secrets affecting national defence or the security of the State]</i>		-	Reg. of 18.9.69
	8. Arrêté grand-ducal du 21 juin 1947 concernant la prorogation des délais et la restauration des droits en matière de Propriété Industrielle	Mémorial 1947, 613		
	<i>[8. Grand-Ducal Decree of 21 June 1947 concerning the extension of time limits and the re-establishment of rights in respect of industrial property]</i>		-	-
	9. Arrêté ministériel du 7 novembre 1946 concernant la procédure administrative en matière de brevets d'invention, en exécution de la loi du 30 juin 1880 et de l'arrêté grand-ducal du 13 octobre 1945	Mémorial 1946, 800		
	<i>[9. Ministerial Decree of 7 November 1946 concerning the administrative procedure in respect of patents, enacted under the Law of 30 June 1880 and the Grand-Ducal Decree of 13 October 1945]</i>		-	-
	10. Arrêté ministériel du 9 novembre 1945 concernant la procédure administrative en matière de brevets d'invention, en exécution de la loi du 30 juin 1880 et de l'arrêté grand-ducal du 13 octobre 1945, modifié en dernier lieu par le règlement grand-ducal du 7 mars 1977	Mémorial 1945, 871 Mémorial A 1977, 444		
<i>[10. Ministerial Decree of 9 November 1945 concerning the administrative procedure in respect of patents, enacted under the Law of 30 June 1880 and the Grand-Ducal Decree of 13 October 1945, as last amended by the Grand-Ducal Regulation of 7 March 1977]</i>		-	Min. Dec. of 9.11.45	
11. Arrêté grand-ducal du 13 octobre 1945 ayant pour objet de modifier et compléter la législation sur les brevets d'invention	Mémorial 1945, 784			
<i>[11. Grand-Ducal Decree of 13 October 1945 amending and supplementing the legislation on patents]</i>		-	-	



Contracting State	1 National provisions	2 Source	3 Translation published in . . . . . (language)	4 Abbreviations used in this synopsis
Switzerland/ Liechtenstein	<p>1. Bundesgesetz betreffend die Erfindungspatente vom 25. Juni 1954 in der revidierten Fassung vom 17. Dezember 1976 [1. <i>Federal Law on Patents for Inventions of 25 June 1954, as revised on 17 December 1976</i>]</p> <p>2. Verordnung betreffend die Erfindungspatente vom 19. Oktober 1977 (Patentverordnung) [2. <i>Ordinance on Patents for Inventions of 19 October 1977 (Patent Ordinance)</i>]</p> <p>3. Verordnung über die Gebühren des Bundesamts für geistiges Eigentum vom 19. Oktober 1977 (Gebührenordnung) [3. <i>Regulation on the Fees of the Federal Intellectual Property Office of 19 October 1977 (Fees Regulation)</i>]</p> <p>4. Bundesgesetz über das Verwaltungsverfahren vom 20. Dezember 1968 [4. <i>Federal Law on administrative procedure of 20 December 1968</i>]</p> <p>5. Vertrag zwischen der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über den Schutz der Erfindungspatente vom 22. Dezember 1978 (Patentschutzvertrag) [5. <i>Treaty between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (Patent Treaty) of 22 December 1978</i>]</p> <p>6. Ausführungsordnung zum schweizerisch-liechtensteinschen Patentschutzvertrag vom 10. Dezember 1979 [6. <i>Implementing Agreement to the Treaty between Switzerland and Liechtenstein in Respect of Patents of 10 December 1979</i>]</p>	<p>SR 232.14</p> <p>SR 232.141</p> <p>SR 232.148</p> <p>SR 172.021</p> <p>SR 0.232.149.514</p> <p>SR 0.232.149.514.1</p>	<p>IPLT CH 2-001 (English)</p> <p>IPLT CH 2-002 (English)</p> <p>–</p> <p>–</p> <p>OJ 1980, 407 IPLT LI-CH 2-001 (English, French)</p> <p>OJ 1980, 407 IPLT LI-CH 2-001 (English, French)</p>	<p>PA</p> <p>PO</p> <p>Fees Reg.</p> <p>–</p> <p>Treaty CH/LI of 22.12.78</p> <p>–</p>
United Kingdom	<p>1. Patents Act 1977</p> <p>2. The Patents Rules 1982</p> <p>3. The Patents (Companies Re-registration) Rules 1982</p>	<p>1977 c. 37</p> <p>S.I. 1982/717</p> <p>S.I. 1982/297</p>	<p>Bl. f. PMZ 1979, 200 (German) LTPI UK 2-001 (French)</p> <p>–</p> <p>–</p>	<p>PA</p> <p>PR</p> <p>–</p>

## II. Filing of European patent applications pursuant to Article 75, paragraphs 1(b) and 2, EPC

European patent applications may be filed at the EPO at Munich, its branch at The Hague or, if the law of a Contracting State so permits, at the central industrial property office or other competent authority of that State.

The following table indicates, for each Contracting State, whether European patent applications may be filed at the option of the applicant at the EPO or a national authority, which applications must be filed with the national authorities, the languages in which European patent applications are accepted by the national authorities and what special features need to be borne in mind in connection with the filing.

For the purpose of filing an application, a national representative does not need to be appointed if the applicant has neither a residence nor his principal place of business within the territory of the State concerned (Article 133, paragraphs 1 and 2, EPC).

Attention is drawn to the fact that a translation in respect of every application which is not in English, French or German must be filed in one of these languages within three months after the filing of the European application, but no later than 13 months after the date of priority (Article 14, paragraph 2, Rule 6, paragraph 1, EPC). If this translation is not filed in due time, the application is deemed to be withdrawn (Article 90, paragraph 3, EPC).

European divisional applications must always be filed directly with the EPO at Munich or its branch at The Hague (Article 76, paragraph 1, EPC).

With regard to the languages specified in column 3, applicants are recommended to file applications where possible in the official language(s) of these States as difficulties of communication may arise – in particular in the case of States which have to examine applications in the light of national security regulations – possibly resulting in European patent applications being deemed to be withdrawn because of non-observance of the time limit for forwarding such applications (Article 77, paragraph 5, EPC).











### III. A. Rights conferred by a European patent application after publication pursuant to Article 93 EPC (Article 67 EPC)

### B. Filing of translations of the claims pursuant to Article 67(3) EPC

Under Article 67, paragraph 1, EPC, from the date of its publication under Article 93 EPC a European patent application provisionally confers on the applicant such protection as is conferred by Article 64, in the Contracting States designated in the application as published, i. e. the same rights as would be conferred by a national patent granted in those States.

Pursuant to Article 67, paragraph 2, however, Contracting States may confer protection which is less than that referred to in Article 64 EPC. That protection may not, though, be less than that which would result from publication of an unexamined national patent application. The applicant must at least be given the right to claim compensation reasonable in the circumstances from an unauthorised user.

A further exception to the basic rule in Article 67, paragraph 1, is laid down in Article 67, paragraph 3, regarding the date from which provisional protection is effective. Under that provision any Contracting State which does not have as an official language the language of the proceedings may prescribe that provisional protection shall not be effective until such time as a translation of the claims in one of its official languages at the option of the applicant or, where that State has prescribed the use of one specific official language, in that language:

- (a) has been made available to the public in the manner prescribed by national law, or
- (b) has been communicated to the person using the invention in the said State.

No time limits are prescribed for filing the above-mentioned translations in the Contracting States: provisional protection in the individual Contracting States becomes effective only when the conditions referred to in Article 67, paragraph 3, EPC have been fulfilled.

**A. Rights conferred by a European patent application after publication  
pursuant to Article 93 EPC (Article 67 EPC)**

<b>Contracting State</b>	<b>1 Provisional protection under Art. 64 EPC (Art. 67(1) EPC)</b>	<b>2 Translation of the claims necessary pursuant to Art. 67(3) EPC?</b>	<b>3 Compensation rights</b>	<b>4 When does the right referred to in column 3 arise if a translation pursuant to Art. 67(3) EPC is necessary?</b>
<b>Austria</b>	No  § 4(1), ILPT	Yes  § 4(2), ILPT	Compensation reasonable in the circumstances  § 4(1), ILPT	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  § 4(2), ILPT
<b>Belgium</b>	No  Art. 3(3), Law of 8.7.77	Yes  Art. 3(3), Law of 8.7.77	Compensation reasonable in the circumstances  Art. 3(3), Law of 8.7.77	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. 3(3), Law of 8.7.77
<b>France</b>	Yes, subject to grant of patent  Art. 3(1), Law No. 77-683	Yes  Art. 3(2), Law No. 77-683	Damages; possibly seizure of the articles infringing the patent application; the court hearing the infringe- ment action stays proceed- ings until the patent is granted  Art. 3(1), Law No. 77-683	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. 3(2), Law No. 77-683 Arts. 9 and 11 Dec. No. 78-1011
<b>Germany, Federal Republic of</b>	No  Art. II, § 1(1), LIPC	Yes  Art. II, § 1(2), LIPC	Compensation reasonable in the circumstances  Art. II, § 1(1), LIPC	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. II, § 1(2), LIPC
<b>Italy</b>	Yes  Art. 3, DPR No. 32, as amended by DPR No. 338	Yes  Art. 3, DPR No. 32, as amended by DPR No. 338	Damages; possibly des- cription and seizure of the articles infringing the patent application and any- thing used in the making thereof  Art. 81 PL	When the translation of the claims is made available to the public <i>by the Central Patent Offi- ce</i> in accordance with table III.B., column 7, or communicated to the user  Art. 3, DPR No. 32, as amended by DPR No. 338 Dec. of 30.6.82
<b>Liechtenstein</b>	see Switzerland			
<b>Luxembourg</b>	No  Art. 3(1), Law of 27.5.77	Yes  Art. 4(1), Law of 27.5.77	Compensation reasonable in the circumstances  Art. 3(2), Law of 27.5.77	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. 4(1), Law of 27.5.77

Contracting State	1 Provisional protection under Art. 64 EPC (Art. 67(1) EPC)	2 Translation of the claims necessary pursuant to Art. 67(3) EPC?	3 Compensation rights	4 When does the right referred to in column 3 arise if a translation pursuant to Art. 67(3) EPC is necessary?
Netherlands	No  Art. 43 B(1), PA	Yes  Art. 43 B(3), PA	Compensation reasonable in the circumstances  Art. 43 B(1) and (2), PA	30 days after notification of the applicant's rights (writ) has been served on the user; this writ must be accompanied by the Dutch translation of the claims or else indicate that the translation has been laid open by the Office for inspection.  Art. 43 B(3), PA
Sweden	No  § 88(2), PA	Yes  § 88(1), PA	Compensation reasonable in the circumstances  §§ 58, 87 and 88(2), PA	When the translation of the claims is made available to the public in accordance with table III.B., column 7, and notice of the fact is published in the Swedish Patent Bulletin  § 88(2), PA
Switzerland/ Liechtenstein	No  Art. 111(1), PA	Yes  Art. 112, PA	Damages; action may only be brought after grant of the patent  Arts. 111(2) and 73(3), PA	When the translation of the claims is made available to the public in accordance with table III.B., column 7, or communicated to the user  Art. 112, PA
United Kingdom	Yes  Sects. 78(1), (2), (3)(d) and 69(1), PA	No; the relevant provisions have not yet entered into force  Sect. 78(7) and (8), PA	Damages; court proceedings may only be brought after grant of the patent  Sect. 69, PA (see also Sect. 62, PA regarding innocent infringers)	-



6 Are documents which meet the formal requirements pursuant to Rule 35(3)-(14) EPC accepted?	7 Manner and form in which the translation is made available to the public	8 Correction of translation permitted?	9 Is provision made for a special fee for correction?	10 Special features
Yes  § 1, Reg. of 10.3.82	Inspection in reading room; Copies available; Mention in Patent Bulletin  § 3(1), ILPT	Yes  § 6(2)-(4) ILPT	Yes, as in column 2  §§ 6(2) and 22 ILPT	The original cash payment or transfer vouchers must be submitted as evidence that the publication fee has been paid  § 22(3), ILPT § 168(3) PA
Yes  Art. 4(1), RD of 27.2.81	Inspection in reading room; Copies available;  Art. 3(3), Law of 8.7.77 Art. 1, RD of 18.4.80; Art. 4, RD of 27.2.81	Yes (Errors of transcription)  Art. 7, RD of 27.2.81	No	The provisions of the Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of languages for administrative purposes apply to the language of the translation. The following languages are to be used: – French or Dutch for natural and legal persons having a residence or their principal place of business abroad – French, Dutch, German for natural persons resident in Belgium – Private industrial, commercial and financial undertakings (including natural persons, whether Belgian or foreign nationals, engaging in industry, commerce or finance) having a residence or their principal place of business in Belgium must use the language of the linguistic region where the operation is located. The translation must contain the name of the applicant, the publication number of the European patent application and a translation of the title of the invention Art. 4(2) and (3), RD of 27.2.81
(see also column 10)	Notice of the filing of the translation appears in the Patent Bulletin (BOPI); Inspection in reading room; Copies available;  Art. 9, Dec. No. 78-1011	Yes  Art. 4(2), Law No. 77-683	FF 100  Arts. 12 and 18, Dec. No. 78-1011; Ord. of 27.8.81	A request for publication and proof of payment of the requisite fee must be submitted with the translation. Art. 11, Dec. No. 78-1011; Dec. No. 81-599  The translation may be filed with INPI in Paris or the branch offices in Bordeaux, Lyon, Marseille, or Strasbourg. (PIBD 1981 I 15, 36).  For further formal requirements see the INPI notices in PIBD 1979 I 8, I 59, and 1981 I 36

Contracting State	1 Must a national representative be appointed?	2 (a) Special fee payable? (b) If so, when due?	3 Language(s) in which the translation must or may be filed	4 Must a form be used?	5 No. of copies to be filed
Germany, Federal Republic of	No	(a) DM 100; (b) Within one month after receipt of the request for publication  Art. II, § 2(1), LIPC; No. 113800, Schedule of fees LPF	German  Art. II, § 1(2), LIPC	Yes EPA/DPA 110  § 1, Publ. Reg.	2  § 2, Publ. Reg.
Italy	No, but an address for service in Italy must be given. The authorised professional representative before the EPO is not required to file a new authorisation.	A fee is payable in respect of one of the copies of the form pursuant to Column 4 (Lit 3000 payable by fiscal stamps or international postal money order; Lit 6000 if certified copy is required)  Circular No. 137 of 13.6.79 Art. 4, Dec. of 30.6.82	Italian  Art. 3, DPR No. 32, as amended by DPR No. 338	Yes (in triplicate)  Circular No. 137 of 13.6.79	1  Circular No. 137 of 13.6.79
Liechtenstein	see Switzerland				
Luxembourg	Yes  Art. 9 <sup>bis</sup> PL	(a) FL/FB 300 (b) Date on which translation is filed  Art. 2(3), Reg. of 9.5.78	French or German  Art. 4(1), Law of 27.5.77	No	1  Art. 4(1), Law of 27.5.77
Netherlands	No The authorised professional representative before the EPO is not required to file a new authorisation	No	Dutch  Art. 43B(3), PA	No	2  Art. 29(1), PR

6 Are documents which meet the formal requirements pursuant to Rule 35(3)-(14) EPC accepted?	7 Manner and form in which the translation is made available to the public	8 Correction of translation permitted?	9 Is provision made for a special fee for correction?	10 Special features
Yes	Printed publication  Art. II, § 2(1), LIPC	Yes	DM 100  Art. II, § 2(1), LIPC; No. 113800 Schedule of fees LPF	At the head of the first page at least of all communications sent to the Patent Office, the European patent application number must be given, preceded by the letters "EP"  § 3, Publ. Reg. If the fee shown in Column 2 ist not paid in time, the translation is deemed not to have been filed Art. II, § 2(1), LIPC
Yes	Inspection in reading room; Copies available	Yes; the form required for the purposes of column 4 must be used  Art. 5(4), DPR No. 32	as column 2	The translations must be filed with the Provincial Offices for Industry, Commerce and Trades in the provincial capitals (Uffici provinciali dell'industria, del commercio e dell'artigianato dei capoluoghi di provincia) or by post (registered mail with advice of delivery) with the Central Patent Office in Rome (cf. also OJ 11/82).  Art. 3 DPR No. 32 in conjunction with Art. 2 Dec. of 30.6.82  If an Italian translation has been supplied with a European patent application, this serves as the translation under Art. 3 of DPR No. 32  Art. 1(5), DPR No. 32
Yes	Entry in the patent register; Inspection in reading room; Copies available  Art. 2(4), Reg. of 9.5.78	Yes  Art. 4(2), Law of 27.5.77	Yes FL/FB 300  Art. 2(5), Reg. of 9.5.78	The services of a representative need not be enlisted for making fee payments. The name and address of the applicant and the number and date of publication of the European patent application must be submitted with the translation  Art. 2(1), Reg. of 9.5.78
No national formal requirements are laid down for translations.	Inspection in the "Aanmelding en Registers" department; Mention in "De Industriële Eigendom"  Art. 43B(5), PA	No requirements laid down	-	

Contracting State	1 Must a national representative be appointed?	2 (a) Special fee payable? (b) If so, when due?	3 Language(s) in which the translation must or may be filed	4 Must a form be used?	5 No. of copies to be filed
Sweden	No The authorised professional representative before the EPO is not required to file a new authorisation	(a) skr 200 (b) mention of the filing of the translation is not published until the fee has been paid  § 88(1) PA, as amended by Law of 13.3.80; § 45 PD, as amended by the Decree of 10.4.80	Swedish  § 88(1), PA	No	2  § 88(1), PA
Switzerland/ Liechtenstein	For the filing: no, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation.  For a correction: yes. Art. 13 PA	No	German, French or Italian  Art. 112 PA Art. 4(1), PO	No	1  Art. 112, PA

6 Are documents which meet the formal requirements pursuant to Rule 35(3)-(14) EPC accepted?	7 Manner and form in which the translation is made available to the public	8 Correction of translation permitted?	9 Is provision made for a special fee for correction?	10 Special features
Yes	Inspection in reading room; Copies available; Mention in "Svensk Patenttidning"  § 88(1), PA § 62(2), PD	Yes  § 91(2), PA, as amended by Law of 13.3.80	Skr 200  § 91(2), PA, as amended by Law of 13.3.80 § 45, PD, as amended by Decree of 10.4.80	The European patent application number and the name and address of the applicant must be given with the translation. Otherwise it is deemed not to have been filed  § 61, PD
Yes	Inspection in reading room; Copies available  Art. 116(4), PO	Yes  Art. 114, PA Art. 116(5), PO	No	The publication number of the European patent application must be indicated when the translation is filed  Art. 116(1), PO



## IV. Filing of translations of the patent specification under Article 65 EPC

Under Article 65, paragraph 1, of the European Patent Convention, any Contracting State can prescribe that if the text, in which the European Patent Office intends to grant a European patent or maintain a European patent as amended for that State, is not drawn up in one of its official languages, the applicant for or proprietor of the patent must supply to its central industrial property office a translation of this text in one of its official languages at his option or, where that State has prescribed the use of one specific official language, in that language.

Of the 11 Contracting States, eight, namely Austria, Belgium, France, Italy, Liechtenstein, Netherlands, Switzerland and Sweden, have enacted provisions under Article 65, paragraphs 1 and 2, EPC. All these States have prescribed, in accordance with Article 65, paragraph 3, EPC, that in the event of failure to observe the relevant national provisions, the European patent will be deemed to be void *ab initio*. The circumstances in which such a loss of rights occurs are determined by the national law of the Contracting States concerned. In the Contracting States Austria, France, Italy, Sweden and Switzerland/Liechtenstein re-establishment of rights in the event of failure to observe the time limit for filing the translation (cf. Column 2) is possible subject to the requirements of the national law of the State concerned.

The Contracting States Federal Republic of Germany, Luxembourg and the United Kingdom, do not at present require a translation of the European patent specification.

With the exception of Belgium (see "Special features" column in the table) no State with more than one official language has prescribed a specific official language for the translation.

The following table contains information regarding each of the aforementioned States, which should be of assistance to applicants in filing the translation of the patent specification with the central industrial property office. It also contains information as to how the translations filed will be made available to the public.

Provided the remaining national requirements are met, translations of the patent specification are deemed in all the Contracting States concerned to have been duly filed even if the address for service required is indicated, or a national representative appointed, only after the date of filing (or within any time limit set by the national patent authorities).

If, because of the reservation made by Austria (cf. Table IX, Column 1) or in the event of national prior rights (Article 54 (3), Rule 87 EPC), the European patent application contains different sets of claims for different States, only a translation of the set of claims applicable to the State in question need be filed.

Contracting State	1 Must a national representative be appointed?	2 Period for filing the translation	3 (a) Special fee payable? (b) If so, when due	4 Language(s) in which the translation must or may be filed	5 Must a form be used?	6 No. of copies to be filed
<b>Austria</b>	Yes  § 24, ILPT § 21(3), PA	6 months after notification of EPO communication pursuant to Rule 51(4) or 58(5) EPC  § 5(1), (2), ILPT	(a) S 700 plus S 350 for the 6th and each subsequent page of the translation and S 350 for the 3rd and each subsequent page of any drawings (b) within period pursuant to column 2  §§ 5(1) and 22, ILPT § 166(3), (10), PA	German  § 5(1), ILPT	Yes	1
<b>Belgium</b>	No, but an internal address for service must be given  Art. 12, RD of 27.2.81	3 months after the date on which the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin  Art. 5(1), Law of 8.7.77 (see also column 11)	No	French, Dutch, German (subject to column 11)  Art. 5(1), Law of 8.7.77	No	2  Art. 6(3), RD of 27.2.81
<b>France</b>	No, but it is recommended that an internal address for service be given. The authorised professional representative before the EPO is not required to file a new authorisation	3 months after the date on which the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin  Art. 8, Dec. No. 78-1011 (see also column 11)	(a) FF 100 (b) Date on which translation is filed  Art. 18, Dec. No. 78-1011; Ord. of 27.8.81	French  Art. 1, Law No. 77-683	No, (see however, column 11)  INPI Notice in PIBD 1979 I 185	2  cf. column 5

7 Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?	8 Manner and form in which the translation is made available to the public	9 Correction of translation permitted?	10 Is provision made for a special fee for correction?	11 Special features
Yes  § 1 Reg. of 10.3.82	Translation and any corrections published in the form of a printed patent document; mention of the published printed patent document and of any corrections appears in the Patent Bulletin  §§ 5(1) and 6(3), (4), ILPT	Yes  § 6(2), ILPT	Yes, cf. column 3(a)  §§ 6(2) and 22, ILPT § 166(3), (10), PA	
Yes  Art. 6(2), RD of 27.2.81	Display in reading room; Copies available  Art. 5(3), Law of 8.7.77 Art. 5, RD of 27.2.81 Art. 1, RD of 10.11.56 as worded in RD of 18.4.80	Yes (errors of transcription)  Art. 7, RD of 27.2.81	No	The provisions of the "Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of language in the administration" have to be observed as regards the language of the translation (see table III.B., column 10).  The translation must be signed by the proprietor of the patent or his representative.  Art. 6, RD of 27.2.81 If the translation is filed before the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin (cf. Column 2), the date and issue no. of the Bulletin containing such publication must be indicated. <sup>1</sup>
Yes  cf. column 5	Mention of the filing of the translation appears in the Patent Bulletin (BOPI); Display in reading room; Copies available  Art. 9, Dec. No. 78-1011	Yes; the applicant must indicate the issue number and date of the BOPI in which the mention of the first filing of the translation appeared  Art. 4(2), Law No. 77-683 PIBD 1981 I 36	Yes, cf. column 3(a)  Arts. 12 and 18, Dec. No. 78-1011 Ord. of 27.8.81	A proof of payment of the requisite fee must be enclosed with the translation (Arts. 8 and 11, Dec. No. 78-1011), which may be filed either with INPI in Paris or with the branch offices in Bordeaux, Lyon, Marseille and Strasbourg (PIBD 1981 I 15, 36). INPI recommends attaching to the translation a standard cover page, which can be obtained free of charge, containing the bibliographic data of the European patent. For further recommended formal requirements, see also the INPI Notice in PIBD 1979 I 185 and 1981 I 36 Failure to file the translation in due time is mentioned in the Patent Bulletin (BOPI)  Art. 10, Dec. No. 78-1011 If the translation is filed before the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin (cf. Column 2), the date of such publication must be indicated.

<sup>1</sup> If the mention of the grant or the decision regarding opposition is postponed or cancelled, the Office must at once be informed accordingly; it must also be informed as soon as possible of the date and issue no. of the European Patent Bulletin containing the new publication.

Contracting State	1 Must a national representative be appointed?	2 Period for filing the translation	3 (a) Special fee payable? (b) If so, when due	4 Language(s) in which the translation must or may be filed	5 Must a form be used?	6 No. of copies to be filed
Italy	No, but an internal address for service must be given. The authorised professional representative before the EPO is not required to file a new authorisation	3 months after notification of EPO communication pursuant to Rule 51(4) or 58(5) EPC  Art. 4(4), DPR No. 32	(a) and (b) A fee is payable in respect of one of the copies of the Form pursuant to Column 5 (Lit 3000 payable by fiscal stamps or international postal money order; Lit 6000 if certified copy is required)  Circular No. 137 of 13.6.79 Art. 4, Dec. of 30.6.82	Italian; the proprietor of the patent or his representative must give a declaration on the last page of the translation that the translation is in complete agreement with the original  Art. 4(4), DPR No. 32	Yes (in triplicate)  Circular No. 137 of 13.6.79	1  Circular No. 137 of 13.6.79
Liechtenstein	see Switzerland					
Netherlands	No, but an internal address for service must be given (see also column 11) The authorised professional representative before the EPO is not required to file a new authorisation  Art. 29 O, PA	3 months after the date on which the mention of the grant or the decision regarding opposition is published in the European Patent Bulletin (see also column 11)  Art. 29 P(1), PA Art. 31 C(1)-(2), PR	(a) hfl 55 (b) within period pursuant to column 2  Art. 17(7), 31 C(3), PR	Dutch; the translation must be certified by a Dutch representative (see also column 11)  Art. 29 P(1), PA	No	3  Art. 22, 23, 31 C(4), PR
Sweden	No	Until the mention of the grant of the patent or the decision regarding opposition is published in the European Patent Bulletin  § 60(1), PD as amended by Dec. of 10.4.80	(a) skr 500 plus skr 85 for each complete or incomplete page of the translation in excess of the eighth (b) within period pursuant to column 2  § 82(1), PA § 45, 64 PD as amended by Dec. of 18.12.80	Swedish  § 82(1), PA	No	2  § 82(1), PA

7 Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?	8 Manner and form in which the translation is made available to the public	9 Correction of translation permitted?	10 Is provision made for a special fee for correction?	11 Special features
Yes	Display in reading room; Copies available	Yes; the form required for the purposes of column 5 must be used  Art. 5(4), DPR No. 32	Cf. column 3	The translations must be filed with the Provincial Offices for Industry, Commerce and Trades in the provincial capitals (Uffici provinciali dell'industria, del commercio e dell'artigianato dei capoluoghi di provincia) or by post (registered mail with advice of delivery) with the Central Patent Office in Rome (cf. also OJ 11/82).  Art. 4 DPR No. 32 in conjunction with Art. 2 Dec. of 30.6.82  A copy of the communication referred to in Column 2 must be filed with the translation.  If an Italian translation has been supplied with a European patent application and the patent has been granted unamended, no further translation of the patent specification is required  Art. 1(5), DPR No. 32 The IT Patent Office recommends that a translation of the abstract appearing in the European patent application be filed
Yes	Mention of the filing of the translation in "De Industriële Eigendom"; Display in reading room; Copies available  Art. 29 P(3), PA	Yes; the corrected translation must be certified by a Dutch representative  Art. 29 P(7), PA	Yes, cf. column 3(a)  Art. 29 P(7), PA Art. 17(7), PR	The number of the European patent must be indicated on the translation. The certification referred to in columns 4 and 9 should be in the form of a signed declaration by the representative to the effect that to the best of his knowledge the translation is complete and correct. <i>The patent lapses if the applicant does not indicate the required address for service within three months of the date on which mention of the grant of the patent was entered in the public register of the NL Patent Office</i>  Art. 29 O, PA Art. 31 C(4)-(5), PR The NL Patent Office sends to each European patent (NL) proprietor or his Netherlands representative a list of important data. Applicants who have not appointed a representative also receive a "Note of information for proprietors of European patents granted for the Netherlands".
Yes	Mention of the filing of the translation in "Svensk Patenttidning"; Publication of a printed patent document (and of any corrections to the translation)  § 82(2)-(3), PA	Yes  § 91(1), PA Art. 63, PD	Yes, cf. column 3(a)  § 91(1), PA § 45, 64 PD as amended by Dec. of 7.8.80	The application number of the European patent application and the name and address of the applicant must be given with the translation. If the EPO maintains the patent in an amended form, then the number of the European patent and the name and address of the proprietor of the patent must be given when the translation of the amended text is filed  § 60(2), PD

Contracting State	1 Must a national representative be appointed?	2 Period for filing the translation	3 (a) Special fee payable? (b) If so, when due	4 Language(s) in which the translation must or may be filed	5 Must a form be used?	6 No. of copies to be filed
Switzerland/ Liechtenstein	For the filing: no, if supplied in accordance with the regulations; the authorised professional representative before the EPO is not required to file a new authorisation. For a correction: yes Art. 13 PA	Until the mention of the grant of the patent or the decision regarding opposition is published in the European Patent Bulletin  Art. 113(2), PA	No	German, French or Italian (see also column 11)  Art. 113(1), PA Art. 4(1), PO	No	1  Art. 113(1), PA

7 Are documents which meet the formal requirements pursuant to Rules 32 and 35(3)-(14) EPC accepted?	8 Manner and form in which the translation is made available to the public	9 Correction of translation permitted?	10 Is provision made for a special fee for correction?	11 Special features
Yes	Display in reading room; Copies available  Art. 116(4), PO	Yes  Art. 114, PA Art. 116(5), PO	No	The publication number of the European patent must be indicated when the translation is filed. If as a result of opposition proceedings the European patent is maintained in an amended form, then the new translation may be wholly or partly replaced by a declaration of the extent to which the earlier translation applies also to the amended patent specification  Art. 116(1)-(2), PO



## V. Authentic text of a European patent application or European patent (Article 70 EPC)

In any proceedings before the European Patent Office and in any Contracting State the text of a European patent application or a European patent in the language of the proceedings is the authentic text.

Any Contracting State may provide that a translation, as provided for in the Convention, in an official language of that State, shall in that State be regarded as authentic, except for revocation proceedings, in the event of the application or patent in the language of the translation conferring protection (Article 69 EPC) which is narrower than that conferred by it in the language of the proceedings.

Any Contracting State which adopts a provision of this kind

- (a) must allow the applicant for or proprietor of the patent to file a corrected translation of the European patent application or European patent;
- (b) may prescribe that any person who, in that State, in good faith is using or has made effective and serious preparations for using an invention the use of which would not constitute infringement of the application or patent in the original translation may, after the corrected translation takes effect, continue such use in the course of his business or for the needs thereof without payment (Article 70, paragraph 4(b), EPC).

The following table indicates which text of a European patent application or European patent is authentic in the event of translations pursuant to Articles 67(3) and 65(1) EPC being filed, and whether a State has made provision for use in good faith in the meantime as provided for in Article 70, paragraph 4(b), EPC.

Contracting State	1 Authentic Text of a European patent application or European patent	2 Has provision pursuant to Art. 70 (4)(b) been made?
<b>Austria</b>	Translation, if protection conferred is narrower than in the language of the proceedings. § 6(1) ILPT	Yes § 6(6) ILPT
<b>Belgium</b>	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–
<b>France</b>	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 4(1) Law No. 77-683	Yes Art. 4(3) Law No. 77-683
<b>Germany, Federal Republic of</b> <sup>1</sup>	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–
<b>Italy</b>	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 5(2) DPR No. 32	Yes Art. 5(5) DPR No. 32
<b>Liechtenstein</b>	see Switzerland	
<b>Luxembourg</b> <sup>1</sup>	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 6(1) Law of 27.5.77	Yes Art. 6(2) Law of 27.5.77
<b>Netherlands</b>	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–
<b>Sweden</b>	Translation, if protection conferred is narrower than in the language of the proceedings. § 90 PA	Yes § 91(3) PA
<b>Switzerland/Liechtenstein</b>	Translation, if protection conferred is narrower than in the language of the proceedings. Art. 116(1) PA	Yes Art. 116(2), (3) PA
<b>United Kingdom</b> <sup>2</sup>	No provisions pursuant to Art. 70(3) EPC. Authentic text is that in the language of the proceedings.	–

<sup>1</sup> Contracting State requires only a translation of the claims pursuant to Art. 67(3) EPC.

<sup>2</sup> Contracting State at present requires neither a translation of the claims pursuant to Art. 67(3) EPC nor a translation of the patent specification pursuant to Art. 65(1) EPC.

## VI. Payment of renewal fees for European patents

Under Article 141 EPC, "national" renewal fees in respect of a European patent may be imposed for the years which follow that in which the mention of the grant of the European patent is published in the "European Patent Bulletin". Further information on the calculation of the patent years for which "national" renewal fees are to be paid is published in Official Journal 4/1980, p. 100.

The following table indicates the most important national provisions and requirements to be observed when paying "national renewal fees" in respect of European patents. It takes no account of national provisions concerning reductions in renewal fees in connection with licensing rights, or of any stipulations applying to the possibilities of extending or deferring payment.

Irrespective of the information given in column 3 of the following table the minimum period referred to in Article 141(2) is decisive for all Contracting States i.e. "national" renewal fees in respect of a European patent falling due within two months of the publication of the mention of the grant of the European patent are deemed to have been validly paid if they are paid within that period. Any additional fee provided for under national law will not be charged.

Attention is particularly drawn to the fact that the fees given in Columns 1 and 3 are frequently subject to change in various Contracting States. The EPO can therefore accept no responsibility for the validity of those figures. As in the past, however, it will endeavour to report such changes as soon as possible in the Official Journal.

(a) Contracting State (b) Legal basis for levying renewal fees	1 Amount of fees				2 (a) Due date (in the patent year concerned) (b) Time limit for payment (without surcharge)		3 Period of grace for payment of fees (with surcharge) (a) duration (b) surcharge																																									
a) <b>Austria</b> b) § 8, ILPT	<table border="0"> <tr> <td>Year</td><td>S</td><td>Year</td><td>S</td></tr> <tr> <td>3rd</td><td>700</td><td>12th</td><td>3000</td></tr> <tr> <td>4th</td><td>700</td><td>13th</td><td>4000</td></tr> <tr> <td>5th</td><td>800</td><td>14th</td><td>5000</td></tr> <tr> <td>6th</td><td>900</td><td>15th</td><td>6000</td></tr> <tr> <td>7th</td><td>1000</td><td>16th</td><td>8500</td></tr> <tr> <td>8th</td><td>1200</td><td>17th</td><td>11000</td></tr> <tr> <td>9th</td><td>1500</td><td>18th</td><td>13500</td></tr> <tr> <td>10th</td><td>2000</td><td>19th</td><td>17500</td></tr> <tr> <td>11th</td><td>2500</td><td>20th</td><td>22000</td></tr> </table> § 166(3), PA § 8(2), ILPT	Year	S	Year	S	3rd	700	12th	3000	4th	700	13th	4000	5th	800	14th	5000	6th	900	15th	6000	7th	1000	16th	8500	8th	1200	17th	11000	9th	1500	18th	13500	10th	2000	19th	17500	11th	2500	20th	22000	a) last day of the month in which filing date occurred b) for the first fee to be paid: 3 months after due date; sub- sequent fees must be paid by due date		a) fee for 1st year: beginning of 4th up to end of 12th month after due date; fees for further years: 6 months after due date b) 20%				
Year	S	Year	S																																													
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a) <b>Belgium</b> b) Art. 5 Sect. 3, Law of 8.7.77 Art. 9 RD of 27.2.81	<table border="0"> <tr> <td></td><td></td><td></td><td>FB</td></tr> <tr> <td>3rd – 4th year</td><td></td><td></td><td>500 p.a.</td></tr> <tr> <td>5th – 8th year</td><td></td><td></td><td>1000 p.a.</td></tr> <tr> <td>9th – 12th year</td><td></td><td></td><td>2000 p.a.</td></tr> <tr> <td>13th – 16th year</td><td></td><td></td><td>3000 p.a.</td></tr> <tr> <td>17th – 20th year</td><td></td><td></td><td>4000 p.a.</td></tr> </table> Art. 1, Law of 26.6.78							FB	3rd – 4th year			500 p.a.	5th – 8th year			1000 p.a.	9th – 12th year			2000 p.a.	13th – 16th year			3000 p.a.	17th – 20th year			4000 p.a.	a) date of filing Art. 9 RD of 27.2.81 b) 1 month Arts. 3 and 22, PA		a) beginning of 2nd up to end of 6th month from due date Art. 22, PA b) FB 500 Art. 2, Law of 26.6.78																	
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a) <b>France</b> b) Art. 16, Ord. No. 78-1011 of 10.10.78 Art. 41, PA Art. 94, Ord. No. 79-822 of 19.9.79 Dec. No. 81-599 of 15.5.81	<table border="0"> <tr> <td>Year</td><td>FF</td><td>Year</td><td>FF</td></tr> <tr> <td>3rd</td><td>110</td><td>12th</td><td>870</td></tr> <tr> <td>4th</td><td>120</td><td>13th</td><td>1010</td></tr> <tr> <td>5th</td><td>145</td><td>14th</td><td>1135</td></tr> <tr> <td>6th</td><td>190</td><td>15th</td><td>1265</td></tr> <tr> <td>7th</td><td>260</td><td>16th</td><td>1520</td></tr> <tr> <td>8th</td><td>355</td><td>17th</td><td>1660</td></tr> <tr> <td>9th</td><td>470</td><td>18th</td><td>1825</td></tr> <tr> <td>10th</td><td>575</td><td>19th</td><td>2025</td></tr> <tr> <td>11th</td><td>740</td><td>20th</td><td>2290</td></tr> </table> Fees Ord. of 27.8.81				Year	FF	Year	FF	3rd	110	12th	870	4th	120	13th	1010	5th	145	14th	1135	6th	190	15th	1265	7th	260	16th	1520	8th	355	17th	1660	9th	470	18th	1825	10th	575	19th	2025	11th	740	20th	2290	a) payment must have been made before the expiry of the month in which the date of filing occurs b) in the event of insufficient payment, no surcharge is payable if the deficit is made good within the period for payment of the surcharge. Art. 94, Dec. No. 79-822 Dec. No. 81-599		a) within 6 months from due date b) 2nd – 10th year FF 100 11th – 20th year FF 300 Art. 41, PA Fees Ord. of 27.8.81 Art. 70, Dec. No. 79-822	
Year	FF	Year	FF																																													
3rd	110	12th	870																																													
4th	120	13th	1010																																													
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7th	260	16th	1520																																													
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a) <b>Germany,            Federal            Republic of</b> b) Art. II Sect. 7, LIPC	<table border="0"> <tr> <td>Year</td><td>DM</td><td>Year</td><td>DM</td></tr> <tr> <td>3rd</td><td>100</td><td>12th</td><td>1050</td></tr> <tr> <td>4th</td><td>100</td><td>13th</td><td>1300</td></tr> <tr> <td>5th</td><td>150</td><td>14th</td><td>1550</td></tr> <tr> <td>6th</td><td>225</td><td>15th</td><td>1800</td></tr> <tr> <td>7th</td><td>300</td><td>16th</td><td>2100</td></tr> <tr> <td>8th</td><td>400</td><td>17th</td><td>2400</td></tr> <tr> <td>9th</td><td>500</td><td>18th</td><td>2700</td></tr> <tr> <td>10th</td><td>600</td><td>19th</td><td>3000</td></tr> <tr> <td>11th</td><td>800</td><td>20th</td><td>3300</td></tr> </table> LPF				Year	DM	Year	DM	3rd	100	12th	1050	4th	100	13th	1300	5th	150	14th	1550	6th	225	15th	1800	7th	300	16th	2100	8th	400	17th	2400	9th	500	18th	2700	10th	600	19th	3000	11th	800	20th	3300	a) last day of the month in which the date of filing occurred b) 2 months § 17(1) and (3), PA		a) 4 months after expiry of the month in which a notice has been communicated by the Patent Office b) 10% § 17(3), PA; LPF	
Year	DM	Year	DM																																													
3rd	100	12th	1050																																													
4th	100	13th	1300																																													
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<p style="text-align: center;">4</p> <p><b>Communication of a reminder in cases of non-payment (a) provided for (b) date of despatch</b></p>	<p style="text-align: center;">5</p> <p><b>Restitutio in integrum (a) provided for (b) time limit for submitting application</b></p>	<p style="text-align: center;">6</p> <p><b>Appointment of a national representative for (a) payment of fees (b) communication of a reminder of non-payment (c) proceedings in respect of restitutio in integrum</b></p>	<p style="text-align: center;">7</p> <p><b>Information regarding lapse of patent in cases of non-payment of renewal fees</b></p>
<p>a) yes, but without prejudice</p> <p>b) – approximately 1 month after due date in the event of non- or insufficient payment, but requests for payment are not sent abroad.</p> <p>– at the beginning of the 5th month after due date in the event of insufficient payment, but requests for payment will no longer be sent abroad after 1 January 1983 (Österreichisches Patentblatt 1982; p. 28).</p>	<p>a) yes</p> <p>b) 2 months after removal of obstacle, not later than 12 months after expiry of non-observed time limit</p> <p>§ 24, ILPT §§ 129, et seq. PA</p>	<p>a) no</p> <p>b) no</p> <p>c) yes</p> <p>§ 8(6) and § 24, ILPT § 21(3), PA</p>	<p>– entry in Register of Patents</p> <p>– publication in Patent Bulletin</p> <p>§§ 46, 79 and 80, PA</p>
<p>a) no</p> <p>b) ./.</p>	<p>a) yes</p> <p>b) beginning of 7th until end of 8th month from due date</p> <p>Art. 22, PA</p>	<p>a) no</p> <p>b) ./.</p> <p>c) no, but an address for service in Belgium must be given</p>	<p>– confirmation of non-payment on request</p> <p>– publication in "Record of Patents"</p> <p>Art. 22, PA</p>
<p>a) + b)</p> <p>yes, if payment has not been made by the due date.</p> <p>Art. 71, Dec. No. 79-822</p>	<p>a) yes</p> <p>b) 3 months after communication of decision of Director of the INPI, in accordance with Art. 48(1), PA</p> <p>Arts. 48 and 68(2), PA</p>	<p>a) no</p> <p>b) no, but it is recommended that an address for service in France be given</p> <p>c) no, but if an appeal is lodged with the Cour d'appel de Paris the proprietor of the patent must appoint a representative if he does not take part in the oral proceedings.</p>	<p>– determined by decision of Director of the INPI (communication to proprietor of patent)</p> <p>– publication of Decision in Official Bulletin</p> <p>– entry in Register of Patents</p> <p>Art. 48, PA Art. 73, Dec. No. 79-822</p>
<p>a) yes</p> <p>b) not laid down by law</p> <p>§ 17(3), PA</p>	<p>a) yes</p> <p>b) 2 months after removal of obstacle; not later than 1 year after expiry of non-observed time limit</p> <p>§ 123, PA</p>	<p>a) no</p> <p>b) no</p> <p>c) yes</p> <p>§ 25, PA</p>	<p>– communication to applicant in accordance with § 17(3), PA</p> <p>– entry in the Roll of Patents</p> <p>– publication in Patent Bulletin</p> <p>§ 30(1), PA</p>

(a) Contracting State (b) Legal basis for levying renewal fees	1 Amount of fees				2 (a) Due date (in the patent year concerned) (b) Time limit for payment (without surcharge)		3 Period of grace for payment of fees (with surcharge) (a) duration (b) surcharge		
a) <b>Italy</b> b) Art. 14, DPR No. 32 of 8.1.79 Art. 47, PL	Year	Lit	Year	Lit	a) + b)  payment must have been made before expiry of the month in which the date of filing occurred. Fees falling due within 4 months after the grant of the patent may be paid without surcharge within this 4-month period.	a) within 6 months from the due date  b) Lit 34000	3rd 21000 12th 298000 4th 28000 13th 363000 5th 34000 14th 429000 6th 51000 15th 496000 7th 67000 16th 496000 8th 101000 17th 496000 9th 133000 18th 496000 10th 166000 19th 496000 11th 232000 20th 496000  Title VIII, DPR No. 641	Art. 47, PL Title VIII, DPR No. 641	Art. 47, PL Title VIII, DPR No. 641
<b>Liechtenstein</b>	see Switzerland								
a) <b>Luxembourg</b> b) Art. 10, AL of 27.5.77	Year	FL/FB	Year	FL/FB	a) date of filing  b) payment must be made no later than the anniversary of the date of filing	a) within 6 months from due date  b) FL/FB 100	3rd 800 12th 1200 4th 800 13th 1300 5th 900 14th 1300 6th 900 15th 1400 7th 1000 16th 1400 8th 1000 17th 1500 9th 1100 18th 1500 10th 1100 19th 1500 11th 1200 20th 1500  Art. 8, PL Fees Reg. of 16.12.80	Art. 10, Law of 27.5.77	Art. 10, Law of 27.5.77 Art. 3, Fees Reg. of 16.12.80
a) <b>Netherlands</b> b) Arts. 35 and 49, PA	Year	hfl	Year	hfl			a) + b)  payment must have been made before expiry of the month in which filing date occurred or in which time limit under Art. 141(2) EPC ends.  Art. 35(2), PA  Relevant amount of fees payable after grant is calculated begin- ning with fee for first patent year, i.e. hfl 480	a) within 6 months after expiry of the month in which the filing date occurs  b) hfl 10 if paid within one month after due date; later than that, hfl 50	1st 480 10th 1225 2nd 555 11th 1300 3rd 630 12th 1400 4th 700 13th 1600 5th 775 14th 1700 6th 875 15th 1775 7th 975 16th 1850 8th 1075 17th 1950 9th 1150 18th 2025  Art. 17(8), PR
a) <b>Sweden</b> b) Sect. 86, PA	Year	skr	Year	skr	a) day following date of filing  b) ./	a) 6 months after due date or date of grant of patent  b) 20%			3rd 300 12th 1200 4th 300 13th 1500 5th 400 14th 1500 6th 400 15th 1900 7th 700 16th 1900 8th 700 17th 2300 9th 900 18th 2300 10th 900 19th 2700 11th 1200 20th 2700  § 46, PD as amended by Dec. of 18.12.80

<p style="text-align: center;"><b>4</b></p> <p><b>Communication of a reminder in cases of non-payment</b> <b>(a) provided for</b> <b>(b) date of despatch</b></p>	<p style="text-align: center;"><b>5</b></p> <p><b>Restitutio in integrum</b> <b>(a) provided for</b> <b>(b) time limit for submitting application</b></p>	<p style="text-align: center;"><b>6</b></p> <p><b>Appointment of a national representative for</b> <b>(a) payment of fees</b> <b>(b) communication of a reminder of non-payment</b> <b>(c) proceedings in respect of restitutio in integrum</b></p>	<p style="text-align: center;"><b>7</b></p> <p><b>Information regarding lapse of patent in cases of non-payment of renewal fees</b></p>
<p>a) no</p> <p>b) ./.</p>	<p>a) yes</p> <p>b) 2 months after removal of obstacle; not later than 1 year after expiry of non-observed time limit under column 2</p> <p>Art. 36, DPR No. 338</p>	<p>a) + c)</p> <p>no, but an address for service in Italy must be given</p> <p>b) ./.</p> <p>Art. 13, DPR No. 32 Art. 93, PL</p>	<p>– communication to interested party</p> <p>– entry in Register of Patents</p> <p>– publication in the Bulletin</p> <p>Art. 56, PL</p>
<p>a) no</p> <p>b) ./.</p>	<p>a) + b)</p> <p>yes, under certain prerequisite conditions by authority of the competent Minister</p>	<p>a) no</p> <p>b) ./.</p> <p>c) yes</p>	<p>– only renewal fees <i>paid</i> are entered in Register of Patents</p> <p>Art. 15, PL</p>
<p>a) yes, but requests for payment are not sent abroad</p> <p>b) within 14 days after due date (see also table IV, column 11)</p> <p>Art. 49(2) and Art. 22 D(3), PA</p>	<p>a) no</p> <p>b) ./.</p>	<p>a) + b)</p> <p>no, but an address for service in the Netherlands must be given (see also table IV, column 11)</p> <p>c) ./.</p> <p>Art. 29 O, PA</p>	<p>– entry in Register of Patents</p> <p>– publication in Patent Bulletin</p> <p>Art. 49(1), PA</p>
<p>a) yes, but without prejudice; however, requests for payment are not sent abroad</p> <p>b) approx. 1 month after due date</p>	<p>a) yes</p> <p>b) 2 months after removal of obstacle; not later than 6 months from expiry of period of grace under column 3</p> <p>§ 72, PA</p>	<p>a) no</p> <p>b) ./.</p> <p>c) yes</p>	<p>– publication in Patent Bulletin</p> <p>– entry in Register of Patents</p> <p>§ 42, PD</p>

(a) Contracting State (b) Legal basis for levying renewal fees	i Amount of fees				2 (a) Due date (in the patent year concerned) (b) Time limit for payment (without surcharge)		3 Period of grace for payment of fees (with surcharge) (a) duration (b) surcharge	
	a) <b>Switzerland/ Liechtenstein</b>  b) Art. 119, PA	Year 3rd 4th 5th 6th 7th 8th 9th 10th 11th  Fees Reg. (Annex)	sfr 50 60 70 90 110 130 160 190 230	Year 12th 13th 14th 15th 16th 17th 18th 19th 20th	sfr 270 310 350 400 450 500 550 600 700	a) last day of month in which date of filing occurred  b) 3 months from due date  Art. 42, PA	a) 3 months after expiry of time limit under column 2b)  b) sfr 100  Art. 42, PA Fees Reg. (Annex)	
a) <b>United Kingdom</b>  b) Sect. 77, PA Sect. 25, PA	Year 5th 6th 7th 8th 9th 10th 11th 12th  Rule 39(2) and Schedule 1, PR	£ 60 64 70 76 84 94 104 114	Year 13th 14th 15th 16th 17th 18th 19th 20th	£ 126 138 152 166 178 192 210 230	a) + b)  payment must have been made in the three months before the expiry of the preceding patent year (form 12/77)  Sect. 25, PA Rule 39(2), PR	a) within 6 months from due date  b) if paid within  £ 1 month 13 2 months 23 3 months 36 4 months 49 5 months 61 6 months 74 (form 13/77)  Sect. 25(4), PA 1977 Rule 39(6) and Schedule 1, PR		

<p style="text-align: center;"><b>4</b></p> <p><b>Communication of a reminder in cases of non-payment</b>  <b>(a) provided for</b>  <b>(b) date of despatch</b></p>	<p style="text-align: center;"><b>5</b></p> <p><b>Restitutio in integrum</b>  <b>(a) provided for</b>  <b>(b) time limit for submitting application</b></p>	<p style="text-align: center;"><b>6</b></p> <p><b>Appointment of a national representative for</b>  <b>(a) payment of fees</b>  <b>(b) communication of a reminder of non-payment</b>  <b>(c) proceedings in respect of restitutio in integrum</b></p>	<p style="text-align: center;"><b>7</b></p> <p><b>Information regarding lapse of patent in cases of non-payment of renewal fees</b></p>
<p>a) yes, but requests for payment are not sent abroad</p> <p>b) approx. 10 weeks before expiry of period of grace; requests are not sent abroad</p> <p>Art. 18, PO</p>	<p>a) yes</p> <p>b) 2 months after removal of obstacle; not later than one year from expiry of the non-observed time limit</p> <p>Art. 47, PA</p>	<p>a) no</p> <p>b) no, but an address for service in Switzerland/Liechtenstein must be given</p> <p>c) yes</p> <p>Art. 13, PA</p>	<p>– communication to proprietor of patent</p> <p>– entry in Register of Patents</p> <p>– publication in Patent Bulletin</p> <p>Art. 15, PA                      Arts. 18, 94, 117, PO</p>
<p>a) yes, but requests for payment are not sent abroad</p> <p>b) within 6 weeks after the due date                      (see OJ 1982, p. 232)</p> <p>Sect. 25(5), PA                      Rule 39(4), PR</p>	<p>a) yes</p> <p>b) within one year from the date on which the patent ceased to have effect</p> <p>Sect. 28, PA                      Rule 41, PR</p>	<p>a) no</p> <p>b) + c) no, but an address for service in the United Kingdom must be given</p> <p>Rule 30, PR</p>	<p>– communication to applicant (notice of expiry)</p> <p>– entry in Register of Patents</p> <p>– Publication in the "Official Journal (Patent)"</p> <p>Rule 42, PR                      Sect. 32(2) PA                      Rule 48, PR                      Sect. 123(6) PA</p>



# VII. Conversion of European patent applications or patents into national patent applications or patents

## 1. Basis for conversion

Under Article 135, paragraph 1, EPC, the central industrial property office of a designated Contracting State may apply the procedure for the grant of a national patent at the request of the applicant for or proprietor of a European patent, in the following circumstances:

- (a) where the application is deemed to be withdrawn pursuant to Article 77, paragraph 5, (delay by national authorities in forwarding the European application) or Article 162, paragraph 4, (European patent application cannot be processed as a result of the procedure being restricted to certain areas of technology)<sup>1</sup>;
- (b) in such other cases as are provided for by the national law in which the European patent application is refused or withdrawn or deemed to be withdrawn, or the European patent is revoked under the EPC.

## 2. Time limit for filing the request for conversion

The request for conversion must be filed within three months after the date on which

- (a) the European patent application has been withdrawn or
- (b) notification has been received that the application is deemed to be withdrawn, or
- (c) notification of a decision refusing the application or revoking the European patent has been received.

The equivalence of the European patent to a regular national filing lapses if the request is not filed in due time (Article 135, paragraph 2, EPC).

## 3. Submission of the request for conversion

- (a) Unless the European patent application is deemed to be withdrawn pursuant to Article 77(5) EPC, the request for conversion must be filed with the European Patent Office. It is not deemed to be filed until the conversion fee of DM 60 (or the equivalent in other currencies pursuant to Article 6, paragraph 4, of the Rules relating to Fees) has been paid to the Office (Article 136, paragraph 1, EPC).

- (b) If the applicant has been notified that the European patent application is deemed to be withdrawn pursuant to Article 77, paragraph 5, EPC, the request must be filed with the central industrial property office with which the application was filed (Article 136, paragraph 2, EPC).

## 4. Transmission of the request

- (a) The requests for conversion which must be filed with the European Patent Office (cf. 3(a) above) are transmitted by the Office to the central industrial property offices of the Contracting States specified therein, accompanied by a copy of the files relating to the European patent application or the European patent (Article 136, paragraph 1, EPC).
- (b) Where the request for conversion has to be filed with a national patent office (cf. 3(b) above), that Office, subject to the provisions of national security, transmits the request, together with a copy of the European patent application, directly to the central industrial property offices of the Contracting States specified by the applicant in the request. The effect referred to in Article 66 EPC (i.e. equivalence of the European patent application to a regular national filing in the Contracting States designated) lapses if the request for conversion is not transmitted within twenty months after the date of filing or date of priority (Article 136, paragraph 2, EPC).

## 5. Explanatory notes concerning the table

The table below indicates the basis for conversion under the national law of all the Contracting States to the EPC and contains useful information regarding the formal requirements of the competent national authorities, the time limits involved and regulations concerning representation or addresses for service if the applicant or his representative before the EPO has neither a residence nor his principal place of business in the Contracting States in question.

All European patent applications transmitted pursuant to Article 136 EPC are governed by Article 137, paragraph 1, EPC, which lays down that these applications may not be subjected to formal requirements of national law which are different from or additional to those provided for in the EPC.

The translation referred to in the table should be understood to mean a translation of the original text of the European patent application and, where appropriate, of the text, as amended during proceedings before the EPO, which the applicant wishes to submit to the national procedure (Article 137, paragraph 2(b), EPC).

<sup>1</sup> Article 162, paragraph 4, is irrelevant to applications filed since 1 December 1979 (OJ 10/1979, p. 443). This reason for conversion is therefore not included in the table.

Contracting State	1 Basis for conversion	2 Procedural steps to be taken	3 Time limit for taking procedural steps referred to in column 2	4 Must a national representative be appointed?	5 Special features
Austria	Deemed withdrawal pursuant to Art. 77(5) EPC  § 9(1), ILPT	a) Payment of the filing fee S 550 b) Filing, in duplicate, of a German translation c) Appointment of a national professional representative, if the applicant has neither a residence nor his principal place of business in Austria  § 9(2), ILPT § 166(1), PA § 24, ILPT §§ 21 and 77, PA	a) + b): 3 months after a request by the Austrian Patent Office; c) If the procedural steps referred to in column 2(a) and (b) are taken by an unauthorised representative, then they are valid only if he supplies an authorisation within 2 months after a request by the Austrian Patent Office  § 9(2), ILPT	All procedural steps connected with the conversion must be taken by an Austrian patent agent or lawyer  § 24, ILPT § 21, PA	
Belgium	Deemed withdrawal pursuant to Art. 77(5) EPC  Art. 8, Law of 8.7.77	Payment of: a) national filing fee (FB 250 + FB 25 for the 11th and each subsequent page of the description and the drawings); b) 1st renewal fee (FB 500); c) stamp duty for the patent certificate (FB 90); d) stamp duty for the duplicate of each sheet of the drawings (FB 90); e) stamp duty for the duplicate of the description and the claims (mémoire descriptif) (FB 90); f) filing, in duplicate, of a translation of the patent application including the abstract and, as the case may be, drawings (cf. column 5); g) any additional renewal fees due  Art. 8, Law of 8.7.77; Art. 10 RD of 27.2.81; DR of 26.6.47, as amended by RD of 18.4.67 (cf. also table VIII column 3)	3 months after receipt by the Belgian Office of the request for conversion  Art. 8, Law of 8.7.77	Not required; however, an address for service in Belgium must be given  Art. 12 RD of 27.2.81	The translation referred to in column 2(f) must be filed in one of the national languages prescribed in the Royal Decree of 18.7.66 on the co-ordination of laws concerning the use of languages for administrative purposes (cf. Table IIIB., column 10). Where a translation is not required: filing in duplicate, in accordance with the provisions applying to Belgian patents, of a copy of the application including the abstract, and, as the case may be, of the drawings accompanying the description and, if any, the abstract  Art. 10(2) RD of 27.2.81



Contracting State	1 Basis for conversion	2 Procedural steps to be taken	3 Time limit for taking procedural steps referred to in column 2	4 Must a national representative be appointed?	5 Special features
Italy	Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time (cf. column 5)  Art. 6, DPR No. 32	a) Payment of national filing fee (Lit 17000); b) Payment of the renewal fees for the 1st to 3rd years (45000); c) Payment of the publication fee (Lit 25000 to 496000 according to size + Lit 16000 per page of drawings) d) Filing, in duplicate, of an Italian translation; e) Indication of an address for service in Italy (cf. column 5)  Art. 7(2), DPR No. 32	a) to d): In response to a request by the Italian Patent Office giving at least 2 months for compliance  Art. 7(2), DPR No. 32	Not required for procedural steps referred to in column 2; an authorised professional representative before the EPO is not required to file a new authorisation. However, an address for service in Italy must be given	re column 2(e): The Italian Patent Office first requires the applicant to give an address for service; only then does it despatch the request referred to in column 3. In the instances of conversion given in column 1 the granting of a utility model may be applied for at the same time as conversion of the European patent application (Art. 6(3), DPR No. 32). A European patent application refused by the EPO, withdrawn or deemed to be withdrawn may be converted into a national application for registration of a utility model  Art. 6(2), DPR No. 32
Liechtenstein	see Switzerland				
Luxembourg	Deemed withdrawal pursuant to Art. 77(5) EPC  Art. 11, Law of 27.5.77	(a) Payment of the filing fee (FL/FB 100); (b) Payment of 1st renewal fee (700 FL/FB) and of further renewal fees due on the date of receipt of the request for conversion (c) Payment of the publication fee (FL/FB 175); (d) Filing, in duplicate, of a German or French translation; (e) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in the Grand Duchy  Art. 13, Law of 27.5.77	3 months after a request by the Luxembourg Patent Office  Art. 13, Law of 27.5.77	The procedural steps (other than fee payments) referred to in column 2 (a) to (d) must be taken by a representative entitled to practise in Luxembourg  Art. 9, PL	



Contracting State	1 Basis for conversion	2 Procedural steps to be taken	3 Time limit for taking procedural steps referred to in column 2	4 Must a national representative be appointed?	5 Special features
<b>Switzerland/ Liechtenstein</b>	Deemed withdrawal pursuant to Art. 77(5) EPC; Deemed withdrawal pursuant to Art. 90(3) EPC because the translation in the language of the proceedings pursuant to Art. 14(2) EPC was not filed in time; Withdrawal or refusal of the application or revocation of the patent for Switzerland/Liechtenstein where the EPO finds that it does not meet the requirements of Art. 54(3) and (4) EPC  Art. 121, PA	(a) Payment of national filing fee (sfr 80 + sfr 30 for the 11th and each subsequent claim); (b) Filing of a single copy of a translation in one of Switzerland's official languages; (c) Appointment of a national representative, if the applicant has neither a residence nor his principal place of business in Switzerland; (d) Payment of renewal fees already due  Arts. 13, 49(3) and 123, PA; Art. 118, PO	(a) to (c): 2 months after a request by the Patent Office; (d) 6 months from a request by the Patent Office (surcharge payable from 4th month)  Art. 118, PO	The procedural steps referred to in column 2(a), (b) and (d) may be taken by the applicant or his representative before the EPO; an authorised professional representative before the EPO is not required to file a new authorisation  Art. 13, PA	re column 2: If the applicant has his residence or principal place of business abroad, he is first required to appoint a Swiss representative within 2 months. The representative is then requested to take all subsequent procedural steps. re column 2(b): Text in the drawings may, if admissible, be translated during the national procedure. A translation of the request and search report is not required
<b>United Kingdom</b>	Deemed withdrawal pursuant to Art. 77(5) EPC  Sect. 81(1)(b), PA	(a) Payment of the fee for conversion (£ 7); (b) Payment of the filing fee (£ 7); (c) Payment of the fee for preliminary examination and search (£ 63); (d) Filing, in duplicate, of an English translation; (e) Designation of the inventor  Sect. 81(2)(c), PA; Rules 81 and 82 PR	– If the UK Patent Office is the receiving Office: (a) date on which the request for conversion is filed (form 41/77) (b) to (e) 2 months from receipt of the request for conversion (Form 41/77); – If the UK Patent Office is not the receiving Office: (a) to (e) 2 months from a communication from the UK Patent Office  Rules 81(2) and 82(2), PR	The procedural steps referred to in column 2(a), (b) and (d) may be taken by the applicant or his representative before the EPO. The others may be taken by the applicant or a national representative. Authorisation will not normally be required except where there is a change of national representative after the proceedings before the UK Patent Office have begun or where a representative is appointed after the applicant has started the proceedings himself	re column 2: The following forms must be used: For 2(e): 7/77; For 2(c): 9/77; For 2(b): 40/77; For 2(a): 41/77 (41/77 only if the UK Patent Office is the receiving Office)  Rule 81, PR

## VIII. Payment of fees

A number of "national fees" are payable to the patent authorities of the Contracting States in connection with the provisions of the EPC (see Tables II, III, IV, VI, VII).

The purpose of the following Table is to facilitate these fee payments by setting out some useful information regarding national legal provisions, accounts held by patent authorities, permissible methods of payment and date considered as the effective payment date.

There is no special mention of common principles and practice governing payment transactions, such as the requirement to state the name of the person making payment and the purpose of the payment and to specify the patent application number or publication number.

References to banks, post offices or postal giro offices denote only the relevant institution or office within the territory of the Contracting State in question.

When making payments, allowance should be made for charges which may be levied by banks, especially on incoming foreign transfers, and which it is not the responsibility of the national patent authorities to pay.

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Austria	RPT	Österreichisches Patentamt 1014 Wien Postscheckkonto 5160.000	(a) payment to the Giro account (b) transfer to the Giro account  § 4 RPT	re 3(a) date of inpayment at an Austrian post office (after presentation of the payment voucher at the AT Patent Office) re 3(b) date on which entered in the Patent Office Giro account indicated in column 2  § 4 RPT
Belgium	RD of 29.9.58	Ministère des Affaires économiques – Service de la propriété industrielle et commerciale Compte de chèques postaux n° 000-2005880-17	(a) Renewal fees as from the 2nd patent year and fee for re-establishment of rights: (aa) payment to Giro account (ab) postal money order (mandat poste) (ac) transfer to Giro account (ad) payment order (“par assignation”) (ae) bank cheque (af) international money order  (b) First renewal fee, filing fee, fee for patents of addition: (ba) by means of fees vouchers (bb) by cheque made out in FB and drawn on a BE bank (only in the case of applicants sending in an application by post from outside BE and not paying through a representative resident in BE)  Arts. 1–4 RD of 29.9.58	re (aa) and (ab) date marked by postal date stamp on payment form or money order (in the case of money orders sent direct to the postal giro office, the relevant date is as indicated in “re (ac)”) re (ac) date on which entered in the Giro account indicated in column 2 re (ad) date on which drawer’s account is debited by the postal giro office re (ae) and (af) date of receipt at BE Patent Office re (ba) and (bb) date of receipt of fees vouchers or bank cheque at BE Patent Office  Art. 5 RD of 29.9.58
France	Dec. No. 79-822 Dec. No. 81-599 Fees Ord. of 27.8.81	Institut national de la propriété industrielle CCP 9060-17 PARIS  Compte bancaire à la Société Générale 89, rue de Clichy 75009 Paris Agence L: 3 0003 03120 000 502 60 14066	(a) cash payment (b) postal cheque (c) bank cheque (d) postal money order (mandat-lettre) (e) postal/bank transfer (f) postal money order (mandat-carte)  Art. 5 Fees Ord. of 27.8.81	re (a) date of payment at INPI re (b)–(d) if forwarded by post: date of posting (postmark) if delivered by hand: date of receipt at INPI re (e) date on which entered in INPI’s postal giro account or bank account indicated in column 2 re (f) date on which postal money order is issued (as stamped by post office)  Art. 5 Fees Ord. of 27.8.81

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Germany, Federal Republic of	LPF RFP	Deutsches Patentamt Postscheckamt München 79191-803 (BLZ 700 100 80); Landeszentralbank München 700 010 54 (BLZ 700 000 00)	(a) delivery or remittance of: fees vouchers cheques drawn on a credit institution in the Federal Republic of Germany (in- cluding West Berlin) postal cheques and giro transfer orders (b) transfer or postal cheque (c) postal inpayment form (Zahlkarte) or postal money order (Postanweisung) (d) cash payment  § 1 RFP	re 3(a) date of receipt of the payment at DPA; in the case of cheques, postal cheques, giro transfer orders: only if the sum is paid on pre- sentation re 3(b) date marked by date stamp of the postal giro office, or, in the case of bank transfer, date on which entered in an account held by DPA re 3(c) date marked by date stamp of the forwarding post office re 3(d) date of receipt at DPA cash office or at cash desk of the Berlin Annex of the DPA  in the case of payments from outside the Federal Republic – by transfer to Giro account: date as stamped by DE post- al giro office – by money order: date marked by date stamp of a DE post office  in all other cases: date on which entered in one of the accounts held by the DPA  § 3 RFP
Italy	DPR No. 641	(a) renewal fees for Eu- ropean patents: c/c n. 81016008 Ufficio del Registro Af- fitti e Tasse sulle con- cessioni governative Roma, per imposta brevetti europei (b) other fees: c/c n. 006 68004 Ufficio del Registro Concessioni gover- native Roma	Payment at any Italian post of- fice using the prescribed form (Ch 8 quarter). The payment voucher (Section 4) has to be presented to the Italian Central Patent Office. The purpose of the payment has to be stated on the reverse of Sections 1 and 4. In the case of payments from abroad, the IT Patent Office also accepts international post- al giro transfers (minimum amount Lit 350)	date of inpayment at an Italian post office (date stamp); the date stamped by the post office also applies if payment is made through a bank; in this case the bank should be instructed to send the payment voucher to the IT Patent Office
Liechtenstein	see Switzerland			
Luxembourg	PL (Article 8) Min. Dec. of 9.11.45 (Article 3) Fees Reg. of 16.12.80	Administration de l'Enregis- trement et des Domaines Bureau des chèques postaux Luxembourg compte no. 24373-26 Caisse d'Epargne de l'Etat Luxembourg compte no. 1002/4423-5	(a) cash payment (b) bank cheque (c) bank or post office transfer or payment	re 3(a), (b) and (c) date on which the amount is entered in the accounts by the competent payments officer of the "Administration de l'Enregistrement et des Do- maines"

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Netherlands	PA PR	Postgirorekening 17300 Octrooiraad, Rijswijk ZH	(a) cash payment (b) transfer or payment to the Giro account (c) cheque made out in hfl (d) debit from a deposit account with the Octrooiraad	re 3(a) and 3(c) date of receipt of the payment or cheque at the Octrooiraad re 3(b) date on which entered in the Giro account indicated in column 2 re 3(d) date of receipt of debit order Art. 33(2) PR
Sweden	PA PD	Kungl. Patent- och registreringsverket Postgiro 15684-4	(a) cash payment (b) postal money order (c) cheque drawn on a Swedish bank and made payable to the SE Patent Office in Swedish currency (d) (cabled) transfer to a Swedish bank in favour of the Giro account indicated in column 2	re 3(a) date of receipt of payment at SE Patent Office re 3(b) date handed in at a SE post office re 3(c) date of receipt of the cheque at the SE Patent Office re 3(d) date on which the amount of the fee is entered in the Giro account indicated in column 2
Switzerland/ Liechtenstein see page 63				
United Kingdom	PA PR	United Kingdom Patent Office Bank of England Paymaster General Cash Account 25021001 <sup>1</sup> (Trade & Industry Cash Account 13644)  <sup>1</sup> Bank transfers only	(a) cash payment (b) money order (c) bank transfer (d) delivery or remittance of bank cheques  The application/renewal documents relating to the payment of fees should be supported by a Fees Sheet (Form FS/1) or equivalent form listing individual fees	re 3(a) date of payment at UK Patent Office re 3(b) and (d) date of receipt at UK Patent Office re 3(c) date on which entered in the account indicated in column 2

Contracting State	1 National provisions	2 Accounts	3 Methods of payment	4 Date considered as the effective payment date
Switzerland/ Liechtenstein	Fees Reg.	Bundesamt für geistiges Eigentum Postscheckkonto Bern 30-4000	<p>(a) payment or transfer to Giro account</p> <p>(b) postal money order</p> <p>(c) delivery or remittance of cheques drawn on a banking institution in Switzerland and made out to the CH Patent Office</p> <p>(d) debit from a current account with the CH Patent Office</p> <p>(e) cash payment</p> <p>Art. 4 Fees Reg.</p>	<p>re 3(a) payment: date of payment at a CH post office in the case of payments from outside Switzerland/Liechtenstein: date on which entered in the account of CH Patent Office, unless evidence is supplied that payment was received at an earlier date by a CH post office</p> <p>re 3(a) transfer: date on which transfer order given to CH post office. In the case of payments from outside Switzerland/Liechtenstein: date on which first Swiss postmark was stamped on credit advice, unless evidence is supplied that transfer advice was received at an earlier date by a CH post office Art. 6 Fees Reg.</p> <p>re 3(b) date of payment at a CH post office. In the case of payments from outside Switzerland/Liechtenstein: date on which the money order is paid out to the CH Patent Office or date on which the amount of the money order is entered in the Giro account indicated in column 2, unless evidence is supplied that payment was received at an earlier date by a CH post office Art. 7 Fees Reg.</p> <p>re 3(c) date on which cheque is delivered to the CH Patent Office if remitted: date on which first CH postmark was stamped on the mail delivery, unless it can be proven that the delivery was received earlier at a CH post office. Art. 8 Fees Reg.</p> <p>re 3(d) date on which the written debit order is delivered to the CH Patent Office if remitted: as in "re 3(c)" Art. 9 Fees Reg.</p> <p>re 3(e) date of receipt of payment at the CH Patent Office</p>



## IX. Miscellaneous

The following table sets out information on

- (a) the reservations possible under Article 167, paragraph 2 EPC
- (b) the enactment of national provisions on the question of double protection under Article 139, paragraph 3 EPC
- (c) the territorial field of application of the EPC, pursuant to Article 168, paragraph 3 EPC

### (a) Reservations

The possible reservations are listed individually in Article 167, paragraph 2(a) to (d) EPC. Only one Contracting State has made reservations pursuant to Article 167, paragraph 2 EPC, and these concerned the effectiveness of protection for chemical, pharmaceutical or food products as such (Article 167, paragraph 2(a)) and the binding nature of the Protocol on Recognition (Article 167, paragraph 2(d)).

### (b) Simultaneous protection

Under Article 139, paragraph 3 EPC, any Contracting State may prescribe whether and on what terms an invention disclosed in both a European patent application or patent and a national application or patent having the same date of filing or, where priority is claimed, the same date of priority, may be protected simultaneously by both applications or patents.

The individual provisions enacted in connection with Article 139, paragraph 3 EPC are indicated in column 2 of this table.

### (c) Territorial field of application

Under Article 168, paragraph 1, any Contracting State may declare in its instrument of ratification or accession, or may inform the Government of the Federal Republic of Germany by written notification any time thereafter, that the Convention shall be applicable to one or more of the territories for the external relations of which it is responsible. European patents granted for that Contracting State also have effect in the territories for which such a declaration has taken effect.

The current situation regarding territorial field of application in the individual Contracting States is displayed in column 3 of the table.

<b>Contracting State</b>	<b>1 Reservations pursuant to Art. 167(2) EPC</b>	<b>2 Simultaneous protection allowed? Art. 139(3) EPC</b>	<b>3 Territorial field of application of the EPC (Art. 168 EPC)</b>
<b>Austria</b>	Yes; reservations under Art. 167(2)(a) and (d) EPC <sup>1</sup>	Simultaneous protection is not excluded	Territory of the Republic of Austria
<b>Belgium</b>	No	No; the national patent ceases to have effect from the date on which (a) the period for filing the notice of opposition to the European patent expires without such notice being filed, or (b) the opposition proceedings are finally closed, the European patent having been maintained. Art. 7(1), Law of 8.7.77	Territory of the Kingdom of Belgium
<b>France</b>	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. 13, Law No. 77-683	Territory of the French Republic including the Southern and Antarctic territories, Wallis and Futuna and the Département St-Pierre-et-Miquelon  Art. 17, Law No. 77-683
<b>Germany, Federal Republic of</b>	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b). Art. II, § 8(1), LIPC	Territory of the Federal Republic of Germany and the Land Berlin.  Art. XI, § 2, LIPC
<b>Italy</b>	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 8, DPR No. 32	Territory of the Italian Republic
<b>Liechtenstein</b>	see Switzerland		
<b>Luxembourg</b>	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 15, Law of 27.5.77	Territory of the Grand Duchy of Luxembourg
<b>Netherlands</b>	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b) Art. 52, PA	Territory of the Kingdom of the Netherlands, but not the territory of the Netherlands Antilles  Art. 29 M (1), 30(4), 32, 34(2) PA
<b>Sweden</b>	No	Simultaneous protection is not excluded	Territory of the Kingdom of Sweden

Contracting State	1 Reservations pursuant to Art. 167(2) EPC	2 Simultaneous protection allowed? Art. 139(3) EPC	3 Territorial field of application of the EPC (Art. 168 EPC)
Switzerland/ Liechtenstein	No	No; the national patent ceases to have effect from the date on which (a) + (b) as Belgium Art. 125, PA	Territory of the Swiss Confederation and of the Principality of Liechtenstein  Treaty CH/LI of 22.12.78
United Kingdom	No	The comptroller may revoke the national patent after the date on which (a) + (b) as Belgium (c) the national patent is granted if such date falls after that provided for in (a) or (b)  Sect. 73 PA	Territory of the United Kingdom of Great Britain and Northern Ireland and of the Isle of Man <sup>2</sup>  Sects. 131, 132 PA

<sup>1</sup> As a result of the reservation made under Article 167, paragraph 2(a), EPC, European patents may be revoked as regards Austria in so far as they confer protection on chemical, pharmaceutical or food products, as such; this reservation shall not affect protection conferred by the patent in so far as it involves a process of manufacture or use of a chemical product or a process of manufacture of a pharmaceutical or food product (for the specific sets of claims allowed in this case, see OJ 6-7/1979, pp. 289 and 292 OJ 2/1980, pp. 48 and 49).

<sup>2</sup> European patents (UK) have effect in Gibraltar and Jersey only if they are registered there. The same applies for Anguilla, Bahrain, Botswana, Brunei, Falkland Islands, Grenada, Hong Kong (see OJ 9/1979, p. 391), St. Vincent, Tanzania and Tuvalu.  
Other territories which register UK patents are currently reviewing their legal provisions regarding the registration and effect of European patents (for more details see OJ 7/82, p. 281 and 10/82, p. 406).



# National law relating to the EPC



Synopsis of the regulations and requirements in the Contracting States concerning European patent applications and patents

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## PREFACE TO THE 2nd EDITION

The large demand for the information brochure "National law relating to the EPC" and changes in national legislation and the practice of patent authorities have made a new edition necessary.

The list below indicates the most important amendments and additions in the 2nd edition.

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